

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public roundtable on the “Proposals Relating to the Powers of the Office of the Attorney General and the Mayor's Office of Legal Counsel”
- D.C. Council schedules a public roundtable on “Youth Violence: Causes and Strategies for Prevention”
- Office of Tax and Revenue establishes guidelines for the collection of taxes on newly taxable services such as bottled water delivery, car washing, health-clubs, and tanning
- Office of the Chief Financial Officer maintains the Motor Fuel Tax at 23.5 cents per gallon
- Office of the State Superintendent of Education announces funding availability for three grants
- District Department of the Environment announces intent to publish two Energy Potential Studies for the District of Columbia
- Office of the Deputy Mayor for Planning and Economic Development solicits offers for the development of various Sites
- Department of Small and Local Business Development announces funding availability for the DSLBD Healthy Food Retail Program Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances publishes the *District of Columbia Register* (ISSN 0419-439X) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979, D.C. Official Code § 611 et seq. (2012 Repl.). The policies which govern the publication of the *Register* are set forth in the Rules of the Office of Documents and Administrative Issuances (1 DCMR 300, et seq.). The Rules of the Office of Documents and Administrative Issuances are available online at dcregs.dc.gov. Rulemaking documents are also subject to the requirements of the *D.C. Administrative Procedure Act*, D.C. Official Code §2-501 et seq. (2012 Repl.).

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER
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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 11, 2015

To amend, on a temporary basis, the Human Rights Act of 1977 to clarify that the prohibition of discrimination on the basis of sex shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision; and to repeal a superseded provision of the Reproductive Health Non-Discrimination Amendment Act of 2014.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reproductive Health Non-Discrimination Clarification Temporary Amendment Act of 2015".

Sec. 2. Section 105(a) of the Human Rights Act of 1977, effective July 17, 1985 (D.C. Law 6-8; D.C. Official Code § 2-1401.05(a)), is amended by striking the phrase "related medical conditions, or breastfeeding." and inserting the phrase "related medical conditions, breastfeeding, or reproductive health decisions. This act shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision." in its place.

Sec. 3. Section 2(a) of the Reproductive Health Non-Discrimination Amendment Act of 2014, enacted on January 23, 2015 (D.C. Act 20-593; 62 DCR 1337), is repealed.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

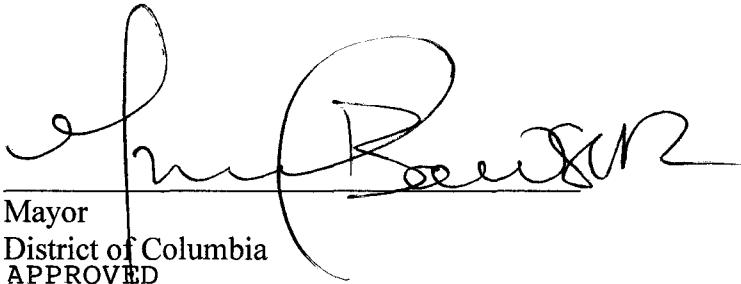
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813;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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 11, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 11, 2015

To amend, on a temporary basis, the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that, for the purposes of the act, a private club is a place to which the public is invited, but does not include a private residence, and that the prohibition on consumption of marijuana in public is not limited by the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014; and to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the Mayor to revoke any license, certificate of occupancy, or permit held by an entity that knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014 to occur at the specific address or unit identified in the license, certificate of occupancy, or permit.

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

Sec. 2. Section 301 of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01), is amended as follows:

(a) Subsection (a)(3) is amended to read as follows:

"(3) Any place to which the public is invited. For the purposes of this subsection, and notwithstanding any other provision of law, a private club, which includes any building, facility, or premises used or operated by an organization or association for a common avocational purpose, such as a fraternal, social, educational, or recreational purpose, is a place to which the public is invited; provided, that a private club does not include a private residence."

(b) A new subsection (f) is added to read as follows:

"(f) No provision of the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; 62 DCR 880), shall limit or be construed to limit the application of any provision of this section."

Sec. 3. Section 47-2844(a-1)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (B) is amended by striking the phrase "Title 48; or" and inserting the

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phrase "Title 48;" in its place.

(b) Subparagraph (C) is amended by striking the period at the end and inserting the phrase "; or" in its place.

(c) A new subparagraph (D) is added to read as follows:

"(D) Conduct that violates section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01(a)). In addition, the Mayor shall revoke any certificate of occupancy or permit associated with the specific address or unit, whichever is more specific, of the holder of a certificate of occupancy or permit who knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01(a)), to occur at the specific address or unit identified in the certificate of occupancy or permit."

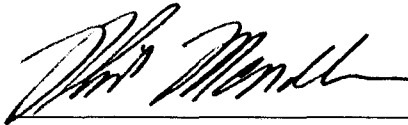
Sec. 4. Fiscal impact statement.

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


Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 11, 2015

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A RESOLUTION

21-30

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$30 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist KIPP DC in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “KIPP DC Revenue Bonds Project Approval Resolution of 2015”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be KIPP DC, a nonprofit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3) and organized under the laws of the District and which is liable for the repayment of the Bonds.

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) “District” means the District of Columbia.

(8) “Financing Documents” means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the

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issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Mayor" means the Mayor of the District of Columbia.

(13) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) The acquisition, development, construction and renovation of an approximately 112,883 square foot public charter school campus located at 5300 Blaine Street N.E., Washington, D.C. 20019 (Square 5236, Lot 0104) ("Facility"), which may include the refinancing of certain existing debt relating to the acquisition of the Facility, including acquisition of its various existing assets;

(B) The purchase of equipment and furnishings, together with other property, real and personal, functionally related and subordinate thereto;

(C) Funding certain working capital costs directly related to the Facility, to the extent financeable;

(D) Funding any credit enhancement costs, liquidity costs, or debt service reserve fund; and

(E) Paying Issuance Costs and other related costs to the extent permissible.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the

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purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed \$30 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary and secondary school facilities, within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$30 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

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- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;
- (9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;
- (10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and
- (11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering

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document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

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(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the

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Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec.13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall not rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

ENROLLED ORIGINAL**Sec. 16. Severability.**

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

21-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$200 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist National Public Radio, Inc., in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Public Radio, Inc., Refunding Revenue Bonds Project Approval Resolution of 2015”.

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) “Authorized Delegate” means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor’s functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) “Bond Counsel” means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) “Bonds” means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) “Borrower” means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be National Public Radio, Inc., a nonprofit corporation organized and existing under the laws of the District of Columbia, and exempt from federal income taxes under 26 U.S.C. § Section 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) “Chairman” means the Chairman of the Council of the District of Columbia.

(6) “Closing Documents” means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan contemplated thereby, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) “District” means the District of Columbia.

(8) “Financing Documents” means the documents other than Closing Documents that relate to the financing or refinancing of transactions to be effected through the issuance, sale,

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and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs (including payments of principal of, and interest on, the bonds being refunded) to refund all or a portion of the outstanding District of Columbia Revenue Bonds (National Public Radio, Inc., Issue) Series 2010, the proceeds of which were used to finance, refinance, or reimburse all or a portion of the costs incurred by the Borrower to acquire, develop, renovate, furnish, and equip a new office, production, and distribution center located at 1111 North Capitol Street, N.E., Washington, D.C. 20003-1438 (Square 673, Lot 837).

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$200 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

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(4) The Project is an undertaking in the area of education and contributes to the health, education, safety, or welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$200 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

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(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

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(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

ENROLLED ORIGINAL**Sec. 9. Authorized delegation of authority.**

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory

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ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec.12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec.13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable

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law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147 (f) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sect. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act.

Sec. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve the modification to Contract No. CW25390 with Precision Truck Repair, Inc. for school-bus maintenance services to increase the not-to-exceed amount to \$1,500,000, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification to Contract No. CW25390 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists an immediate need to approve the modification to Contract No. CW25390 for school-bus maintenance services to increase the not-to-exceed amount to \$1,500,000, and to authorize payment for the services received and to be received under the contract.

(b) On June 1, 2014, Contract No. CW25390 was awarded to Precision Truck Repair, Inc. for the period from June 1, 2014, to May 31, 2015 in an amount not to exceed \$900,000.

(c) The proposed modification would increase the contract ceiling to \$1,500,000, which is the maximum amount that the District now anticipates spending

(d) Council approval of the modification to Contract No. CW25390 is required pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(b)(1)), because the modification would increase the contract value to an amount in excess of \$1,000,000 during a 12-month period.

(e) Approval of the modification to Contract No. CW25390 is necessary to allow the continuation of these vital services. Without this approval, Precision Truck Repair, Inc. cannot be paid for services provided in excess of \$1,000,000.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification to Contract No. CW25390 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve Contract No. DCAM-13-AE-0138 and Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 with the BLOC-Atlantic, LLC/Shinberg/Levinas Architectural Design, Inc. Joint Venture for architectural and engineering services for the Hyde-Addison Elementary School Complex, and to authorize payment for the goods and services received and to be received under the contract and change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCAM-13-AE-0138 and Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2.(a) There exists an immediate need to approve Contract No. DCAM-13-AE-0138 and Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 with the BLOC-Atlantic, LLC/Shinberg/Levinas Architectural Design, Inc. Joint Venture for architectural and engineering services for the Hyde-Addison Elementary School Complex in the aggregate amount of \$1,248,102 and to authorize payment for the goods and services received and to be received under the contract and change orders.

(b) The District competitively bid and awarded Contract No. DCAM-13-AE-0138 to BLOC-Atlantic, LLC/Shinberg/Levinas Architectural Design, Inc. Joint Venture. The initial value of Contract No. DCAM-13-AE-0138 was \$675,102. Thereafter, the District issued Change Order No. 001 to Contract No. DCAM-13-AE-0138 in the amount of \$163,287.67 and Change Order No. 002 to Contract No. DCAM-13-AE-0138 in the amount of \$87,500, increasing the total aggregate value of Contract No. DCAM-13-AE-0138 to \$925,889.67; thus, Council approval was not required.

(c) Change Order No. 003 in the amount of \$222,212.33 will increase the aggregate value of Contract No. DCAM-13-AE-0138 and Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 to \$1,148,102.

(d) Council approval of Contract No. DCAM-13-AE-0138 and Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 is required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), because the total expenditure under Contract No. DCAM-13-AE-0138 and

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Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 will be in an amount in excess of \$1,000,000 during a 12-month period.

(e) Approval of Contract No. DCAM-13-AE-0138 and Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 in the aggregate amount of \$1,148,102 is necessary to compensate the BLOC-Atlantic, LLC/Shinberg/Levinas Architectural Design, Inc. Joint Venture for work completed and to be completed pursuant to Contract No. DCAM-13-AE-0138 and Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 for architectural and engineering services for the Hyde-Addison Elementary School Complex.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCAM-13-AE-0138 and Change Orders Nos. 001 through 003 to Contract No. DCAM-13-AE-0138 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve Change Orders Nos. 004 and 005 to Contract No. DCAM-12-CS-0165 with Prince Construction Company/W.M. Schlosser Company, Inc. JV for the renovation and expansion of the inmate processing center at the District's Central Detention Facility, and to authorize payment in the aggregate amount of \$2,930,168 for the goods and services received and to be received under these change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Change Orders Nos. 004 and 005 to Contract No. DCAM-12-CS-0165 Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2.(a) There exists an immediate need to approve Change Orders Nos. 004 and 005 to Contract No. DCAM-12-CS-0165 with Prince Construction Company/W.M. Schlosser Company, Inc. JV for the renovation and expansion of the inmate processing center at the District's Central Detention Facility in the aggregate amount of \$2,930,168 and to authorize payment for the goods and services received and to be received under these change orders.

(b) The Council previously approved the underlying contract (CA19-0481) and Change Orders Nos. 001 through 003 (A20-0407). Thereafter, the Department issued Change Order No. 004 with a value of \$937,600. The value of Change Order No. 004 was less than \$1 million; thus, Council approval was not required.

(c) Change Order No. 005 in the amount of \$1,992,569 will increase the aggregate value of Change Orders Nos. 004 and 005 to \$2,930,168.

(d) Council approval of Change Orders Nos. 004 and 005 is required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), because the total expenditure under Change Orders Nos. 004 and 00 will be in an amount in excess of \$1,000,000 during a 12-month period.

(e) Approval of Change Orders Nos. 004 and 005 in the aggregate amount of \$2,930,168 is necessary to compensate Prince Construction Company/W.M. Schlosser Company, Inc. JV for work completed and to be completed pursuant to Change Order Nos. 004 and 005 to Contract No. DCAM-12-CS-0165 for the renovation and expansion of the inmate processing center at the District's Central Detention Facility.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Change Order Nos. 004 and 005 to Contract No. DCAM-12-CS-0165 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-35

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve Contract No. CW31686 with Seagrave Fire Apparatus, LLC to provide ladder-truck refurbishment services, and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW31686 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve Contract No. CW31686 with Seagrave Fire Apparatus, LLC to provide ladder-truck refurbishment services, and to authorize payment for the services received and to be received under the contract.

(b) Contract No. CW31686 will be in the estimated contract amount of \$2,218,720 for services provided during the period January 14, 2015 through January 13, 2016.

(c) Council approval of Contract No. CW31686 is necessary pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), because the estimated contract amount is in excess of \$1 million during a 12-month period.

(d) Approval of Contract No. CW31686 is necessary to allow the continuation of vital services. Without this approval, the District can only order services up to the amount of \$1 million, which will not satisfy its need to refurbish 16 trucks.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW31686 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-36

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve the exercise of the first option year of Contract No. CW25933 with Public Performance Management, LLC to provide mission-oriented business integrated services, and authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW25933 Option Year One Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve the exercise of the first option year of Contract No. CW25933 with Public Performance Management, LLC to provide mission-oriented business integrated services, and to authorize payment for the goods and services received and to be received under the contract.

(b) On January 29, 2014, the Office of Contracting and Procurement (“OCP”) awarded District of Columbia Supply Schedule Contract No. CW25933 (“Contract”) to Public Performance Management, LLC for the base term of January 29, 2014 through January 28, 2015, in the not-to-exceed amount of \$950,000.

(c) By Modification No. 2, dated January 21, 2015, OCP exercised a partial option for option year one of the Contract for the period of January 29, 2015 through February 28, 2015, in the not-to-exceed amount of \$500,000.

(d) By Modification No. 3, OCP intends to exercise the remainder of the option for option year one in the aggregate not-to-exceed amount of \$10,000,000.

(e) Council approval of the exercise of the first option year of Contract No. CW25933 is necessary pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(b)(1)), because exercising the option year for payment in the aggregate not-to-exceed amount of \$10,000,000 would increase the contract value to an amount in excess of \$1,000,000 during a 12-month period.

(f) Approval of the exercise of the first option year of Contract No. CW25933 is necessary to allow the continuation of these vital services. Without this approval, Public Performance Management, LLC cannot be paid for goods and services provided in excess of \$1,000,000 during option year one.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW25933 Option Year One Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-37

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve Contract No. CW31163 with Accenture Federal Services LLC for independent verification and validation of the District of Columbia Access System (DCAS), and to authorize payment for the services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW31163 Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve proposed Contract No. CW31163 with Accenture Federal Services LLC, and to authorize payment for the services received and to be received under the contract.

(b) On September 25, 2014, the Office of Contracting and Procurement (“OCP”) issued Contract No. CW31163 to Accenture Federal Services LLC as a letter contract to run from October 1, 2014, to October 31, 2014 in the amount of \$158,750.

(c) On October 23, 2014, OCP issued Modification No. 1 to Contract No. CW31163 to extend the Contract through December 31, 2014, in the amount of \$689,896.69.

(d) On December 23, 2014, OCP issued Modification No. 3 to Contract No. CW31163 to extend the Contract from December 31, 2014 through January 31, 2015 in the amount of \$149,230.61.

(e) On January 29, 2015, OCP issued Modification No. 5 to Contract No. CW31163 to extend the Contract from January 31, 2015 through February 23, 2015 at no cost.

(f) OCP now proposes to definitize Contract No. CW31163, incorporating the letter contract and the subsequent modifications, for the period from October 1, 2014 through September 30, 2015, in the aggregate estimated amount of \$1,876,872.

(g) Council approval of the definitized Contract No. CW31163 is necessary pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(b)(1)), because the estimated contract amount is in excess of \$1 million during a 12-month period.

(h) Approval of the definitized Contract No. CW31163 is necessary to allow the continuation of these vital services. Without this approval, Accenture Federal Services LLC cannot be paid for services provided in excess of \$1 million.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW31163 Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

21-38

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve the exercise the third option year of Contract No. DCPO-2011-T0079 with Cellco d/b/a/ Verizon Wireless to supply the District with wireless telecommunications products and services related to enterprise communications and information technology, and to authorize payment for the services received, and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCPO-2011-T0079 Option Year Three Approval and Payment Authorization Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve the exercise of the third option year of Contract No. DCPO-2011-T-0079 with Cellco d/b/a Verizon Wireless to supply the District with wireless telecommunications products and services related to enterprise communications and information technology, and to authorize payment for the services received, and to be received, under the Contract.

(b) On August 7, 2011, the District of Columbia Office of Contracting and Procurement (OCP) issued to Verizon Wireless Task Order Number DCPO-2011-T-0079 (“Contract”) against a United States General Services Administration (GSA) Federal Supply Schedule Contract, GS-35F-0119P (BPA# 2010-0001). The initial term of the Contract was from the date of award for a period of one year, in the not-to-exceed amount of \$4,200,000.

(c) OCP issued Modification No. 1 to the Contract on May 24, 2012 to extend the base year period of performance to September 30, 2012, at no additional cost, and to change the period of performance for option year one to October 1, 2012 through September 30, 2013.

(d) On September 25, 2012, OCP issued Modification No. 2 to the Contract to exercise option year one for the period from October 1, 2012 through September 30, 2013, in the not-to-exceed amount of \$4,200,000.

(e) On September 26, 2013, OCP issued Modification No. 3 to the Contract to exercise option year 2 for the period from October 1, 2013, through September 30, 2014, in the not-to-exceed amount of \$4,200,000.

(f) OCP issued Modification No. 4 to the Contract to partially exercise option year 3 for the period from October 1, 2014, through November 27, 2014, in the not-to-exceed amount of \$685,000.

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(g) On November 12, 2014, OCP issued Modification No. 5 to the Contract to partially exercise option year 3 for the period from November 28, 2014 to December 28, 2014, in the not-to-exceed amount of \$350,000.

(h) On December 26, 2014, OCP issued Modification No. 6 to the Contract to reduce the not-to-exceed amount of Modification No. 5 from \$350,000 to \$250,000 and partially exercise option year 3 for the period from December 29, 2014 through January 31, 2015 in the amount of \$60,000.

(i) On January 30, 2015, OCP issued Modification No. 7 to the Contract to partially exercise option year 3 for the period from February 1, 2015 through February 28, 2015 in the amount of \$4,999.

(j) By Modification No. 8 to the Contract, OCP intends to exercise the remainder of option year 3 for the period from March 1, 2015, through September 30, 2015, in the aggregate not-to-exceed amount of \$4,200,000.

(k) Council approval of the exercise of the third option year of the Contract is necessary pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(b)(1)), because exercising the option year for payment in the aggregate not-to-exceed amount of \$4,200,000 would increase the contract value to an amount in excess of \$1,000,000.00 during a 12-month period.

(l) Approval of the exercise of the third option year of the Contract is necessary to allow the continuation of these vital services. Without this approval, Cellco d/b/a Verizon Wireless cannot be paid for services provided in excess of \$1,000,000.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCPO-2011-T-0079 Option Year Three Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-39

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To approve multiyear Contract No. CFOPD-15-C-003 with ICMA Retirement Corporation to provide recordkeeping, administration, participant communication, education, investment management, and trustee services for the District's 457 deferred compensation and 401(a) defined contribution pension plans.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-15-C-003, 457 Deferred Compensation and 401(a) Defined Contribution Pension Plans Approval Resolution of 2015".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CFOPD-15-C-003 with ICMA Retirement Corporation for recordkeeping, administration, participant communication, education, investment management, and trustee services for the District's 457 deferred compensation and 401(a) defined contribution pension plans for the Office of the Chief Financial Officer, Office of Finance and Treasury.

(b) The proposed contract has a 5-year base term and 2 2-year option periods. The proposed multiyear contract cost is not to exceed \$34,273,174.06.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-40

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to amend the Vending Regulation Act of 2009 to maintain criminal penalties for a violation of the act or a vending regulation.

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

Sec. 2.(a) In 2009, the Council enacted the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.01 *et seq.*), which authorized the Mayor to regulate vending in the District and required any proposed rules to be submitted to the Council for review and approval.

(b) On March 8, 2013, the Vending Business License Regulation Resolution of 2013, deemed disapproved on June 22, 2013 (PR20-125), was introduced in the Office of the Secretary to the Council by Chairman Mendelson at the request of the Mayor. The regulations in PR20-125 were adopted in part by the Council with the enactment of the Vending Regulation Emergency Amendment Act of 2013, effective June 19, 2013 (D.C. Act 20-84; 60 DCR 9534), and the subsequent enactment of the Vending Regulation Second Emergency Amendment Act of 2013, effective June 20, 2013 (D.C. Act 20-90; 60 DCR 9551).

(c) On September 20, 2013, the Office of the City Administrator had final rules published in the District of Columbia Register.

(d) The rules proposed in March 2013 inadvertently removed provisions establishing criminal penalties for violations of the vending regulations.

(e) The Council enacted the Vending Regulations Temporary Amendment Act of 2014, effective August 8, 2014 (D.C. Law 20-131; 61 DCR 9138) (“2014 act”), which reinstated criminal penalties for vending violations until March 21, 2015. No legislation has addressed criminal penalties for vending violations other than the 2014 act.

(f) To permit complete enforcement of vending violations and prevent the disruption of lawful vending operations, it is necessary to adopt emergency legislation to maintain criminal penalty provisions for vending violations beyond the March 21 expiration of the 2014 act.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Vending Regulations Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-41

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with the respect to the need to amend the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 to allow the Chancellor, in consultation with the principal and local school advisory team, to direct at-risk student funds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “At-Risk Funding Emergency Declaration Resolution of 2015”.

Sec. 2. (a) In 1998, the Council passed the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*) (“Act”), in order to establish a funding Formula to determine annual payments to the District of Columbia Public Schools and annual payments to Public Charter Schools.

(b) In 2013, the Council amended the Act to establish an at-risk funding supplement to existing base funding, to be disbursed at the school level based on the projected enrollment of at risk students.

(c) The 2013 amendment also directed that at least 90% of the at-risk funds allocated to DCPS school-level budgets be spent at the principal’s discretion, in consultation with the school’s local school advisory team.

(d) Over the past few years, DCPS has identified several programs, interventions, and initiatives that have proven successful in providing additional supports for students, resulting in gains in student achievement, growth in enrollment, and an increase in student and parent satisfaction.

(e) The current law does not enable the Chancellor to fully ensure that all students across DCPS are continuing to access programs and interventions that work.

(f) Further, the turnaround for principals to make budget decisions after receiving their school budget allocations does not allow sufficient time to fully research, analyze, and vet the effectiveness of programs to implement on their own. DCPS’ central office is prepared to help guide principals and school communities through this process.

(g) School budgets for school year 2015-2016 are currently being prepared; therefore, this emergency is needed to allow the Chancellor to have more discretion for the utilization of at-

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risk funds to ensure that money is directed to initiatives that will have the greatest impact for students and that equity in terms of access to programs is maintained.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the At-Risk Funding Preservation Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-42

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to amend the District of Columbia School Reform Act of 1995 to allow a public charter school to offer priority in enrollment to any students who were previously enrolled in the facility where that charter school will operate in the preceding school year; and to amend section 29-412.20 of the District of Columbia Official Code to grant the Attorney General the authority to dissolve a nonprofit corporation organized for the purpose of operating a public charter school if the charter for the public charter school has been revoked, non-renewed, or relinquished.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Charter School Priority Enrollment Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On October 27, 2014, D.C. Superior Court Judge Neal Kravitz, in a civil case filed on behalf of the District of Columbia by the Office of the Attorney General (“OAG”), ruled that Dorothy I. Height Community Academy Public Charter School (“CAPCS”) had engaged in a pattern of fiscal mismanagement and violated the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800.01 *et seq.*) (“SRA”) as a result of the CAPCS Board’s breach of its fiduciary duties. Based on this litigation the staff of the Public Charter School Board (“PCSB”) informed the PCSB that there was a pattern of fiscal mismanagement because CAPCS paid 2 different entities for the same services over the course of at least 2 years, an unreasonable amount of money was paid to Community Action Partners and Charter School Management LLC (“CAPCSM”) pursuant to the management agreement given the services that were performed, and staff founds that CAPCS was in violation of the SRA for breach of its fiduciary duties for permitting these payments to have occurred.

(b) On December 15, 2014, the PCSB voted to initiate charter revocation procedures on CAPCS for fiscal mismanagement; on January 27, 2015 the PCSB held a public hearing at CAPCS Amos 5 campus; on February 12, 2015, the PCSB held a special board meeting to vote on charter revocation for CAPCS and postponed the vote; and on February 19, 2015, in a special meeting the PCSB voted to revoked the charter for CAPCS effective June 30, 2015.

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(c) After the vote to revoke the charter of CAPCS was taken, the Deputy Mayor for Education released a joint facilities plan in collaboration with Friendship Public Charter Schools, DC Bilingual Public Charter School, and the Chancellor of the District of Columbia Public Schools to provide continuity of education for students who are currently enrolled at one of CAPCS campuses or in its online program. For this plan to successfully ensure that current CAPCS students who would like to continue in the current facility where they enrolled there needs to be a temporary safeguard in place to create an enrollment priority for students who wish to enroll in the public charter school operating in the school facility those students attended under the administration of CAPCS.

(d) It is the intent of the Council that this preference in enrollment is only for current CAPCS students who wish to enroll in one of the new operating charters that will take over the current CAPCS buildings in school year 2015-2016. This emergency will allow for their enrollment to be prioritized for the first year of operation under the newly authorized charter.

(e) The mandatory dissolution provision will provide OAG with the power to involuntarily dissolve a nonprofit organization operating a public charter school, including the relinquishment of its current assets, if the school's charter is revoked, not renewed, or voluntarily relinquished. This emergency fix is needed in order to address the possibility of CAPCS refusing to voluntarily dissolve as required by the SRA (D.C. Official Code § 38-1802.13a) after having its charter revoked by PCSB on February 19, 2015. If CAPCS, Inc., is not dissolved, students across the 4 CAPCS campuses would not have priority access to the 2 new Friendship campuses.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public Charter School Priority Enrollment Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-43

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with the respect to the need amend the Human Rights Act of 1977 to clarify that the prohibition of discrimination on the basis of sex shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reproductive Health Non-Discrimination Clarification Emergency Declaration Resolution of 2015”.

Sec. 2. (a) On December 17, 2014, the Council passed the Reproductive Health Non-Discrimination Amendment Act of 2014, enacted on January 23, 2015 (D.C. Act 20-593; 62 DCR 1337), to ensure that protection of individuals from discrimination by an employer or employment agency on the basis of sex includes protection from discrimination based an individual’s or a dependent’s reproductive health decision making.

(b) Emergency legislation is needed to clarify that the prohibition of discrimination on the basis of sex shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Reproductive Health Non-Discrimination Clarification Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-44

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to amend sthe Health Benefit Exchange Authority Establishment Act of 2011 to provide for the financial sustainability of the Health Benefit Exchange Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Health Benefit Exchange Authority Financial Sustainability Emergency Declaration Resolution of 2015”.

Sec. 2 (a) Pursuant to section 17(b)(1) of the Health Benefit Exchange Authority Establishment Act of 2011 (“Act”), effective March 2, 2012 (D.C. Law 19-94; D.C. Official Code § 31-3171.16(b)(1)), the Health Benefit Exchange Authority (“Authority”) was required to “prepare a plan that identifies how the Authority will be financially self-sustaining by January 1, 2015.”

(b) Pursuant to section 17(b)(2) of the Act (D.C. Official Code § 31-3171.16(b)(2)), the Authority submitted its “Report to the Mayor and Council of the District of Columbia on Financial Sustainability” on December 13, 2013.

(c) The Authority considered a wide range of options for achieving financial self-sustainability. It adopted a broad-based assessment of all health insurance carriers in the District to assure the lowest percentage assessment possible for the Authority’s future funding.

(d) Section 4(e)(1) of the Act (D.C. Official Code § 31-3171.03(e)(1)) provides that “[t]he Authority is authorized to charge, through rulemaking:

(A) User fees;

(B) Licensing fees; and

(C) Other assessments on health carriers selling qualified dental plans or qualified health plans in the District, including qualified health plans and qualified dental plans sold outside the exchanges.”

(e) The bill would amend this section to clearly authorize the Authority to assess all health carriers doing business in the District by utilizing the recommended low percentage, broad-based assessment.

(f) Emergency action is required to allow the Authority to proceed with a broad-based assessment of all health carriers doing business in the District to ensure its financial sustainability.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Health Benefit Exchange Financial Sustainability Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-45

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to amend the Testing Integrity Act of 2013 to allow for the use of computers and cell phones during the administration of computer-based Districtwide assessments as outlined in guidance issued by the Office of the State Superintendent of Education, and to clarify that the phrase “the Mayor” includes his or her designated representative.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Testing Integrity Emergency Declaration Resolution of 2015".

Sec. 2. (a) During School Year (“SY”) 2014-2015, the District of Columbia Public Schools (“DCPS”) and the District’s Public Charter Schools are implementing next generation assessments, moving from the D.C. Comprehensive Assessment System (“DC CAS”) to the Partnership for Assessment of Readiness for College and Careers (“PARCC”) for English/Language Arts, Composition, and Math, from the DC CAS Science to the Next Generation Science Standards (“NGSS”) Assessment, and from the DC CAS Alt to the National Center and State Collaborative (“NCSC”).

(b) While the DC CAS was administered on paper, the vast majority of students will take the next generation assessments on the computer this school year. Specifically, over 90% of the students taking the PARCC assessment will be doing so through computer-based testing, with all students taking PARCC and the other next generation assessments on the computer by SY 2017-2018.

(c) PARCC is composed of 2 components – a performance based assessment (“PBA”) and an end of year (“EOY”) assessment. The PBA is designed to be taken approximately 75% through the academic year, and the EOY is designed to be taken approximately 90% through the academic year.

(d) During SY 2014-2015, the testing window for the PBA portion of PARCC begins on March 2, 2015, with 7 local education agencies beginning to test on that day. DCPS will begin to test on March 7, 2015, and most District students will complete the PBA portion of the PARCC between March 23 and April 3, 2015.

(e) The Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Official Code § 38-771.01 *et seq.*), prohibits individuals with access to Districtwide assessment materials or who are directly involved in the administration of a Districtwide assessment from

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using cell phones, unapproved electronics, or computer devices during the administration of a Districtwide assessment. Such prohibition effectively prevents the use of computer-based testing in the District.

(f) Additionally the Testing Integrity Act of 2013 prevents the use of cell phones during the administration of a Districtwide assessment. Since many of the computer labs and classrooms being utilized during the administration of PARCC and the other next generation assessments do not have landlines in the room, test administrators, test monitors, or school technology coordinators who may need to contact technology support during the administration of the test will not be able to do so.

(g) Under current law, if technological challenges are encountered during the administration of a computer-based test, and no landlines are present in the classroom in which the test is being administered, an individual would not be able to seek technological support without numerous delays that would prevent the efficient, effective, and timely administration of the assessment.

(h) Thus, it is imperative that the law be amended to allow for computer-based testing and for cell phone use during the testing environment, within a strict set of guidelines issued by the Office of the State Superintendent of Education. Given the fact that PARCC administration begins this week, an emergency exists and requires the amendment of D.C. Law 20-27.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Testing Integrity Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-46

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to amend the State Education Office Establishment Act of 2000 to exempt individual educator evaluation data from public disclosure; and to amend the District of Columbia Administrative Procedure Act to exempt the educator evaluation data from public disclosure.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Educator Evaluation Data Protection Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to enact emergency legislation to amend the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), to exempt individual educator evaluation data from public disclosure.

(b) The Educator Evaluation Data Collection Temporary Amendment Act of 2014, effective August 8, 2014 (D.C. Law 20-132; 61 DCR 6338) (“Temporary Act”), which amended the State Education Office Establishment Act of 2000 to protect individual educator evaluation data from public disclosure, expires on March 21, 2015.

(c) Under current law, information of a personal nature of District of Columbia Public Schools (“DCPS”) educators, including personnel files which consist of individual educator evaluation data, are protected from public disclosure. However, such protection is not offered to teachers in the public charter schools since they are not employees of the District of Columbia government. This lack of protection for public charter school educators creates an inequity across sectors and prevents the sharing of information about the District’s public charter school teachers.

(d) If the Temporary Act expires without new protections in place, public charter school educator evaluation data will be subject to public disclosure beginning March 22, 2015. Thus, it is imperative that the law be amended to continue to protect the record of an educator’s performance and evaluation, regardless of whether the educator teaches at DCPS or a public charter school.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Educator Evaluation Data Protection Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-47

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve the exercise of the second option year of Task Order No. CW15546 with AT&T Mobility National Accounts LLC to supply the District with wireless telecommunications products and services and other wireless telecommunication solutions related to enterprise communications and information technology, and to authorize payment for the services received and to be received under the task order.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Task Order No. CW15546 Option Year Two Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) There exists an immediate need to approve the exercise of the second option year of Task Order No. CW15546 with AT&T Mobility National Accounts LLC to supply the District with wireless telecommunications products and services and other wireless telecommunication solutions related to enterprise communications and information technology, and to authorize payment for the services received and to be received under the task order.

(b) On August 1, 2012, the District signed a participating addendum to the Western States Contracting Alliance cooperative purchasing agreement between the State of Nevada and AT&T Mobility National Accounts LLC.

(c) On September 25, 2012, pursuant to the cooperative purchasing agreement, the District issued Task Order No. CW15546 ("Task Order"), to AT&T Mobility National Accounts LLC. The initial term of the Task Order was for the period from October 1, 2012, through September 30, 2013, for payment in the not-to-exceed amount of \$2,000,000.

(d) Thereafter the District issued Modification No. 1 to the Task Order, exercising option year one effective October 1, 2013 and continuing performance for the period from October 1, 2013, through September 30, 2014, for payment in the not-to-exceed amount of \$2,000,000.

(e) On September 19, 2014, the District issued Modification No. 2 to the Task Order, partially exercising option year 2 and continuing performance for the period from October 1, 2014, through November 30, 2014, for payment in the not-to-exceed amount of \$333,333.34.

(f) On November 12, 2014, the District issued Modification No. 3 to the Task Order, partially exercising option year 2 and continuing performance for the period from December 1, 2014, through December 30, 2014, for payment in the not-to-exceed amount of \$161,111.11.

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(g) On December 30, 2014, the District issued Modification No. 4 to the Task Order, partially exercising option year 2 and continuing performance for the period from December 31, 2014 through January 31, 2015, for payment in the not-to-exceed amount of \$165,555.55.

(h) Modification No. 5 to the Task Order would continue performance for the remainder of option year 2 from February 1, 2015 through September 30, 2015, for payment in the aggregate not-to-exceed amount of \$2,000,000.

(i) Council approval of the exercise of the second option year of Task Order No. CW15546 is necessary pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(b)(1)), because exercising the option year for payment in the aggregate not-to-exceed amount of \$2,000,000 would increase the contract value to more than \$1,000,000 during a 12-month period.

(j) Approval of the exercise of the second option year of Task Order No. CW15546 is necessary to allow the continuation of these vital services. Without this approval, AT&T Mobility National Accounts LLC cannot be paid for services provided in excess of \$1,000,000 during option year 2.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Task Order No. CW15546 Option Year Two Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-48

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to amend the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that, for the purposes of the act, a private club is a place to which the public is invited, but does not include a private residence, and that the prohibition on consumption of marijuana in public is not limited by the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014; and to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the Mayor to revoke any certificate of occupancy or permit held by an entity that knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014 to occur at the specific address or unit identified in the certificate of occupancy or permit.

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

Sec. 2.(a) On March 4, 2014, the Council of the District of Columbia enacted the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01).

(b) Although the Marijuana Possession Decriminalization Amendment Act of 2014 decriminalizes possession or transfer of one or fewer ounces of marijuana, it also makes plain that consumption of marijuana in a public space, which includes any place to which the public is invited, remains subject to criminal penalties.

(c) On November 4, 2014, District of Columbia voters approved the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; D.C. Official Code § 48-904 *et seq.*), which legalizes the possession and use of 2 or fewer ounces of marijuana under certain circumstances.

(d) When applied together, the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014 and the Marijuana Possession Decriminalization Amendment Act of 2014 continue to prohibit consumption of marijuana in a public space, including any place to which the public is invited. The measures do not further define a place to which the public is invited. Consequently, it is unclear whether a private club is a place to which

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the public is invited.

(e) In order to address whether marijuana consumption is permitted in a private club, it is necessary to amend the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that, for the purposes of the act, a private club is a place to which the public is invited, but does not include a private residence, and that the prohibition on consumption of marijuana in public is not limited by the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014.

(f) It is also necessary to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the Mayor to revoke any license, certificate of occupancy or permit held by an entity that knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014 to occur at the specific address or unit identified in the license, certificate of occupancy, or permit.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Marijuana Possession Decriminalization Clarification Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-49

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 3, 2015

To declare the existence of an emergency with respect to the need to approve the salary adjustment for the Chancellor of the District of Columbia Public Schools.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Chancellor of the District of Columbia Public Schools Salary Adjustment Emergency Declaration Resolution of 2015”.

Sec. 2. (a) There exists an immediate need to approve a salary adjustment for the Chancellor of the District of Columbia Public Schools, pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52).

(b) The legislation would approve an annual salary for the Chancellor of the District of Columbia Public Schools (“DCPS”) of \$284,000, based on the Chancellor’s steady leadership and continued progress of DCPS.

(c) Kaya Henderson was appointed Interim Chancellor of the District of Columbia Public Schools on November 1, 2010, following the resignation of Michelle Rhee. On March 11, 2011, she was nominated to serve as Chancellor of the District of Columbia Public Schools. Chancellor Henderson was unanimously confirmed by the Council on June 21, 2011, and has served as Chancellor continuously since that time.

(d) Over the past 4 years under Chancellor Henderson’s leadership, DCPS has realized dramatic improvements towards the goals of increasing District-wide math and reading proficiency, improving the proficiency rates of the DCPS’ 40 lowest performing schools, increasing high school graduation rates, increasing student satisfaction, and increasing overall DCPS enrollment.

(e) DCPS has increased audited enrollment to the highest level in over 5 years, with 3 consecutive years of growth. In 2014, DCPS students reached their highest proficiency rates ever in reading and math. Graduation rates have been growing steadily each year with a goal of 75% in 2017. In-seat attendance has increased to 89% and truancy has been reduced by 18%. Since 2011, the results of the National Assessment of Education Progress show District students improved in math and reading and demonstrated the greatest growth of any state in the nation.

(f) Based on the dramatic improvements achieved under the steady leadership of the Chancellor over the last 4 years and the commitment to continuing the progress of DCPS, the

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Mayor has signed a new contract and made an adjustment to the Chancellor's present salary. This emergency is necessary to reflect the salary adjustment as approved by the Mayor on January 2, 2015.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Chancellor of the District of Columbia Public Schools Salary Adjustment Emergency Amendment Act of 2015 be approved after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-50

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

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

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

Sec. 2. (a) The Council passed the Fiscal Year 2015 Revised Budget Request Emergency Adjustment Act of 2014, effective December 23, 2014 (D.C. Act 20-545; 62 DCR 247) (“emergency legislation”), and the Fiscal Year 2015 Budget Request Temporary Adjustment Act of 2015, enacted on February 5, 2015 (D.C. Act 20-627; 62 DCR 22665) (“temporary legislation”), which provide important funding necessary for the development of the soccer stadium authorized by the District of Columbia Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; 62 DCR 438) (“soccer stadium legislation”), as well as carryover budget authority for the District of Columbia Auditor.

(b) The emergency legislation will expire on March 24, 2015, before the temporary legislation is projected to become law.

(c) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation becomes law, for the proper implementation of the soccer stadium legislation, and the balancing of the Fiscal Year 2015 Budget and Financial Plan.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-51

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To confirm the appointment of Ms. Kay F. Kendall to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities Kay F. Kendall Confirmation Resolution of 2015".

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

Ms. Kay F. Kendall
2412 Tracy Place, N.W.
Washington, D.C. 20008
(Ward 2)

as a member of the Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), for a term to end June 30, 2017.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-52

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To confirm the appointment of Mr. Tommy Wells as the Director of the District Department of the Environment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the District Department of the Environment Tommy Wells Confirmation Resolution of 2015".

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

Mr. Tommy Wells
311 4th Street, S.E. #3
Washington, D.C. 20003
(Ward 6)

as the Director of the District Department of the Environment, established by section 103(a) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.03(a)), in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-53

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To confirm the appointment of Mr. Leif A. Dormsjo as the Director of the District Department of Transportation.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Director of the District Department of Transportation Leif A. Dormsjo Confirmation Resolution of 2015”.

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

Mr. Leif A. Dormsjo
315 12th Street, N.E. #301
Washington, D.C. 20002
(Ward 6)

as the Director of the District Department of Transportation, established by section 2 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01), in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-55

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To appoint Mr. John Hoellen as Acting General Counsel to the Council of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Acting General Counsel to the Council of the District of Columbia John Hoellen Appointment Resolution of 2015".

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

Mr. John Hoellen
1324 Corbin Place, N.E.
Washington, D.C. 20002
(Ward 6)

as Acting General Counsel to the Council of the District of Columbia, beginning March 7, 2015.

Sec. 3. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To confirm the appointment of Dr. LaQuandra S. Nesbitt as the Director of the Department of Health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Health LaQuandra Nesbitt Confirmation Resolution of 2015".

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

Dr. LaQuandra S. Nesbitt
225 I Street, N.E.
Washington, D.C. 20002
(Ward 6)

as the Director of the Department of Health, established by Reorganization Plan No. 4 of 1996, effective July 17, 1996, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To confirm the appointment of Ms. Laura G. Zeilinger as the Director of the Department of Human Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Director of the Department of Human Services Laura G. Zeilinger Confirmation Resolution of 2015".

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

Ms. Laura G. Zeilinger
4319 Fessenden Street, N.W.
Washington, D.C. 20016
(Ward 3)

as the Director of the Department of Human Services, established by Reorganization Plan No. 3 of 1986, effective January 3, 1987, and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To approve the negotiated collective bargaining agreement for certain Not-for-Profit Hospital Corporation employees covered in the bargaining unit for the International Union of Operating Engineers Local 99-99A, AFL-CIO.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Collective Bargaining Agreement between the Not-for-Profit Hospital Corporation (United Medical Center) and the International Union of Operating Engineers Local 99-99A, AFL-CIO Approval Resolution of 2015”.

Sec. 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council of the District of Columbia approves the compensation agreement and related pay schedules negotiated through collective bargaining between the Not-for-Profit Hospital Corporation and the International Federation of Special Police and Security Officers Local 99-99A, AFL-CIO, that were transmitted to the Council on February 20, 2015.

Sec. 3. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Not-for-Profit Hospital Corporation, and the International Union of Operating Engineers Local 99-99A, AFL-CIO.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-59

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To approve the negotiated collective bargaining agreement for certain Not-for-Profit Hospital Corporation employees covered in the bargaining unit for the Federation of Special Police and Security Officers, Inc. on behalf of Affiliated Local 672.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Collective Bargaining Agreement between the Not-for-Profit Hospital Corporation (United Medical Center) and the Federation of Special Police and Security Officers, Inc. on behalf of Affiliated Local 672 Approval Resolution of 2015".

Sec. 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council of the District of Columbia approves the compensation agreement and related pay schedules negotiated through collective bargaining between the Not-for-Profit Hospital Corporation and the Federation of Special Police and Security Officers, Inc. on behalf of Affiliated Local 672, that were transmitted to the Council on February 20, 2015.

Sec.3. Transmittal

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Not-for-Profit Hospital Corporation, and the Federation of Special Police and Security Officers, Inc. on behalf of Affiliated Local 672.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-60

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To declare the existence of an emergency with respect to the need to appoint Mr. Corbett A. Price as a principal member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metropolitan Area Transit Authority Principal Member Corbett Price Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Washington Metropolitan Area Authority (“WMATA”) was established by an act of Congress, approved on November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01)(“Congressional act”), as an interstate compact between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia to plan, finance, construct, and operate a mass-transit system for the Washington metropolitan area. A Board of Directors consisting of 2 principal members and 2 alternate members from each of the jurisdictions governs WMATA. The Congressional act and the interstate compact designate the Council as the appointing authority for the 4 District members.

(b) Mr. Corbett Price will be replacing Mr. Thomas Downs as a principal member to the WMATA Board of Directors for the remainder of a term that expires on June 30, 2015.

(c) There is an immediate need to confirm Mr. Price so that the District has both its principal members, in addition to both its alternate members, on the WMATA Board of Directors as soon as possible to ensure the District is fully represented regarding a number of critical safety, financial, operational, and personnel issues currently under consideration.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Board of Directors of the Washington Metropolitan Area Transit Authority Principal Member Corbett Price Emergency Appointment Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-61

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To appoint, on an emergency basis, Mr. Corbett A. Price as a principal member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metropolitan Area Transit Authority Principal Member Corbett Price Emergency Appointment Resolution of 2015”.

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

Mr. Corbett A. Price
3520 Massachusetts Avenue, N.W.
Washington, D.C. 20007
(Ward 3)

as a principal member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), and section 2 of the Washington Metropolitan Area Transit Authority Board of Directors Act, effective April 27, 2013 (D.C. Law 19-286; D.C. Official Code § 9-1108.11), replacing Thomas Downs, for the remainder of a term that expires on June 30, 2015.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee, the Washington Metropolitan Area Transit Authority, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-62

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To declare the existence of an emergency with respect to the need to appoint, on an emergency basis, Mr. Leif A. Dormsjo as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metropolitan Area Transit Authority Alternate Member Leif Dormsjo Emergency Declaration Resolution of 2015”.

Sec. 2. (a) The Washington Metropolitan Area Authority (“WMATA”) was established by an act of Congress, approved on November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01)(“Congressional act”), as an interstate compact between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia to plan, finance, construct, and operate a mass-transit system for the Washington metropolitan area. A Board of Directors consisting of 2 principal members and 2 alternate members from each of the jurisdictions governs WMATA. The Congressional act and the interstate compact designate the Council as the appointing authority for the 4 District members.

(b) Mr. Leif Dormsjo shall be appointed as an alternate member to the WMATA Board of Directors, replacing Matthew Brown, for the remainder of a term that expires on June 30, 2018.

(c) There is an immediate need to confirm Mr. Dormsjo so that the District has both its alternate members, in addition to both its principal members, on the WMATA Board of Directors as soon as possible to ensure the District is fully represented regarding a number of critical safety, financial, operational, and personnel issues currently under consideration.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Board of Directors of the Washington Metropolitan Area Transit Authority Alternate Member Leif Dormsjo Emergency Appointment Resolution of 2015 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-63

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To appoint, on an emergency basis, Mr. Leif A. Dormsjo as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metropolitan Area Transit Authority Alternate Member Leif Dormsjo Emergency Appointment Resolution of 2015”.

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

Mr. Leif A. Dormsjo
315 12th Street, N.E., #301
Washington, D.C. 20002
(Ward 6)

as an alternate member of the Board of Directors of the Washington Metropolitan Area Transit Authority, in accordance with the Washington Metropolitan Area Transit Authority Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-1107.01), and the Washington Metropolitan Area Transit Authority Board of Directors Act, effective April 27, 2013 (D.C. Law 19-286; D.C. Official Code § 9-1108.11), replacing Matthew T. Brown, for the remainder of a term that expires on June 30, 2018.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee, the Washington Metropolitan Area Transit Authority, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-64

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To declare the existence of an emergency with respect to the need to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to extend the time period that an applicant for a registration to operate a cultivation center whose application was pending as of June 20, 2012, shall be allowed to modify the application.

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

Sec. 2. (a) The Council passed the Medical Marijuana Cultivation Center Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-0059; 60 DCR 15484) (“Act”), which amended the Legalization of Marijuana for Medical Treatment Initiative of 1999 to prohibit locating medical marijuana cultivation centers in certain Retail Priority Areas.

(b) In addition, the Act allowed any applicant that had an application pending as of the effective date of the Medical Marijuana Cultivation Center Temporary Amendment Act of 2012, effective June 20, 2012 (D.C. Law 19-146; 59 DCR 4164), for a registration to operate a cultivation center within a Retail Priority Area to modify the application within 180 days after the effective date of the Medical Marijuana Cultivation Center Temporary Amendment Act of 2013, effective May 1, 2013 (D.C. Law 20-1; 60 DCR 3962), without negatively affecting the current status of the application. The 180 days have passed.

(c) An affected applicant is close to establishing a new location for the cultivation center it intends to operate, but needs additional time to finalize its arrangements.

(d) It is important that the applicant execute its agreement and leases to conclude its relocation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Marijuana Cultivation Center Emergency Amendment Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-65

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 17, 2015

To declare the existence of an emergency with respect to the need to approve an agreement to enter into a long-term subsidy contract for a multiyear term of 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2014-LRSP-01A with Girard Street Community Partners, LLC, for affordable housing units at the Girard Street Senior Apartments located at 1545 Girard Street, N.E., and to authorize payment for housing services to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution

may be cited as the "Local Rent Supplement Program Contract No. 2014-LRSP-01A Approval and Payment Authorization Emergency Declaration Resolution of 2015".

Sec. 2. (a) In 2007, the District passed title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely-low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely-low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or individuals with disabilities, through project-based, tenant-based and sponsor-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

(b) In April 2014, DCHA participated in a Request for Proposals issued by the Department of Housing and Community Development ("DHCD"). Of the total proposals received, 11 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely-low-income families earning between 0% and 30% of the area's median income, as well as the chronically homeless

ENROLLED ORIGINAL

and individuals with mental or physical disabilities throughout the District. Upon approval by the Council, DCHA will enter into an Agreement to Enter into a Long Term Contract (“ALTSC”) with the selected housing providers under the LRSP for housing services.

(c) There exists an immediate need to approve a certain ALTSC with Girard Street Community Partners, LLC, under the LRSP in order to provide long-term affordable housing units for extremely- low-income households for units at the Girard Street Senior Apartments located at 1545 Girard Street, N.E.

(d) The emergency legislation to approve the contract will authorize an ALTSC between the DCHA and Girard Street Community Partners, LLC, with respect to the payment of rental subsidies, and allow the owner to lease the rehabilitated units at the Girard Street Senior Apartments and house extremely-low-income households.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Local Rent Supplement Program Contract No. 2014-LRSP-01A Approval and Payment Authorization Emergency Act of 2015 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C.

20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA
LEGISLATION

PROPOSED

BILL

B21-158 Fiscal Year 2016 Budget Support Act of 2015

Intro. 4-2-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole with comments from standing committees on the specific subtitles.

PROPOSED RESOLUTIONS

PR21-127 Southwest Neighborhood Plan Approval Resolution of 2015

Intro. 4-1-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR21-129 General Counsel to the Council of the District of Columbia Ellen A. Efros Appointment Resolution of 2015

Intro. 4-9-15 by Chairman Mendelson and Retained by the Council

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

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

on

B21-55 - Community College for All Scholarship Amendment Act of 2015

on

**Tuesday, June 23, 2015
11:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of the Whole on Bill 21-55, Community College for All Scholarship Amendment Act of 2015. The hearing will be held at 11:00 a.m. on Tuesday, June 23, 2015 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of Bill 21-55 is to establish a scholarship program to provide free tuition and the cost of mandatory fees to students enrolled at the University of the District of Columbia Community College, and to require the University of the District of Columbia Community College to develop, adopt, and implement the scholarship program.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or email Taneka Miller, Legislative Counsel, at tmiller@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, June 19, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Friday, June 19, 2015 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of Bill 21-55 can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on July 7, 2015.

**COUNCIL OF THE DISTRICT OF COLUMBIA
 NOTICE OF PUBLIC HEARINGS
 FISCAL YEAR 2016 PROPOSED BUDGET AND FINANCIAL PLAN,
 FISCAL YEAR 2016 BUDGET SUPPORT ACT OF 2015,
 FISCAL YEAR 2016 BUDGET REQUEST ACT OF 2015, AND
 COMMITTEE MARK-UP SCHEDULE
 4/10/2015**

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

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
4/15/2015 (COW-new insert)		Office of Contracting & Procurement Contract Appeals Board Executive Office of the Mayor Office of the City Administrator Office of the Senior Advisor
4/15/2015	4/20/2015	Housing Finance Agency (Housing)
4/15/2015	4/23/2015	DC Housing Authority (Housing)
4/17/2015	4/30/2015	DC Board of Elections (Judiciary)
4/17/2015	4/30/2015	Office of Campaign Finance (Judiciary)
4/17/2015	4/20/2015	District of Columbia Auditor (COW)
4/21/2015	4/24/2015	District Department of Transportation
4/23/2015	4/15/2015	Office of Aging (Housing)
4/23/2015	5/6/2015	Office of Women's Policy and Initiatives (Housing)
4/29/2015 (F&R-new insert)		Washington Metropolitan Area Transit Authority (Finance)
5/6/2015	4/23/2015	Office of Veteran Affairs (Housing)

PUBLIC HEARING SCHEDULE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

WEDNESDAY, APRIL 22, 2015; Room 412	
Time	Agency
10:00 a.m. - End	Public Charter School Board
	Bullying Prevention Taskforce
	Healthy Youth and Schools Commission

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

WEDNESDAY, APRIL 22, 2015; Room 120	
Time	Agency
10:00 a.m. - End	Department on Health

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

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

TUESDAY, APRIL 28, 2015; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of General Services

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

TUESDAY, APRIL 28, 2015; Room 412	
Time	Agency
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses only)

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

TUESDAY, APRIL 28, 2015; Room 120	
Time	Agency
10:00 a.m. - End	Health Benefit Exchange Authority
	Child and Family Services Administration

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

COMMITTEE OF HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

WEDNESDAY, APRIL 29, 2015; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

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

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, APRIL 29, 2015; Room 412	
Time	Agency
10:00 a.m. - End	Commission on the Arts and Humanities
	Office of Inspector General
	Office of Partnerships and Grant Services
	Washington Metropolitan Area Transit Authority

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

WEDNESDAY, APRIL 29, 2015; Room 120	
Time	Agency
9:00 a.m. - End	Office of the Attorney General
	Mayor's Office of Legal Counsel
	Office of Administrative Hearings
	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	Access to Justice Initiative

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

COMMITTEE ON EDUCATION

Chairperson David Grosso

THURSDAY, APRIL 30, 2015; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of State Superintendent of Education
	State Board of Education

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

COMMITTEE ON BUSINESS, CONSUMER & REGULATORY AFFAIRS

Chairperson Vincent Orange

THURSDAY, APRIL 30, 2015; Room 412	
Time	Agency
10:00 a.m. - End	Department of Insurance, Securities, and Banking
	Office of Cable Television
	Office of Motion Picture and Television Development
	Office of People's Counsel
	Public Access Corporation
	Public Service Commission

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

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

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

COMMITTEE ON HEALTH & HUMAN SERVICES

Chairperson Yvette Alexander

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

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

COMMITTEE ON THE JUDICIARY

Chairperson Kenyan McDuffie

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

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

COMMITTEE ON HOUSING & COMMUNITY DEVELOPMENT

Chairperson Anita Bonds

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

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

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

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

COMMITTEE MARK-UP SCHEDULE

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

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

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

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

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

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

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR 21-121, “Washington Convention and Sports Authority Board of Directors Max Brown Confirmation Resolution of 2015”

PR 21-122, “Washington Convention and Sports Authority Board of Directors Miriam Huger Lindner Confirmation Resolution of 2015”

PR 21-123, “Washington Convention and Sports Authority Board of Directors Alan Bubes Confirmation Resolution of 2015”

Wednesday, April 22, 2015

9:15 a.m.

**Council Chamber - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Wednesday, February 22, 2015 at 9:15 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 21-121, the “Washington Convention and Sports Authority Board of Directors Max Brown Confirmation Resolution of 2015” would confirm the appointment of Max Brown as Chair of the Washington Convention and Sports Authority Board of Directors for a term to end in May, 2019.

PR 21-122, the “Washington Convention and Sports Authority Board of Directors Miriam Huger Lindner Confirmation Resolution of 2015” would confirm the reappointment of Miriam “Mimsy” Huger Lindner to the Washington Convention and Sports Authority Board of Directors for a term to end in May, 2019.

PR 21-123, the Washington Convention and Sports Authority Board of Directors Alan Bubes Confirmation Resolution of 2015” would confirm the appointment of Alan Bubes to the Washington Convention and Sports Authority Board of Directors for a term to end in May, 2019.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 9:15 a.m. on Tuesday, April 21, 2015. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY**

NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PROPOSALS RELATING TO THE POWERS OF THE
OFFICE OF THE ATTORNEY GENERAL
AND THE MAYOR'S OFFICE OF LEGAL COUNSEL**

**Wednesday, April 22, 2015, 10:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, April 22, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public roundtable to discuss legislative proposals relating to the powers of the Office of the Attorney General (OAG) and the Mayor's Office of Legal Counsel (MOLC). The roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C., at 10:00 a.m.

On March 16, 2015, the Attorney General of the District of Columbia introduced Bill 21-0139, the "Attorney General Independence and Authority Implementation Amendment Act of 2015". According to the introducer, the purpose of the bill is to outline the powers of the Attorney General by making OAG an independent body equal with the Council and the Mayor; giving OAG the power to provide legal advice to all parts of the District government and to review and certify legislation, rulemakings, and certain transactions; clarifying that OAG has settlement authority for matters in litigation, with settlements in excess of \$1.5 million subject to the consent of the Mayor; giving OAG independent personnel and procurement authority; expanding OAG's subpoena authority; and allowing OAG to bargain collectively independent of the Executive.

On April 14, 2015, Bill 21-0158, the "Fiscal Year 2016 Budget Support Act of 2015", was referred to the Committee of the Whole. Notably, Title I, Subtitle E, of the bill was referred to the Committee on the Judiciary, and proposes that MOLC provide legal sufficiency reviews of legislation, regulations, and contracts at the request of the Mayor, and that the relationship between the District government and the Attorney General shall be as client to attorney.

The purpose of this public roundtable is to allow for public discussion of the two proposals. The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact Kate Mitchell, Committee Director, at (202) 727-8275, or via e-mail at kmitchell@dccouncil.us, and provide their name, address, telephone number, organizational affiliation, and title (if any) by close of business Tuesday, April 21, 2015. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring ten copies of their written testimony and, if possible, also submit a copy of their testimony electronically to kmitchell@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on Thursday, April 30, 2015.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY**

NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON THE JUDICIARY**

ANNOUNCES A PUBLIC ROUNDTABLE ON

YOUTH VIOLENCE: CAUSES AND STRATEGIES FOR PREVENTION

**Saturday, April 25, 2015, 10:00 a.m.
St. Elizabeth's Hospital, Auditorium
1100 Alabama Ave., SE
Washington, D.C. 20032**

On Saturday, April 25, 2015, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public roundtable to discuss the causes of and strategies for preventing youth violence. The roundtable will be held in the Auditorium of St. Elizabeth's Hospital, 1100 Alabama Avenue, S.E., at 10:00 a.m.

The Committee has invited experts in juvenile justice and related fields to provide testimony. The Committee invites the public to submit *written testimony*, which will be made part of the official record. The public is invited to attend, but members of the public who wish to provide oral testimony will be invited to testify at a roundtable to be scheduled at a later date.

Copies of written statements by members of the public should be submitted either to the Committee on the Judiciary or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. The record will close at the end of the business day on Thursday, April 30, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-35: Request to reprogram \$1,528,000 of Fiscal Year 2015 Local funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on April 13, 2015. This reprogramming supports the following initiatives: (1) Customer service phone system upgrade; (2) Single Audit Training for grants managers and finance staff across the District; (3) Automated procurement tracking system to provide for monitoring and reporting of OCFO contracts; (4) OCFO website review; (5) Replacement of three vans; and (6) Logistics and facility needs including cubicle realignment and a visitor management system that features the scanning of photo identification.

RECEIVED: 14 day review begins April 13, 2015

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

Posting Date: April 17, 2015
Petition Date: June 1, 2015
Hearing Date: June 15, 2015

License No.: ABRA-077109
Licensee: 1615 LLL, LLC
Trade Name: Beacon Hotel & Corporate Quarters
License Class: Retailer's Class "C" Hotel
Address: 1615 Rhode Island Ave, N.W.
Contact: William Lipnick: 202-787-1785

WARD 2

ANC 2C

SMD 2B05

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Summer Garden endorsement for the penthouse/rooftop bar.

CURRENT HOURS OF OPERATION

Sunday 7:30 am – 11 pm, Monday through Friday 6:30 am – 1 am and Saturday 7:30 am – 1 am

HOURS OF SUMMER GARDEN OPERATION

Sunday 7:30 am – 11 pm, Monday through Friday 7 am – 12 am and Saturday 7:30 am – 12 am

HOURS OF SUMMER GARDEN SALES/SERVICE/CONSUMPTION

Sunday 10:30 am – 11 pm and Monday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

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

License No.: ABRA-098308
Licensee: Fast Good LLC
Trade Name: Beefsteak
License Class: Retailer's Class "C" Restaurant
Address: 1528 Connecticut Ave., N.W.
Contact: Kayla Brown: 407-506-0514

WARD 2

ANC 2B

SMD 2B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for August 5, 2015 at 4:30 pm.

NATURE OF OPERATION

New casual restaurant offering vegetable-centered meals with a sidewalk café with seating for 43 patrons and total occupancy load of 93.

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

Sunday through Saturday 11am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

**Posting Date: April 3, 2015
**Petition Date: May 18, 2015
**Hearing Date: June 1, 2015
**Protest Date: August 5, 2015

License No.: ABRA-098308
Licensee: Fast Good LLC
Trade Name: Beefsteak
License Class: Retailer's Class "C" Restaurant
Address: 1528 Connecticut Ave., N.W.
Contact: Kayla Brown: 407-506-0514

WARD 2

ANC 2B

SMD 2B02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for August 5, 2015 at 4:30 pm.

NATURE OF OPERATION

New casual restaurant offering vegetable-centered meals with a sidewalk café with seating for 43 patrons and total occupancy load of 93.

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

Sunday through Saturday 11am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

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

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

WARD 2

ANC 2C

SMD 2C01

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

NATURE OF OPERATION

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

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Saturday 6am-12:30am

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

Sunday through Saturday 8am-12:30am

HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Saturday 6am- 11pm

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

Sunday through Saturday 8am-11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-077335

License Class/Type: A Retail - Liquor Store

Applicant: Ventura, LLC

Trade Name: Albert's Liquors

ANC: 6B06

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

328 KENTUCKY AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	Closed - Closed	Closed -Closed
Monday:	10 am - 10 pm	10 am - 10 pm
Tuesday:	10 am - 10 pm	10 am - 10 pm
Wednesday:	10 am - 10 pm	10 am - 10 pm
Thursday:	10 am - 10 pm	10 am - 10 pm
Friday:	10 am - 10 pm	10 am - 10 pm
Saturday:	10 am - 10 pm	10 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060414

License Class/Type: A Retail - Liquor Store

Applicant: B & M, Inc.

Trade Name: Bacchus Wine Cellar

ANC: 2E02

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

1635 WISCONSIN AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-095984

License Class/Type: A Retail - Liquor Store

Applicant: NINE NINES INC.

Trade Name: Bell Wine & Liquor

ANC: 2B06

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

1821 M ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	- - -	- - -
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060652

License Class/Type: A Retail - Liquor Store

Applicant: TM Liquors, Inc.

Trade Name: Big Ben Liquors

ANC: 5E05

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

1300 NORTH CAPITOL ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-026228 License Class/Type: A Retail - Liquor Store

Applicant: Jas & Jassi, Inc. Trade Name: Big Valu Liquors

ANC: 5C02

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

3174 BLADENSBURG RD NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-088495

License Class/Type: A Retail - Liquor Store

Applicant: EZ, LLC

Trade Name: Brookland Market

ANC: 5B05

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

3736 10TH ST NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 8 pm	9 am -8 pm
Monday:	8 am - 10 pm	9 am - 10 pm
Tuesday:	8 am - 10 pm	9 am - 10 pm
Wednesday:	8 am - 10 pm	9 am - 10 pm
Thursday:	8 am - 10 pm	9 am - 10 pm
Friday:	8 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 9 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-086394

License Class/Type: A Retail - Liquor Store

Applicant: Pega Corporation

Trade Name: Burka's Fine Wines & Liquors

ANC: 3C06

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

3500 Wisconsin AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060423 License Class/Type: A Retail - Liquor Store

Applicant: J. S. & W. C. Incorporated Trade Name: Capitol City Wine & Spirits

ANC: 6C01

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

500 K ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-082981 License Class/Type: A Retail - Liquor Store

Applicant: YOHANNES A. WOLDEMICHAEL

Trade Name: Capitol Fine Wine & Spirits ANC: 6C03

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

415 H ST NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-081749

License Class/Type: A Retail - Liquor Store

Applicant: Hotmal Family, LLC

Trade Name: Capitol Hill Wine & Spirits

ANC: 6B01

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

323 PENNSYLVANIA AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-086268

License Class/Type: A Retail - Liquor Store

Applicant: Central Wines LLC

Trade Name: Central Liquors

ANC: 2C01

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

625 E ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	Closed - Closed	Closed -Closed
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-095312

License Class/Type: A Retail - Liquor Store

Applicant: CCWS, LLC

Trade Name: Chevy Chase Wine & Spirits

ANC: 3G06

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

5544 CONNECTICUT AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-091371

License Class/Type: A Retail - Liquor Store

Applicant: Rion Inc

Trade Name: Colony Liquors

ANC: 4D04

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

4901 GEORGIA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 12 am	8 am -12 am
Monday:	8 am - 12 am	8 am - 12 am
Tuesday:	8 am - 12 am	8 am - 12 am
Wednesday:	8 am - 12 am	8 am - 12 am
Thursday:	8 am - 12 am	8 am - 12 am
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-089418 License Class/Type: A Retail - Liquor Store
Applicant: Congressional Liquor, Inc Trade Name: Congressional Liquor
ANC: 6B01

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

404 1ST ST SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	8:30am - 9pm	9am - 9pm
Tuesday:	8:30am - 9pm	9am - 9pm
Wednesday:	8:30am - 9pm	9am - 9pm
Thursday:	8:30am - 9pm	9am - 9pm
Friday:	8:30am - 9pm	9am - 9pm
Saturday:	11am - 8pm	11am - 8pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-089012

License Class/Type: A Retail - Liquor Store

Applicant: Cork & Bottle Incorporated

Trade Name: Cork N Bottle Wine & Spirits

ANC: 4B01

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

7421 GEORGIA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 8 pm	10 am -8 pm
Monday:	9:00 am - 10 pm	9:00 am - 10 pm
Tuesday:	9:00 am - 10pm	9:00 am - 10pm
Wednesday:	9:00 am - 10pm	9:00 am - 10pm
Thursday:	9:00 am - 10pm	9:00 am - 10pm
Friday:	9:00 am - 11 pm	9:00 am - 11 pm
Saturday:	9:00 am - 11 pm	9:00 am - 11 pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-086200

License Class/Type: A Retail - Liquor Store

Applicant: YONAS, INC.

Trade Name: CORNER MARKET

ANC: 8A07

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

1447 Howard RD SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-089498

License Class/Type: A Retail - Liquor Store

Applicant: Costco Wholesale Corporation Trade Name: Costco Wholesale #1120

ANC: 5C03

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

2441 Market ST NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-077295

License Class/Type: A Retail - Liquor Store

Applicant: Dixie Liquors, Inc.

Trade Name: Dixie Liquors

ANC: 2E05

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

3429 M ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-089439

License Class/Type: A Retail - Liquor Store

Applicant: Dove House Wine & Spirits, Inc.

ANC: 1B02

Trade Name: Dove House Liquors

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

1905 9TH ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 12 am	10 am -12 am
Monday:	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	10 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am
Friday:	10 am - 12 am	10 am - 12 am
Saturday:	10 am - 12 am	10 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-092840

License Class/Type: A Retail - Liquor Store

Applicant: 401M, Inc

Trade Name: Eye Street Cellars

ANC: 6E05

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

425 I ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11am - 7pm	11am -7pm
Monday:	9am - 10pm	9am - 10pm
Tuesday:	9am - 10pm	9am - 10pm
Wednesday:	9am - 10pm	9am - 10pm
Thursday:	9am - 10pm	9am - 10pm
Friday:	9am - 10pm	9am - 10pm
Saturday:	9am - 10pm	9am - 10pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-080900 License Class/Type: A Retail - Liquor Store
Applicant: AG Corporation Trade Name: Fairmont Liquor & Grocery
ANC: 1B03

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

2633 SHERMAN AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	closed - closed	closed -closed
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

****Re-advertise**

Notice is hereby given that:

License Number: ABRA-075977 License Class/Type: A Retail - Liquor Store
Applicant: First Vine, LLC Trade Name: First Vine ANC: 1C07
Has applied for the renewal of an alcoholic beverage license at the premises:

1701 FLORIDA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	Online only -	9 am - 9 pm
Tuesday:	Online only -	9 am - 9 pm
Wednesday:	Online only -	9 am - 9 pm
Thursday:	Online only -	9 am - 9 pm
Friday:	Online only -	9 am - 9 pm
Saturday:	Online only -	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

****Rescind**

Notice is hereby given that:

License Number: ABRA-075977

License Class/Type: A Retail - Liquor Store

Applicant: First Vine, LLC

Trade Name: First Vine

ANC: 1C07

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

1701 FLORIDA AVE NW

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

5/18/2015

A HEARING WILL BE HELD ON:

6/1/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	Online only -	9 am - 9 pm
Tuesday:	Online only -	9 am - 9 pm
Wednesday:	Online only -	9 am - 9 pm
Thursday:	Online only -	9 am - 9 pm
Friday:	Online only -	9 am - 9 pm
Saturday:	Online only -	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-071312 License Class/Type: A Retail - Liquor Store

Applicant: AKB Enterprises, Inc. Trade Name: Gandel's Liquors

ANC: 6B01

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

211 PENNSYLVANIA AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10am - 10pm	10am -10pm
Monday:	9am - 11pm	9am - 11 pm
Tuesday:	9am - 11pm	9am - 11pm
Wednesday:	9am - 11pm	9am - 11pm
Thursday:	9am - 11pm	9am - 11pm
Friday:	9am - 11pm	9am - 11pm
Saturday:	9am - 11pm	9am - 11pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-097033 License Class/Type: A Retail - Liquor Store

Applicant: Golden Angel Trading Inc. Trade Name: Golden Angel Trading Inc.

ANC: 5B04

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

914 Rhode Island AVE NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 11 pm	9 am -11 pm
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-075614 License Class/Type: A Retail - Liquor Store

Applicant: Capitol 1 DC, LLC Trade Name: Greenway Liquors

ANC: 7F06

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

3700 MINNESOTA AVE NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	8 am -10 pm
Monday:	8 am - 10 pm	8 am - 10 pm
Tuesday:	8 am - 10 pm	8 am - 10 pm
Wednesday:	8 am - 10 pm	8 am - 10 pm
Thursday:	8 am - 10 pm	8 am - 10 pm
Friday:	8 am - 10 pm	8 am - 10 pm
Saturday:	8 am - 10 pm	8 am - 10 pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-076393 License Class/Type: A Retail - Liquor Store

Applicant: YDK, Inc. Trade Name: Guilford Liquor

ANC: 6E02

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

446 RHODE ISLAND AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-082309

License Class/Type: A Retail - Liquor Store

Applicant: Herman's Liquors, Inc.

Trade Name: Herman's Liquors

ANC: 4C04

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

3712 14TH ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-075647

License Class/Type: A Retail - Liquor Store

Applicant: Joo Family, Inc

Trade Name: J J Liquors

ANC: 5C05

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

1211 BRENTWOOD RD NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-025523

License Class/Type: A Retail - Liquor Store

Applicant: Bhuller's Corporation

Trade Name: JJ Mutt Wine & Spirits

ANC: 6B02

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

643 PENNSYLVANIA AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060351 License Class/Type: A Retail - Liquor Store
Applicant: DK, Corporation Trade Name: Joe Caplan Liquors
ANC: 1B01

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

1913 7TH ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-024868 License Class/Type: A Retail - Liquor Store
Applicant: Starlight, Inc. Trade Name: Kogod Liquors
ANC: 6C02

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

441 NEW JERSEY AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11 am - 7 pm	11 am -7 pm
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-076573

License Class/Type: A Retail - Liquor Store

Applicant: KYS, Inc.

Trade Name: Kovaks Liquors

ANC: 5D02

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

1237 MOUNT OLIVET RD NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-074972 License Class/Type: A Retail - Liquor Store

Applicant: Duk Lee Trade Name: Lee Tower Market

ANC: 3D08

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

4201 CATHEDRAL AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	Closed -	Closed -Closed
Monday:	8 am - 8 pm	9 am - 8 pm
Tuesday:	8 am - 8 pm	9 am - 8 pm
Wednesday:	8 am - 8 pm	9 am - 8 pm
Thursday:	8 am - 8 pm	9 am - 8 pm
Friday:	8 am - 8 pm	9 am - 8 pm
Saturday:	9 am - 7 pm	9 am - 7 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-084939

License Class/Type: A Retail - Liquor Store

Applicant: Lee's Mini Market, Inc.

Trade Name: Lee's Mini Market

ANC: 7B07

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

3853 Alabama AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-088221 License Class/Type: A Retail - Liquor Store

Applicant: Lion Gate Inc. Trade Name: Lion's Fine Wine & Spirits

ANC: 1A08

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

3614 GEORGIA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9am - 12am	9am - 12am
Monday:	9am - 12am	9am - 12am
Tuesday:	9am - 12am	9am - 12am
Wednesday:	9am - 12am	9am - 12am
Thursday:	9am - 12am	9am - 12am
Friday:	9am - 12am	9am - 12am
Saturday:	9am - 12am	9am - 12am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-082040

License Class/Type: A Retail - Liquor Store

Applicant: Y & J CHUNG, CORP

Trade Name: Log Cabin Liquor

ANC: 6E01

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

1748 7TH ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	8 am - 12 am	8 am - 12 am
Tuesday:	8 am - 12 am	8 am - 12 am
Wednesday:	8 am - 12 am	8 am - 12 am
Thursday:	8 am - 12 am	8 am - 12 am
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-086950 License Class/Type: A Retail - Liquor Store
Applicant: Dayal Investments, Inc. Trade Name: Logan Circle Liquors
ANC: 6E01

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

1018 RHODE ISLAND AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-079795 License Class/Type: A Retail - Liquor Store

Applicant: Connect Corporation Trade Name: M & S Market

ANC: 4C01

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

213 UPSHUR ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060758

License Class/Type: A Retail - Liquor Store

Applicant: Mac's Liquors, Inc.

Trade Name: Mac's Wine & Liquors

ANC: 5E03

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

401 RHODE ISLAND AVE NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060561 License Class/Type: A Retail - Liquor Store

Applicant: Hargunn, Inc. Trade Name: Mayfair Liquors

ANC: 4A03

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

7312 GEORGIA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-091013 License Class/Type: A Retail - Liquor Store

Applicant: Sedona, Inc. Trade Name: McReynold's Liquors

ANC: 2A08

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

1776 G ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	9 am - 8 pm	9 am - 8 pm
Tuesday:	9 am - 8 pm	9 am - 8 pm
Wednesday:	9 am - 8 pm	9 am - 8 pm
Thursday:	9 am - 8 pm	9 am - 8 pm
Friday:	9 am - 8 pm	9 am - 8 pm
Saturday:	9 am - 5 pm	9 am - 5 pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-097473 License Class/Type: A Retail - Liquor Store

Applicant: T and A, LLC Trade Name: Montana Liquors

ANC: 5C05

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

1801 Montana AVE NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	CLOSED - CLOSE	CLOSED -CLOSED
Monday:	9 AM - 10 PM	9 AM - 10 PM
Tuesday:	9 AM - 10 PM	9 AM - 10 PM
Wednesday:	9 AM - 10 PM	9 AM - 10 PM
Thursday:	9 AM - 10 PM	9 AM - 10 PM
Friday:	9 AM - 10 PM	9 AM - 10 PM
Saturday:	9 AM - 10 PM	9 AM - 10 PM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-090132

License Class/Type: A Retail - Liquor Store

Applicant: Morris Miller Inc

Trade Name: Morris Miller Liquors

ANC: 4A02

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

7804 ALASKA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11am - 7pm	11am -7pm
Monday:	9am - 9pm	9am - 9pm
Tuesday:	9am - 9pm	9am - 9pm
Wednesday:	9am - 9pm	9am - 9pm
Thursday:	9am - 9pm	9am - 9pm
Friday:	9am - 9pm	9am - 9pm
Saturday:	9am - 9pm	9am - 9pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-093550

License Class/Type: A Retail - Liquor Store

Applicant: Andy Lee Liquor Inc.

Trade Name: New H Wine & Spirits

ANC: 6A01

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

914 H ST NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-076234

License Class/Type: A Retail - Liquor Store

Applicant: Kartik, Inc.

Trade Name: New York Liquors

ANC: 6A06

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

1447 MARYLAND AVE NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-088531 License Class/Type: A Retail - Liquor Store

Applicant: Oasis Liquor, Inc. Trade Name: Oasis Market

ANC: 6C06

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

1179 3RD ST NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-096628

License Class/Type: A Retail - Liquor Store

Applicant: Aki Muller & Eyob, LLC

Trade Name: Ocean Front Liquors

ANC: 8D04

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

4682 MARTIN LUTHER KING JR AVE SW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 11 pm	9 am -11 pm
Monday:	9 am - 11 pm	9 am - 11 pm
Tuesday:	9 am - 11 pm	9 am - 11 pm
Wednesday:	9 am - 11 pm	9 am - 11 pm
Thursday:	9 am - 11 pm	9 am - 11 pm
Friday:	9 am - 11 pm	9 am - 11 pm
Saturday:	9 am - 11 pm	9 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060242 License Class/Type: A Retail - Liquor Store

Applicant: Venus Indo Services, Inc. Trade Name: Pan Mar Liquors

ANC: 2B06

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

1926 I ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-082079

License Class/Type: A Retail - Liquor Store

Applicant: SJ, Inc.

Trade Name: Pearson's Liquor Annex

ANC: 3B02

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

2436 Wisconsin AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-094079 License Class/Type: A Retail - Liquor Store

Applicant: JINJUNG WINE & SPRITS INC

Trade Name: Penn Branch Liquor ANC: 7B04

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

3228 PENNSYLVANIA AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-093868

License Class/Type: A Retail - Liquor Store

Applicant: Premier Wines, LLC

Trade Name: Premier Wines (Online Only)

ANC: 5C02

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

2414 DOUGLAS ST NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 8 pm	8 am -8 pm
Monday:	8 am - 8 pm	8 am - 8 pm
Tuesday:	8 am - 8 pm	8 am - 8 pm
Wednesday:	8 am - 8 pm	8 am - 8 pm
Thursday:	8 am - 8 pm	8 am - 8 pm
Friday:	8 am - 8 pm	8 am - 8 pm
Saturday:	8 am - 8 pm	8 am - 8 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060822 License Class/Type: A Retail - Liquor Store
Applicant: Yi Kheng Ung Liquors, LLC Trade Name: Rose's Liquor
ANC: 5D06

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

830 BLADENSBURG RD NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-009122

License Class/Type: A Retail - Liquor Store

Applicant: Watson Deli, Inc.

Trade Name: S & J Liquors

ANC: 6B10

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

1500 MASSACHUSETTS AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-072300

License Class/Type: A Retail - Liquor Store

Applicant: Kochhar, Inc.

Trade Name: S&S Liquors

ANC: 4B02

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

6925 4TH ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-070948 License Class/Type: A Retail - Liquor Store
Applicant: JCP Liquors, Inc. Trade Name: Seymours Liquors
ANC: 7E06

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

5581 CENTRAL AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060659

License Class/Type: A Retail - Liquor Store

Applicant: Lucky Time Liquors, LLC

Trade Name: Shulman Liquors

ANC: 6D06

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

1550 1ST ST SW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-078204 License Class/Type: A Retail - Liquor Store

Applicant: Skip's Liquors, LLC Trade Name: Skip's Liquors

ANC: 7C05

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

405 61ST ST NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 AM - 12 AM	9 AM -12 AM
Monday:	9 AM - 12 AM	9 AM - 12 AM
Tuesday:	9 AM - 12 AM	9 AM - 12 AM
Wednesday:	9 AM - 12 AM	9 AM - 12 AM
Thursday:	9 AM - 12 AM	9 AM - 12 AM
Friday:	9 AM - 12 AM	9 AM - 12 AM
Saturday:	9 AM - 12 AM	9 AM - 12 AM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-070310

License Class/Type: A Retail - Liquor Store

Applicant: Sunami, LLC

Trade Name: Sportsman Wine And Liquors

ANC: 1D04

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

3249 MT PLEASANT ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-095926 License Class/Type: A Retail - Liquor Store
Applicant: T Jiya Sohal Corporation Trade Name: Sunset Wine & Spirit
ANC: 5E06

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

1627 1ST ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	12pm - 6pm	12pm -6pm
Monday:	10am - 10pm	10am - 10pm
Tuesday:	10am - 10pm	10am - 10pm
Wednesday:	10am - 10pm	10am - 10pm
Thursday:	10am - 10pm	10am - 10pm
Friday:	10am - 11pm	10am - 11pm
Saturday:	10am - 11pm	10am - 11pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060821

License Class/Type: A Retail - Liquor Store

Applicant: Lucy Enterprises, Inc

Trade Name: Tenley Market/Liquor

ANC: 3E05

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

4326 WISCONSIN AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5:30 am - 12 am	7 am -12 am
Monday:	5:30 am - 12 am	7 am - 12 am
Tuesday:	5:30 am - 12 am	7 am - 12 am
Wednesday:	5:30 am - 12 am	7 am - 12 am
Thursday:	5:30 am - 12 am	7 am - 12 am
Friday:	5:30 am - 12 am	7 am - 12 am
Saturday:	5:30 am - 12 am	7 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-087537 License Class/Type: A Retail - Liquor Store
Applicant: Wine Specialist Store, LLC Trade Name: The Wine Specialist
ANC: 2B06

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

1133 20th ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	CLOSED -	CLOSED -
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 9 pm	9 am - 9 pm
Saturday:	9 am - 9 pm	9 am - 9 pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-021972 License Class/Type: A Retail - Liquor Store
Applicant: Three Way Liquors, Inc. Trade Name: Three Way Liquors Inc
ANC: 4D06

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

4823 GEORGIA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-077663

License Class/Type: A Retail - Liquor Store

Applicant: Promise, Inc.

Trade Name: Tunnel Fine Wines & Spirit

ANC: 6E07

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

311 H ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	Closed - Closed	Closed -Closed
Monday:	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	12 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am
Friday:	10 am - 12 am	10 am - 12 am
Saturday:	10 am - 12 am	10 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-085918

License Class/Type: A Retail - Liquor Store

Applicant: Eun & Peter, Inc.

Trade Name: Uncle Lee's Seafood

ANC: 7C04

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

1102 EASTERN AVE NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7:00am - 12:00am	7:00am - 12:00am
Monday:	7:00am - 12:00am	7:00am - 12:00am
Tuesday:	7:00am - 12:00am	7:00am - 12:00am
Wednesday:	7:00am - 12:00am	7:00am - 12:00am
Thursday:	7:00am - 12:00am	7:00am - 12:00am
Friday:	7:00am - 12:00am	7:00am - 12:00am
Saturday:	7:00am - 12:00am	7:00am - 12:00am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-085918

License Class/Type: A Retail - Liquor Store

Applicant: Eun & Peter, Inc.

Trade Name: Uncle Lee's Seafood

ANC: 7C04

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

1102 EASTERN AVE NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7:00am - 12:00am	7:00am - 12:00am
Monday:	7:00am - 12:00am	7:00am - 12:00am
Tuesday:	7:00am - 12:00am	7:00am - 12:00am
Wednesday:	7:00am - 12:00am	7:00am - 12:00am
Thursday:	7:00am - 12:00am	7:00am - 12:00am
Friday:	7:00am - 12:00am	7:00am - 12:00am
Saturday:	7:00am - 12:00am	7:00am - 12:00am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

****Re-advertise**

Notice is hereby given that:

License Number: ABRA-013855 License Class/Type: A Retail - Liquor Store

Applicant: Union Wine & Liquor, Inc. Trade Name: Union Wine & Liquor

ANC: 6C04

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

50 MASSACHUSETTS AVE NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	12 pm - 8 pm	12 pm -8 pm
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	10 am - 9 pm	10 am - 9 pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

****Rescind**

Notice is hereby given that:

License Number: ABRA-013855 License Class/Type: A Retail - Liquor Store
Applicant: Union Wine & Liquor, Inc. Trade Name: Union Wine & Liquor
ANC: 6C04

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

50 MASSACHUSETTS AVE NE

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

5/18/2015

A HEARING WILL BE HELD ON:

6/1/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	12 pm - 8 pm	12 pm -8 pm
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	10 am - 9 pm	10 am - 9 pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-072213 License Class/Type: A Retail - Liquor Store
Applicant: Universal Daruwala, LLC Trade Name: Universal Liquors
ANC: 2B01

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

2018 FLORIDA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-088173

License Class/Type: A Retail - Liquor Store

Applicant: 6220 Georgia LLC

Trade Name: Victor Liquors

ANC: 4A04

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

6220 GEORGIA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am -12 am
Monday:	9am - 12am	9am - 12am
Tuesday:	9am - 12am	9am - 12am
Wednesday:	9am - 12am	9am - 12am
Thursday:	9am - 12am	9am - 12am
Friday:	9am - 12am	9am - 12am
Saturday:	9am - 12am	9am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-074663 License Class/Type: A Retail - Liquor Store

Applicant: Hwan P. Eun Trade Name: West End Market

ANC: 2A03

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

2424 PENNSYLVANIA AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 10 pm	9 am -10 pm
Monday:	8 am - 12 am	9 am - 12 am
Tuesday:	8 am - 12 am	9 am - 12 am
Wednesday:	8 am - 12 am	9 am - 12 am
Thursday:	8 am - 12 am	9 am - 12 am
Friday:	8 am - 12 am	9 am - 12 am
Saturday:	8 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-096780

License Class/Type: A Retail - Liquor Store

Applicant: Hugomar, LLC

Trade Name: Wide World Of Wines

ANC: 3B02

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

2201 WISCONSIN AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 5 pm	10 am -5 pm
Monday:	10 am - 9 pm	10 am - 9 pm
Tuesday:	10 am - 9 pm	10 am - 9 pm
Wednesday:	10 am - 9 pm	10 am - 9 pm
Thursday:	10 am - 9 pm	10 am - 9 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

****Re-advertise**

Notice is hereby given that:

License Number: ABRA-080559 License Class/Type: A Retail - Liquor Store

Applicant: Brentwood Road Beverages, LLC

Trade Name: Woodridge Vet's Liquors ANC: 5B03

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

1358 BRENTWOOD RD NE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

**** Rescind**

Notice is hereby given that:

License Number: ABRA-080559

License Class/Type: A Retail - Liquor Store

Applicant: Brentwood Road Beverages, LLC

ANC: 5B03

Trade Name: Woodridge Vet's Liquors

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

1358 BRENTWOOD RD NE

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

5/18/2015

A HEARING WILL BE HELD ON:

6/1/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-094605 License Class/Type: A Retail - Liquor Store
Applicant: RMG, Inc. Trade Name: World Wine and Spirits
ANC: 6B06

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

1453 PENNSYLVANIA AVE SE

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 10 pm	10 am -10 pm
Monday:	10 am - 10 pm	10 am - 10 pm
Tuesday:	10 am - 10 pm	10 am - 10 pm
Wednesday:	10 am - 10 pm	10 am - 10 pm
Thursday:	10 am - 10 pm	10 am - 10 pm
Friday:	10 am - 11 pm	10 am - 11 pm
Saturday:	10 am - 11 pm	10 am - 11 pm

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-089730 License Class/Type: A Retail - Liquor Store

Applicant: Federal Spirits ANC: 2B05

Trade Name: FEDERAL SPIRITS-OFF PREMISES STORAGE UNIT PERMIT

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

1629 K ST NW, STE# #300

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	CLOSED - CLOSE	CLOSED -CLOSED
Monday:	9am - 9pm	9am - 9pm
Tuesday:	9am - 9pm	9am - 9pm
Wednesday:	9am - 9pm	9am - 9pm
Thursday:	9am - 9pm	9am - 9pm
Friday:	9am - 9pm	9am - 9pm
Saturday:	9am - 9pm	9am - 9pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-088121

License Class/Type: A Retail - Liquor Store

Applicant: A & P Liquors, LLC

Trade Name: Crown Liquors

ANC: 2B06

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

1325 Connecticut AVE NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 10pm	9 am -10pm
Monday:	9 am - 10pm	9 am - 10pm
Tuesday:	9 am - 10pm	9 am - 10pm
Wednesday:	9 am - 10pm	9 am - 10pm
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-000023

License Class/Type: A Retail - Liquor Store

Applicant: Don Ho Inc

Trade Name: District Liquors

ANC: 2F07

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

1211 11TH ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

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

ENDORSEMENTS: Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

4/17/2015

Notice is hereby given that:

License Number: ABRA-060716

License Class/Type: A Retail - Liquor Store

Applicant: S. R. Brothers, Inc.

Trade Name: S & R Liquors

ANC: 2B06

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

1015 18th ST NW

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

6/1/2015

A HEARING WILL BE HELD ON:

6/15/2015

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	10 am - 8 pm	10 am - 8 pm
Tuesday:	10 am - 8 pm	10 am - 8 pm
Wednesday:	10 am - 8 pm	10 am - 8 pm
Thursday:	10 am - 8 pm	10 am - 8 pm
Friday:	10 am - 8 pm	10 am - 8 pm
Saturday:	10 am - 6 pm	10 am - 6 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 17, 2015
Petition Date: June 1, 2015
Hearing Date: June 15, 2015

License No.: ABRA-089933
Licensee: Tekleab H. Habtu
Trade Name: Kokeb Ethiopian Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 3013 Georgia Avenue, N.W.
Contact: Tekleab H. Habtu: 202-450-6931

WARD 1 ANC 1A SMD 1A10

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests an Entertainment Endorsement to allow live singing performances.

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

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

PROPOSED HOURS OF LIVE ENTERTAINMENT BEGINNING AFTER 6:00 PM

Friday through Saturday 10 pm - 3 am & Sunday 10 pm - 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: April 17, 2015
Petition Date: June 01, 2015
Roll Call Hearing Date: June 15, 2015
Protest Hearing Date: August 12, 2015

License No.: ABRA-098505
Licensee: Creative Consolidation LLC
Trade Name: Masseria
License Class: Retailer's Class "C" Restaurant
Address: 1340 4th Street, N.E.
Contact: Andrew Kline: 202-686-7600

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on August 12, 2015 at 1:30 pm.

NATURE OF OPERATION

Full-service restaurant serving Italian cuisine. No nude performances. No entertainment. No dancing. Total Occupancy Load of 99, Summer Garden with 32 seats.

HOURS OF OPERATION OF PREMISES AND SUMMER GARDEN

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

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

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

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

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

License No.: ABRA-098603
Licensee: Green T. Group II, Inc.
Trade Name: Sala Thai
License Class: Retailer's Class "C" Restaurant
Address: 4020 Minnesota Avenue, N.E., #118
Contact: Chrissie Chang: 703-992-3994

WARD 7

ANC 7F

SMD 7F01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for August 12, 2015 at 1:30 pm.

NATURE OF OPERATION

A restaurant with authentic Thai & Asian Cuisine. Entertainment includes taped background music and live jazz on Friday & Saturday nights only. No dancing. Total number of seats is 99 and the total occupancy load is 102. Summer Garden with seating for 24.

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

Sunday through Thursday 11am – 12am, Friday and Saturday 11am – 3am

HOURS OF LIVE ENTERTAINMENT

Friday through Saturday 7pm – 10pm

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

Sunday through Saturday 11am – 12am

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

Posting Date: April 17, 2015
Petition Date: June 1, 2015
Hearing Date: June 15, 2015

License No.: ABRA-060455
Licensee: 1610 Restaurant, LLC
Trade Name: Stetson's
License Class: Retailer's Class "C" Tavern
Address: 1610 U Street, N.W.
Contact: Thomas B. Osborne: 202-667-6295

WARD 2

ANC 2B

SMD 2B08

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Change of Hours for live entertainment.

CURRENT HOURS OF LIVE ENTERTAINMENT

Wednesday 8 pm – 12 am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 6:30 pm – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION**

Posting Date: March 27, 2015
Petition Date: May 11, 2015
Roll Call Hearing Date: May 26, 2015
Protest Hearing Date: July 29, 2015

License No.: ABRA-097610
Licensee: Barcelona Cathedral LLC
Trade Name: To Be Determined
License Class: Retailer's Class "C" Restaurant
Address: 3336 Wisconsin Ave., N.W.
Contact: Jessica Farmer: 202-469-2222

WARD 3 ANC 3C SMD 3C07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on July 29, 2015 at 1:30 pm.

NATURE OF OPERATION

Full-service restaurant featuring Spanish and Mediterranean food, tapas, and wines by the glass. Total Occupancy Load of 225, inside seating to be determined. **SIDEWALK CAFE with seating for 36. Entertainment Endorsement to include occasional guitar or DJ music after 9pm. No dancing.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11am - 1am, Friday and Saturday 11am - 2am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Thursday 9pm - 1am, Friday and Saturday 9pm - 2am

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

Sunday through Thursday 11am - 11pm, Friday and Saturday 11am - 12am

HOURS OF LIVE ENTERTAINMENT FOR SIDEWALK CAFE**

Sunday through Thursday 9pm - 11pm, Friday and Saturday 9pm - 12am

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

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated April 7, 2015 of DC Preparatory Academy Public Charter School’s request to amend its charter by increasing its enrollment ceiling. PCSB will hold a public hearing during the regularly scheduled board meeting on Monday, May 18, 2015 at 6:30pm. Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on Monday, June 15, 2015 at 6:30pm. For further information, please contact Ms. Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpcsb.org to submit public comment; public comments must be submitted on or before Monday, May 18, 2015.

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

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated April 9, 2015 of Potomac Preparatory Public Charter School’s request to amend its charter by changing its mission statement, goals, curriculum, and enrollment ceiling. PCSB will hold a public hearing during the regularly scheduled board meeting on Monday, May 18, 2015 at 6:30pm. Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on Monday, June 15, 2015 at 6:30pm. For further information, please contact Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpcsb.org to submit public comment; public comments must be submitted on or before Monday, May 18, 2015.

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

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated April 9, 2015 of William E. Doar, Jr. Public Charter School’s request to amend its charter by changing its mission statement and curriculum. PCSB will hold a public hearing during the regularly scheduled board meeting on Monday, May 18, 2015 at 6:30pm. Subsequently, PCSB will hold a vote on the matter during the regularly scheduled board meeting on Monday, June 15, 2015 at 6:30pm. For further information, please contact Laterica Quinn, Equity and Fidelity Specialist, at 202-328-2660. Please contact 202-328-2660 or email public.comment@dcpsb.org to submit public comment; public comments must be submitted on or before Monday, May 18, 2015.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JUNE 9, 2015
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD FIVE

19004
ANC-5D **Application of 1933 Montana Ave LLC**, pursuant to 11 DCMR § 3104.1, for special exceptions from the number of parking spaces requirements under § 2108.2, the accessory parking space location requirements under § 2116.7, and the parking space accessibility requirements under § 2117.4, to allow a new medical office use in the R-4 District at the southeast corner of 16th Street N.E. and Oates Street N.E. (Square 4073, Lots 52 and 803).

WARD EIGHT

19005
ANC-8A **Application of Jason H Yoon**, pursuant to 11 DCMR § 3104.1, for special exceptions from the number of parking spaces requirements under § 2108.2, and the accessory parking space location requirements under § 2116.7, to allow a new medical office use in the C-2-A District at premises 2345 Martin Luther King Jr. Avenue S.E. (Square 5790, Lot 40).

WARD THREE

19006
ANC-3E **Application of The District of Columbia**, pursuant to 11 DCMR § 3104.1, for a special exception from the new rooftop mechanical equipment requirements under § 411.11 (as per § 411.6), to allow the installation of an HVAC unit on a rooftop without screening in the R-1-B and C-3-A Districts at premises 4130 Albemarle Street N.W. (Square 1729, Lot 808).

WARD FIVE

19007
ANC-5E **Application of Jonathan and Jessica Leonard**, pursuant to 11 DCMR § 3103.2, for variances from the limitation on the number of stories requirements under § 400.1, the minimum lot area requirements under § 401.3, and the lot occupancy requirements under § 403.2, to allow the continued use of a flat in the R-4 District at premises 18 T Street N.E. (Square 3509, Lot 43).

BZA PUBLIC HEARING NOTICE

JUNE 9, 2015

PAGE NO. 2

WARD FOUR

19011 **Application of Gabriel, LLC**, pursuant to 11 DCMR § 3104.1, for a special
ANC-4C exception from the new residential developments requirements under § 353, to
allow the construction of a new three-story, seven-unit apartment house in the R-
5-A District at premises 129 Varnum Street N.W. (Square 3321, Lots 10 and 11).

**THIS CASE WAS POSTPONED AT THE APPLICANT'S REQUEST FROM THE
PUBLIC HEARING OF APRIL 21, 2015:**

WARD THREE

18983 **Application of Carrie and Phong Trieu**, pursuant to 11 DCMR §§ 3103.2
ANC-3D and 3104.1, for variances from the off-street parking requirements under §
2101.1, and the use requirements under § 3103.6, and special exceptions from the
building lot control requirements under §§ 2516.1 and 2516.4, to construct a
second principal structure in the R-1-B District at premises 5236 Sherrier Place,
N.W. (Square 1415, Lot 85).

PLEASE NOTE:

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

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

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

BZA PUBLIC HEARING NOTICE

JUNE 9, 2015

PAGE NO. 3

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.

LLOYD J. JORDAN, CHAIRMAN, MARNIQUE Y. HEATH, VICE CHAIRPERSON, JEFFREY L. HINKLE, ONE BOARD SEAT VACANT, AND A MEMBER OF THE ZONING COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

OFFICE OF TAX AND REVENUE**NOTICE OF FINAL RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-2023 (2012 Repl.); Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2014 Repl.)); and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 4 (Sales And Use Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR), by adding Sections 423-429.

Sections 423-429 provide guidance regarding the collection of tax on the newly taxable services of bottled water delivery, bowling alleys and billiard parlors, car washing, carpet and upholstery cleaning, health-clubs, the storage of household goods, and tanning. The guidance in this rulemaking is necessary to provide clarity to taxpayers attempting to comply with District sales and use tax statutes and would aid in the fair and efficient administration of District laws.

A version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on August 29, 2014 at 61 DCR 08973. Due consideration was given to public comments received regarding the proposed changes. In light of public comments, a change was made to the health-club services regulation to clarify the taxation of personal training.

This rule was adopted as final on April 9, 2015, and will take effect upon publication of this notice in the *D.C. Register*.

Chapter 4, SALES AND USE TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended to add the following sections as follows:

423 BOTTLED WATER DELIVERY SERVICE

423.1 The sale by a bottled water delivery service of bottled water by the gallon generally for use with and to be dispensed from a water cooler or similar type of water dispenser is subject to sales tax.

423.2 Persons operating a bottled water delivery service business must report and pay the sales tax on the gross proceeds derived from that business. A security deposit is not part of the taxable purchase price.

424 BOWLING ALLEY OR A BILLIARD PARLOR SERVICE

424.1 The sale of or charge for the service of a bowling alley or a billiard parlor is subject to sales tax.

- 424.2 The total amount charged for bowling is subject to tax. Taxable receipts for bowling shall include all fees or charges, including entry fees and league fees.
- 424.3 Bowling balls, shoes and other equipment are exempt from tax when sold as sales for resale to the provider of the service of a bowling alley. The tax applies to sales at retail and rentals of such property to customers and must be collected and remitted by the provider.
- 424.4 The total amount charged for billiards is subject to tax, including charges for coin-operated pool tables. Taxable receipts for participation in billiards shall include all fees or charges for billiards, whether by the game, by the hour, or by other measure.
- 424.5 The entire bundled charge for both taxable bowling alley or a billiard parlor services and nontaxable services will be presumed taxable if a primary purpose of the transaction is the sale of the taxable bowling alley or a billiard parlor services. The presumption may be overcome by the services provider at the time of the transaction by separately stating to the customer a reasonable charge for the taxable services. The service provider's books must support the apportionment between taxable and nontaxable services based on the cost of providing the service or on a comparison to the normal charge for each service if provided alone. If the charge for nontaxable services is unreasonable when considering the cost of providing the service or a comparable charge made in the industry for each service, the DCFO will adjust the charges and assess additional tax, penalty, and interest on the taxable services.
- 424.6 For purposes of this section:
- (a) "Billiards" means the game of striking balls on a cloth-covered table with a cue stick, whether by the game or by the hour.
 - (b) "Bowling" means the game of rolling a ball down an alley to knock down pins, including candle-pin, duck-pin, five-pin, and ten-pin bowling.
 - (c) "Service of a billiard parlor" means participation in billiards.
 - (d) "Service of a bowling alley" means participation in bowling, as an individual or as part of a league.

425 CAR WASHING SERVICES

- 425.1 The sale of or charge for the service of car washing, including cleaning, washing, waxing, polishing, or detailing an automotive vehicle is subject to sales tax.
- 425.2 The sale of or charge for self-service car washing is not subject to sales tax.

425.3 Persons operating places of business for the purpose of car washing must report and pay the sales tax measured by the gross proceeds derived from these services.

425.4 Materials such as cleaning fluids, wax, and other consumable supplies used in connection with the services of car washing are subject to the sales tax and the tax should be paid by the car wash purchasing such items. If the tax was not paid at the time of purchase of the items, those purchases must be reported to the District and a use tax paid on the amount of the purchases.

426 CARPET AND UPHOLSTERY CLEANING SERVICES

426.1 The sale of or charge for the service of carpet and upholstery cleaning, including the cleaning or dyeing of used rugs, carpets, or upholstery, or for rug repair is subject to sales tax.

426.2 Persons operating places of business for the purpose of carpet and upholstery cleaning must report and pay the sales tax measured by the gross proceeds derived from these services.

426.3 Materials such as thread and yarn which become an integral part of the rug, carpet, or upholstery subject to cleaning are exempt from tax when sold to the carpet and upholstery cleaners as sales for resale.

426.4 Materials such as detergents, cleaning fluids, and other consumable supplies used in connection with the services of carpet and upholstery cleaning are subject to the sales tax, and the tax should be paid by the cleaners purchasing such items. If the tax was not paid at the time of purchase of the items, those purchases must be reported to the District and a use tax paid on the amount of the purchases.

426.5 For purposes of this section, "carpet and upholstery cleaning" includes, but is not limited to:

- (a) Dry cleaning services for rugs;
- (b) Carpet, rug, or upholstery cleaning, dying, and repairing services, including carpet cleaning and repairing performed in commercial or residential structures;
- (c) Treating or applying protective chemicals to carpet, upholstery, or rugs; and
- (d) Binding and serging of area rugs.

427 HEALTH-CLUB SERVICES

427.1 The sale of or charge for the services of a health club subject to sales and use tax.

- 427.2 Health-club means a fitness club, fitness center, or gym the purpose of which is physical exercise, and includes the use of, access to, or membership to, an athletic club, fitness center, gym, recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities including swimming, skating, or racquet sports, or other facility for the purpose of physical exercise.
- 427.3 Charges for sale of or charge for the services of a health club include any amounts paid to participate, enter, use, or access the health club, including but not limited to membership dues, drop-in fees, and entrance fees.
- 427.4 Charges for the use of facilities for non-fitness-related purposes, including room rentals, or for other services or charges covered by a separate contract with the user, such as a lease or occupancy agreement, are not subject to tax.
- 427.5 As sales by nonprofit organizations are not granted a general sales tax exemption, sales by nonprofit organizations of the services of a health club will be subject to tax unless the purchaser holds a valid exemption or resale certificate.
- 427.6 Examples of taxable charges for health-club services include, but are not limited to:
- (a) A monthly membership to a fitness center to use and access the fitness center's strength training equipment.
 - (b) A daily entrance fee to a tennis club for access to the club's tennis courts.
 - (c) A charge for a multi-lesson pass to a yoga studio for access to classes with the studio's yoga instructors.
 - (d) A gate charge to recreational center for use of the recreation center's rock climbing area.
 - (e) A drop-in charge at gymnasium for participation in a group fitness class.
 - (f) A charge by a fitness center for personal training services performed at the fitness center by an employee of the fitness center.
- 427.7 Charges which do not constitute health-club services are not subject to sales tax. For example, if:
- (a) A business organizes a 'Get Fit Challenge' for its employees, charging each participating employee dues, the fees collected will not be subject to tax.

- (b) A gym charges fees for a lounge pool membership, where the lounge pool membership is not for physical exercise, such fee will not be subject to tax.
- (c) A spa charges clients for services which are not fitness-related, such fees will not be subject to tax.

427.8 Where a personal trainer is hired by an individual to perform fitness related services outside of a health club, the fees collected will not be subject to tax.

427.9 Whether acting as an employee or independent contractor, when a personal trainer is hired to perform fitness related services at a health club, regardless of who owns the health club, any fees collected will be subject to tax.

427.10 The entire bundled charge for both taxable health-club services and nontaxable services will be presumed taxable if a primary purpose of the transaction is the sale of the taxable health-club services.

- (a) This presumption may be overcome by the health-club services provider at the time of the transaction by separately stating to the customer a reasonable charge for the taxable services.
- (b) The service provider's books must support the apportionment between taxable and nontaxable services based on the cost of providing the service or on a comparison to the normal charge for each service if provided alone.
- (c) If the charge for nontaxable services is unreasonable when considering the cost of providing the service or a comparable charge made in the industry for each service, the Deputy Chief Financial Officer will adjust the charges and assess additional tax, penalty, and interest on the taxable services.

428 SERVICE OF STORAGE OF HOUSEHOLD GOODS

428.1 The sale of or charge for the service of the storage of household goods through renting or leasing space for self-storage, including rooms, compartments, lockers, containers, or outdoor space, except general merchandise warehousing and storage and coin-operated lockers, are subject to sales and use tax.

428.2 The total amount charged for providing service of the storage of household goods is subject to tax. Charges associated with the cost of service of the storage of household goods, such as utilities, insurance, pick-up, delivery, locks or keys, are part of the taxable purchase price. Charges that the facility incurs as a result of a tenant who fails to pay including, but not limited to, auction fees and cut-lock fees

are not part of the taxable purchase price. A security deposit is not part of the taxable purchase price unless it is converted into a rental payment.

428.3 “Household goods” means tangible personal property, including goods and products, used within households. “Household goods” include, but are not limited to, consumer electronics, appliances, tools, housewares, and home furnishings.

428.4 The following are examples of taxable storage of household goods:

- (a) Rental of storage lockers or storage units in apartment complexes if the locker or unit is utilized at the option of a tenant upon payment of a fee in addition to the apartment rental; and
- (b) Rental of a storage unit for the purpose of storing household goods in which the consumer customarily stores and removes the consumer's household goods on a self-service basis.

428.5 The following are examples of services which are not taxable storage of household goods:

- (a) General warehousing and storage, where the warehouse is engaged in the operation of receiving, handling, and storing property for others using the warehouse's staff and equipment, and does not allow the consumer of the service separate access to the storage area used to hold the property;
- (b) Monthly rental amounts for indoor storage of a boat during the winter months.

429 TANNING SERVICES

429.1 The sale of or charge for tanning services are subject to sales and use tax.

429.2 Tanning services means providing individuals a manmade tan, including sun tanning and spray tanning, whether or not assisted by an employee of the tanning business.

429.3 Charges for tanning services include any amounts paid for the tanning service, including but not limited to monthly membership fees and appointment fees.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2015-113
April 8, 2015

SUBJECT: Delegation of Authority to the Director of the Department of General Services to Convey an Easement to the District of Columbia Water and Sewer Authority (Okie Street)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2014 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services (DGS) is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 4093, Lot 0019 in the District of Columbia (the "**Property**"), for the purpose of installing a subterranean tunnel, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-114
April 8, 2015

SUBJECT: Delegation of Authority to the Director of the Department of General Services to Convey an Easement to the District of Columbia Water and Sewer Authority (W Street)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2014 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services (DGS) is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 4107, Lot 0239 and Square 4107, Lot 0240 in the District of Columbia (the "**Property**"), for the purpose of installing a subterranean tunnel, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL E. BOWSER
MAYOR

ATTEST:


LAUREN C. VAUGHAN
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-115
April 8, 2015

SUBJECT: Delegation of Authority to the Director of the Department of General Services to Convey an Easement to the District of Columbia Water and Sewer Authority (Hamlin Street NE)


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2014 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services (DGS) is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 4210, Lot 825, with an address of 1801 Hamlin Street, NE, in the District of Columbia (the "**Property**"), for the purpose of providing water and sewer service to the Property, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL E. BOWSER
 MAYOR

ATTEST: 

 LAUREN C. VAUGHAN
 ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

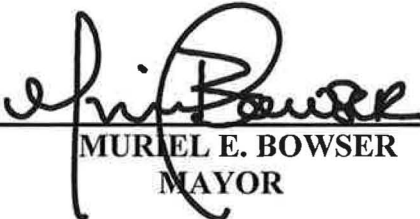
Mayor's Order 2015-116
April 8, 2015

SUBJECT: Delegation of Authority to the Director of the Department of General Services to Convey an Easement to the District of Columbia Water and Sewer Authority (WV Avenue)


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2014 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of General Services (DGS) is delegated the authority to execute and convey an easement to the District of Columbia Water and Sewer Authority for use of the property located in Square 4092, Lot 0809 in the District of Columbia (the "**Property**"), for the purpose of installing a subterranean tunnel, and all other documents necessary to effectuate the right to use the Property.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, APRIL 22, 2015
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Protest Hearing (Status) Case # 14-PRO-00100; Bistro, Inc., t/a Bistro Bistro, 1727 Connecticut Ave NW, License #81479, Retailer CT, ANC 2B Substantial Change (Sidewalk Café and Eight Seats)	9:30 AM
Show Cause Hearing (Status) Case # 14-251-00308; Superclub Ibiza, LLC, t/a Ibiza, 1222 First Street NE License #74456, Retailer CN, ANC 6C Failed to Follow Security Plan, Interfered with an Investigation	9:30 AM
Show Cause Hearing (Status) Case # 14-AUD-00077; Kookoovaya, Inc., t/a We, the Pizza, 305 Pennsylvania Ave SE, License #82062, Retailer CR, ANC 6B Failed to File Quarterly Statements (2nd Quarter 2014)	9:30 AM
Show Cause Hearing (Status) Case # 14-CMP-00473; Restaurant Enterprises, Inc., t/a Smith Point, 1338 Wisconsin Ave NW, License #60131, Retailer CT, ANC 2E Provided Entertainment Without an Entertainment Endorsement	9:30 AM
Show Cause Hearing (Status) Case # 14-CMP-00682; Mimi and D, LLC, t/a Vita Restaurant & Lounge 1318 9th Street NW, License #86037, Retailer CT, ANC 2F Violation of Settlement Agreement	9:30 AM

Board's Calendar

April 22, 2015

Show Cause Hearing (Status) 9:30 AM

Case # 14-CC-00170; Cities, LLC, t/a Cities, 919 19th Street NW, License #86319, Retailer CR, ANC 2B

Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

Show Cause Hearing (Status) 9:30 AM

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

Sold Go-Cups

Fact Finding Hearing 9:30 AM

Temporary License Application, Event: Living Classrooms Foundation, Date of Event: April 25, 2015, Applicant: Curry A. Bryant
Neighborhood: 3100 Benning Road NE

Fact Finding Hearing 9:30 AM

Temporary License Application, Event: The Gathering Project, Date of Event: April 25, 2015 , Applicant: Che Juan Gonzales Ruddel Tabisola
Neighborhood: 1000 L Street

Fact Finding Hearing* 9:30 AM

Fast Trip, LLC, t/a Bistro on U Street, 926 U Street NW, License #98081
Retailer CT, ANC 1B

Application for a New License

Show Cause Hearing* 10:00 AM

Case # 14-CMP-00677; Sizzling Express-Columbia Plaza, Inc., t/a Sizzling Express, 538 23rd Street NW, License #60396, Retailer CR, ANC 2A

Failed to File Quarterly Statements (2nd Quarter 2014)

Show Cause Hearing* 11:00 AM

Case # 14-AUD-00106; Chateau, Inc., t/a Chateau, 3439 Benning Road NE
License #10574, Retailer CR, ANC 7D

Failed to Maintain Books and Records

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Board's Calendar
April 22, 2015

Protest Hearing*

1:30 PM

**Case # 14-PRO-00101 and 14-PRO-00099; A And A, LLC, t/a Georgia Line
Convenience Store, 5125 Georgia Ave NW, License #91196, Retailer B
ANC 4D**

**Application to Renew the License, Petition to Amend or Terminate the
Settlement Agreement**

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

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

**NOTICE OF MEETING
CANCELLATION AGENDA**

**WEDNESDAY, APRIL 22, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-072654 – **El Sauce Restaurant & Carry-Out** – Retail – D – Restaurant – 1227 77th
STREET NW

[Licensee has requested Cancellation of License.]

ABRA-021784 – **New Orleans Cafe** – Retail – C – Restaurant – 2412 18th STREET NW

[Licensee has requested Cancellation of License, as the Establishment has closed.]

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, APRIL 22, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On April 22, 2015 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#15-CMP-00135 Rosebar, 1215 CONNECTICUT AVE NW Retailer C Tavern,
License#: ABRA-077883

2. Case#15-251-00058 Vegas Lounge, 1415 P ST NW Retailer C Nightclub, License#: ABRA-001273

3. Case#15-251-00060 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub,
License#: ABRA-082005

4. Case#15-CMP-00137 Pesce, 2002 P ST NW Retailer C Restaurant, License#: ABRA-082212

5. Case#14-CMP-00789 Hill Country, 410 7TH ST NW Retailer C Restaurant, License#:
ABRA-083696

6. Case#14-CMP-00737 Taste, 1812 Hamlin ST NE Retailer C Tavern, License#: ABRA-086011

7. Case#15-CMP-00064 Boqueria, 1837 M ST NW Retailer C Restaurant, License#: ABRA-087794

8. Case#15-CMP-00184 Hotel Palomar / Urbana Restaurant and Wine Bar, 2121 P ST NW
Retailer C Hotel, License#:ABRA-089087

9. Case#15-CMP-00059 Red Apron Butchery/ The Partisan, 709 D ST NW Retailer C Restaurant, License#:ABRA-090742

10. Case#15-251-00059 RedRocks, 1348 H ST NE Retailer C Restaurant, License#: ABRA-090997

11. Case#15-CMP-00138 Sticky Fingers Sweets & Eats DC, 1370 PARK RD NW Retailer C Restaurant, License#:ABRA-091395

12. Case#15-CMP-00140 India Gate, 2020 P ST NW Retailer C Restaurant, License#: ABRA-095030

13. Case#15-CMP-00139 After Peacock Room, 2622 P ST NW Retailer C Restaurant, License#: ABRA-095964

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, APRIL 22, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Letter of Concern regarding Tico's Substantial Change Request, dated April 6, 2015, submitted by Joan Sterling, President, on behalf of the Shaw Dupont Citizens Alliance, Inc. *Tico*, 1926 14th Street, NW, Retailer Class CR, License No. 093610.
-

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, APRIL 22, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Safekeeping of License – Original Request. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Tackle Box**, 3245 M Street NW, Retailer CR, License No. 084952.

2. Review Application for New C Tavern with Sidewalk Café and Wine Pub. ANC 5E. SMD 5E06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **To Be Determined (Basque Bar LLC)**, 300 Florida Avenue NW, Retailer CT, License No. 098528.

3. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Monday-Thursday 10am to 9pm, Friday-Saturday 10am to 10pm. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 7am to 12am. ANC 6B. SMD 6B03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Chat's Liquors**, 503 8th Street SE, Retailer A Liquor Store, License No. 000200.

4. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Saturday-Sunday 9am to 10:30pm, Monday-Friday 9am to 9:30pm. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 9am to 12am. ANC 8E. SMD 8E06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Wheeler Liquors**, 4137 Wheeler Road SE, Retailer A Liquor Store, License No. 088122.

5. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 9am to 9pm. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 7am to 12am. ANC 8A. SMD 8A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Minnesota Liquors**, 2237 Minnesota Avenue SE, Retailer A Liquor Store, License No. 000222.

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6. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday 11am to 7pm, Monday-Saturday 10am to 7pm. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Monday-Saturday 10am to 7pm. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday 11am to 7pm, Monday-Saturday 10am to 7pm. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **New Da Hsin Trading, Inc**, 811 7th Street NW, Retailer A Liquor Store, License No. 023501.
-
7. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Premises:** Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Cafe:** Sunday-Saturday 11:30am to 11:30pm. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Premises and Sidewalk Cafe:** Sunday 9am to 2am, Monday-Thursday 11am to 2am, Friday 11am to 3am, Saturday 9am to 3am. ANC 3C. SMD 3C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **New District Kitchen**, 2606 Connecticut Avenue NW, Retailer CR, License No. 087574.
-
8. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Monday-Thursday 9am to 9pm, Friday-Saturday 9am to 10pm. **Proposed Hours of Operation:** Monday-Thursday 7am to 12am, Friday-Saturday 7am to 1am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Monday-Saturday 7am to 12am. ANC 7B. SMD 7B03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Lee's Liquor**, 2339 Pennsylvania Avenue SE, Retailer A Liquor Store, License No. 095751.
-
9. Review Application for Entertainment Endorsement. Entertainment to Include live jazz or DJ and a saxophone player. ANC 6C. SMD 6C06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Hyatt Place Washington DC/US Capitol**, 33 New York Avenue NE, Retailer CH, License No. 095445.
-
10. Review Application for Entertainment Endorsement. Entertainment to Include live band music, DJs, and live broadcasting of local radio stations. ANC 1B. SMD 1B12. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Next Door Restaurant & Bar**, 1211 U Street NW, Retailer CT, License No. 077567.

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11. Review Request for Stipulated License with Letter of ANC Support. ANC 1B. SMD 1B02. *Bistro on U Street*, 926-928 U Street NW, Retailer CT, License No. 098081.
-
12. Review Request for Off-Site Storage of Liquor Invoices. ANC 1A. SMD 1A03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Acre 121*, 1400 Irving Street NW, Retailer CT, License No. 086384.
-
13. Review Request for Off-Site Storage of Liquor Invoices. ANC 1A. SMD 1A03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Lou's City Bar*, 1400 Irving Street NW, Retailer CT, License No. 086419.
-
14. Review Application for Manager's License. *Matthew J. Chubb*-ABRA 098601.
-
15. Review Application for Manager's License. *Samantha M. Cole*-ABRA 098164.
-
16. Review Application for Manager's License. *Michael D. Hertz*-ABRA 098350.
-
17. Review Application for Manager's License. *Rebecca L. Bray*-ABRA 098610.
-

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

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**REQUEST FOR QUOTES**

NETWORK SWITCHES: Carlos Rosario International Public Charter School is an adult education public charter school operating in the District of Columbia. CRIPCS is interested in the purchase and support of additional network switches for its Harvard campus. The following is the list of items needed:

- 3 Enterasys C5 48 Port 10/100/1000 4XSFP Switches
- 2 Enterasys C5 48 Port 10/100/1000 PoE- 4XSFP + 2X32G Switches
- 2 Extreme Networks AP3710i Dual Radio 3x3:3 Access Point with Mimo Integrated Antenna
- 1 Extreme Networks ExtremeWorks NBD Advanced Hardware Replacement for NAC-A-20
- 2 Extreme Networks 1 Year NBD AHR Support for WS-C25
- 1 Extreme Networks 27x7x365 E-Support for NMS-25
- 1 Extreme Networks 4 Hour Advanced Hardware Replacement for SSA-G8018-0652
- 1 Extreme Networks 4 Hour Advanced Hardware Replacement for S180
- 1 Extreme Networks 4 Hour Advanced Hardware Replacement for SSA-G80Extreme Networks 4 Year Advanced Hardware Replacement for 71K91L4-48

All quotes must be submitted no later than 5:00 pm Friday, April 24, 2015. For a full copy of the RFQ please contact Gwen Ellis, Business Manager at 202-797-4700 or gellis@carlosrosario.org; Subject: Interactive RFQ

BACKUP/DISASTER RECOVERY SYSTEM: Carlos Rosario International Public Charter School is an adult education public charter school operating in the District of Columbia. CRIPCS is seeking to replace its current backup/disaster recovery system. This system will support an enterprise level network with multiple VLANs, a mixed physical/virtual machine environment and two domains across two physical campus locations. The system must be presented as a turnkey system with, at a minimum, backup/recovery, de-duplication, offsite replication, cross site archiving, and bare metal restore (to different platforms) capability. A proven track record working within an educational environment and knowledge of educational pricing options is important. Responses are required by 5pm, Friday, April 24, 2015. For a full copy of the RFQ please contact Gwen Ellis, Business Manager at 202-797-4700 or gellis@carlosrosario.org; Subject: Backup/Recovery RFQ

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis

NOTICE OF MOTOR FUEL TAX REMAINS UNCHANGED IN THE
DISTRICT OF COLUMBIA EFFECTIVE APRIL 1, 2015

Pursuant to D.C. Official Code § 47-2301, the District is required to levy and collect a tax on motor vehicle fuels equal to 8 percent of the average wholesale price of a gallon of regular unleaded gasoline. The average wholesale price is to be calculated semi-annually and in no case shall the price computed be less than \$2.94. The computed average wholesale price should also not vary by more than 10 percent from the prior period's average price. The average wholesale price is computed by using the monthly Regular Gasoline Wholesale/Resale Price by Refiners provided by the Energy Information Administration for the Central Atlantic (PADD 1B) region for the six month periods ending in June and December each year.

For the six month period ending December 31, 2014, the computed average wholesale price of a gallon of gasoline was less than \$2.94. Accordingly, the tax, computed at 8 percent of the \$2.94 minimum price, remains at 23.5 cents per gallon for the period of April 1, 2015 through September 30, 2015.

**CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

Early Childhood - Middle School Natural Play Space

Creative Minds International Public Charter School invites proposals to design, procure equipment and materials for, and install an early childhood through middle school natural outdoor learning and play space that will cover 0.85 acres. Questions regarding this bid must be submitted in writing to James Lafferty-Furphy before the RFP deadline. Detailed bid specifications may be obtained by emailing james.lafferty-furphy@creativemindspcs.org.

Creative Minds International will receive bids until Friday, May 1, 2015 at 4:00 p.m. EDT

Proposal Submission

Your proposal must be received by email only no later than 4:00 p.m. EDT on Friday May 1, 2015 at the email address above. For more information regarding the school please see: www.creativemindspcs.org.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

Notice of Funding Availability

Fiscal Year 2016 21st Century Community Learning Centers Grant (ESEA Title IV, Part B)

CFDA: 84.287 and FAIN: S287C140008

Request for Application Release Date: Monday, May 18, 2015

Application Submission Deadline: Monday, July 20, 2015

Grant Award Notification (GAN) Estimated Release Date: Tuesday, August 18, 2015

The Division of Elementary, Secondary, and Specialized Education, within the Office of the State Superintendent of Education (OSSE), will be soliciting grant proposals from eligible District of Columbia agencies. These agencies are inclusive of local educational agency, community-based organization, another public or private entity, or a consortium of two (2) or more of such agencies, organizations, or entities that do not currently receive 21st Century Community Learning Centers (21st CCLC) grant funds in the District of Columbia. States must give priority to applications that are jointly submitted by a local educational agency and a community-based organization or other public or private entity.

The total funding available for 21st CCLC awards is Three Million, Seven Hundred and Seventy-Six Thousand, Five Hundred and Eighty-Nine Dollars and Eighty-Eight cents (\$3,776,589.88). The 21st CCLC grant award period will be from the date of the award to Friday, September 30, 2016. Successful applicants will be funded for two (2) additional years subject to funding availability.

The purpose of the 21st CCLC program is to establish or expand community learning centers that provide students with academic enrichment opportunities along with activities designed to complement the students' regular academic program. Along with student opportunities, 21st CCLC offers the students' families literacy and related educational development. 21st CCLC programs, which can be located in elementary schools, secondary schools, or other similarly accessible facilities, provide a range of high-quality services to support student learning and development. At the same time, centers help working parents by providing a safe environment for students during non-school hours or periods when school is not in session.

Authorized under Title IV, Part B, of the Elementary and Secondary Education Act (ESEA), as amended, the law's specific purposes are to:

- provide opportunities for academic enrichment, including providing tutorial services to help students (particularly students in high-poverty areas and those who attend low-performing schools) meet State and local student performance standards in core academic subjects such as reading and mathematics;
- offer students a broad array of additional services, programs, and activities, such as youth development activities; drug and violence prevention programs; counseling programs; art, music, and recreation programs; technology education programs; and character education programs that are designed to reinforce and complement the regular academic program of participating students; and
- offer families of students served by community learning centers opportunities for literacy and related educational development.

Program costs must be paid, not merely incurred, by the awardee to the payee prior to requesting reimbursement. All awards will be reviewed annually for consideration of continued funding. To receive more information or for a copy of the Request for Applications (RFA), please contact:

Sheryl Hamilton
Office of the State Superintendent of Education
810 First Street, NE, 8th Floor
Washington, D.C. 20002
Telephone: (202) 741-6404
Email: 21stcclc.info@dc.gov

Organizations interested in applying for 21st CCLC may use the following link to access OSSE's online Enterprise Grants Management System (EGMS): <https://osse.mtwgms.org/wdcossegmsweb/logon.aspx>. Applicants will need to create an EGMS username and password to access the 21st CCLC application. The RFA and application submission guidance will also be available on OSSE's 21st CCLC webpage at <http://osse.dc.gov/service/title-iv-part-b-21st-century-community-learning-centers>. **Applications must be submitted by Monday, July 20, 2015 at 5:00 PM Eastern Standard Time in order to be eligible for review.** A review panel will be convened to review, score, and rank each application. The review panel will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences with 21st CCLC. Upon completion of their review, reviewers shall make recommendations for awards based on the scoring rubric. OSSE's Division of Elementary, Secondary, and Specialized Education will make all final award decisions.

OSSE will provide two web-based pre-application technical assistance sessions on **Wednesday, May 20 and Tuesday, June 2, 2015**. The pre-application technical assistance sessions will include an overview of the 21st CCLC grant program, competition, and the online Enterprise Grants Management System for application submissions; and will provide technical assistance for any grant competition inquiries. Potential applicants may register for one of the web-based technical assistance sessions at <https://attendee.gotowebinar.com/rt/1612722239861456642>.

Two in-person pre-application technical assistance sessions will be held at OSSE (810 1st Street, NE, Washington, DC) on **Tuesday, May 26 and Thursday, June 4, 2015** in Room 806 on the 8th Floor. Potential applicants may register for one of the in-person technical assistance sessions at <http://osse.dc.gov/event/21st-cclc-pre-application-technical-assistance-session>. Please note that seating will be limited so please limit the number of staff registering and attending the in-person session to three (3) or less.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY**Fiscal Year 2016 McKinney-Vento Homeless Education Grant (ESEA Title X)****CFDA: 84.196A, FAIN: S196A140009 and RFA: MKV041015****Request for Application Release Date:**

Monday, May 18, 2015

Pre-Application Conferences: - RSVP by May 25, 2015

Tuesday, May 26, 2015 - Webinar

Wednesday, June 3, 2015 - In person

Wednesday, June 10, 2015 - Webinar

GRANT APPLICATION SUBMISSION DEADLINE: Friday, June 26, 2015

The Division of Elementary, Secondary, and Specialized Education, within the Office of the State Superintendent of Education (OSSE), will issue a Request for Applications for the FY 2016 McKinney-Vento Homeless Education Grant.

A total of at least Seventy-Three Thousand, One Hundred and Fifty-One Dollars and Seventy-Five Cents (\$73,151.75) in grant funds shall be used by District of Columbia Local Education Agencies (LEAs) in addressing the educational and related needs of homeless children and youth. LEAs, with or without this funding, must ensure that homeless children and youth have equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youths. Authorized under Title X of the Elementary and Secondary Education Act (ESEA), as amended, the law's specific purposes are to facilitate the enrollment, attendance, and success in school of homeless children and youth. Funded programs can provide educational supports and activities such as:

- The provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations;
- Professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this subtitle, and the specific educational needs of runaway and homeless youth;
- The provision of referral services to homeless children and youth for medical, dental, mental, and other health services;
- The provision of assistance to defray the excess cost of transportation for eligible students, not otherwise provided through Federal, District, or local funding, where necessary to enable students to attend the school of origin;
- The provision of services and assistance to attract, engage, and retain homeless children and youth and unaccompanied youth in public school programs and services provided to non-homeless children and youth; and

- The provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth.

To be eligible for this grant, a LEA:

- Must implement a coordinated system for ensuring that homeless children and youths are afforded their rights under the McKinney-Vento Act.
- Must include a preliminary plan for continuation of services after Federal funding ends.

Priority points may be awarded to LEAs that propose to disseminate best practices that have shown to improve outcomes for homeless student population through:

- The applicant's needs assessment under subsection and the likelihood that the program presented in the application will meet such needs;
- The types, intensity, and coordination of the services to be provided under the program;
- The involvement of parents or guardians of homeless children or youths in the education of their children;
- The extent to which homeless children and youths will be integrated within the regular education program;
- The quality of the applicant's evaluation plan for the program; and
- The extent to which services provided under this subtitle will be coordinated with other services available to homeless children and youths and their families.

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

The grant award period will be from the date of the award to September 30, 2016, and the LEAs must commit to obligate all grant funds awarded under this competition by September 30, 2016. Program costs must be paid, not merely incurred, by the awardee to the payee prior to requesting reimbursement. Awards may be extended for two additional years if the sub-grantee program remains in compliance with all grant requirements. All awards will be reviewed annually for consideration of continued funding. To receive more information or for a copy of the Request for Applications (RFA), please contact:

Nicole Lee-Mwandha, McKinney Vento State Coordinator
Office of the State Superintendent of Education
810 First Street, NE, 8th Floor
Washington, D.C. 20002
Telephone: (202) 654-6123
Email: transitory.services@dc.gov

LEAs interested in applying for McKinney-Vento funds may use the following link to access OSSE's online Enterprise Grants Management System: <https://osse.mtwgms.org/wdcossegmsweb/logon.aspx>. The RFA and application submission guidance will also be available on OSSE's Transitory Services webpage at <http://osse.dc.gov/service/education-homeless-children-and-youth-program>.

All LEAs planning to apply for this grant are strongly encouraged to attend a Pre-Application Conference and are required to RSVP for the Pre-Application Conference via email to Nicole Lee-Mwandha at transitory.services@dc.gov by May 25, 2015. In-person trainings will take place at 810 First Street, NE, Washington, DC 20002. **The deadline for application submission is June 26, 2015, via the Enterprise Grants Management System EGMS.**

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**Notice of Funding Availability**

The Scholarships for Opportunity and Results (SOAR) Act Competition

CFDA: 84.370C and FAIN: U370C140001

Application Release Date: May 4, 2015

Notice of Intent to Apply Due: May 8, 2015

GRANT APPLICATION SUBMISSION DEADLINE: May 29, 2015 by 5:00 p.m.

The Office of the State Superintendent of Education (OSSE) will issue a Request for Applications to support District of Columbia public charter schools and third-party non-profit charter support organizations that have a substantial impact on the DC public charter school sector. The purpose of the Scholarships for Opportunity and Results (SOAR) Act Competition is to improve school performance and educational outcomes for public charter school students in the District and to provide facility financing in order to increase the number of high-quality public charter school seats. Unless specified, all funds will be awarded through competitive grant competitions.

The following funding opportunities are available:

Academic Quality Grants to Charter Support Organizations

Eligible applicants include 3rd party organizations/non-profits and charter school support organizations. Applicants must use funds to support direct and rapid impact on overall charter school academic achievement or on the achievement of historically underperforming subgroups.

Academy Quality Grants to Public Charter Schools

Eligible applicants will be DC Public Charter School Local Education Agencies (LEAs). Applicants must use funds to increase the proficiency rates and success of public charter school students, either school-wide or for specific subgroups. Project plans must meet one of seven guiding strategies determined by OSSE. These will be detailed in the Request for Applications (RFA).

Academic Quality Grants to Support Early Childhood Education

Eligible applicants will be DC Public Charter School LEAs serving 3- and 4-year-olds. Formula-based funding will be available to support LEAs that serve 3- and 4-year-olds to assist with implementation of supplementary activities that reinforce school readiness, including the development of literacy and mathematics skills, with emphasis on supports to students to increase academic achievement. Funded activities should enhance the quality of preschool or pre-k programming. Eligible LEAs must have at least a 40% enrollment of students in preschool and/or pre-k programs and have met the Title I poverty threshold.

Investing in Public Facility Projects

Eligible applicants will be DC Public Charters School LEAs seeking funds to support the renovation or reconstruction of a former District of Columbia Public School (DCPS) or other District-owned facility released by the District for lease by public charter schools; eligible applicants must provide documentation of site control. Renovations/reconstruction must be for academic and/or physical fitness space.

Influencing Replication and Growth

Eligible applicants must be seeking to expand into a new campus and cannot be eligible for or be a current Title V, Part B Charter School Planning and Implementation subgrantee. Applicants must also be a DC Public Charter School with a 2014 Performance Management Framework Tier designation of Tier 1 or Tier 2. Funds must be used to support the replication and expansion of new charter schools by funding planning and development of a new facility to increase the number of high-quality seats available to students.

At least \$13.4 million in grant funds will be available for this grant competition. The itemization is expected to be as follows:

- Academic Quality – \$8,567,000.00
 - Early Childhood Education – \$785,093.20
 - Charter School Support Organizations – \$2,500,000.00
 - Public Charter Schools – \$5,281,906.80
- Investing in Public Facility Projects – \$3,884,429.00
- Influencing Replication and Growth – \$1,000,000.00

Determinations regarding the number of grant awards will be based on the quality of the applications and available funding. Successful applicants may be awarded amounts less than requested.

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

To receive more information on these competitions, please contact:

Katherine Cox
Office of the State Superintendent of Education
810 First Street, NE, 8th Floor, Washington, D.C. 20002
Email: katherine.cox@dc.gov

The Request for Applications (RFA) will be available on OSSE's website at www.osse.dc.gov. Applications will be submitted through the Enterprise Grants Management System (EGMS) at grants.osse.dc.gov.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

**Certification of Filling a Vacancy
In Advisory Neighborhood Commission**

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

Zaneta S. Tyler
Single-Member District 8B06

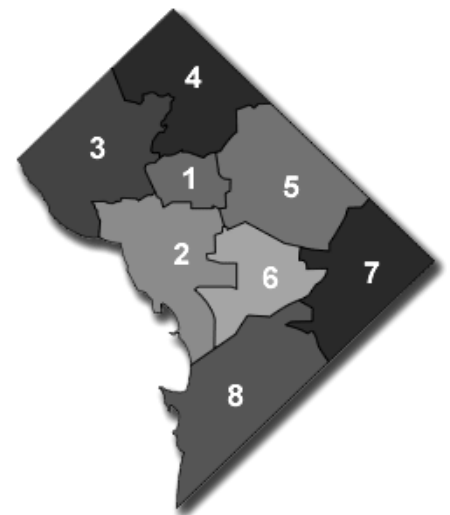
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of MARCH 31, 2015**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	43,892	2,842	758	111	131	11,898	59,632
2	29,910	5,770	218	156	116	11,184	47,354
3	36,956	6,845	374	108	102	11,570	55,955
4	47,641	2,255	541	65	134	9,136	59,772
5	50,286	2,089	577	76	151	8,825	62,004
6	51,818	6,534	531	154	169	13,014	72,220
7	49,268	1,274	437	22	124	7,139	58,264
8	43,030	1,165	373	23	142	6,994	51,727
Totals	352,801	28,774	3,809	715	1,069	79,760	466,928
Percentage By Party	75.56%	6.16%	.82%	.15%	.23%	17.08%	100.00%

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

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

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



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

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,418	33	7	2	7	222	1,689
22	3,745	351	30	10	9	998	5,143
23	2,830	188	55	9	6	750	3,838
24	2,431	251	35	10	5	782	3,514
25	3,814	424	63	9	6	1,160	5,476
35	3,440	222	62	10	6	970	4,710
36	4,278	267	74	6	9	1,176	5,810
37	3,175	136	55	8	8	760	4,142
38	2,775	133	62	11	11	744	3,736
39	4,145	223	84	8	15	1,039	5,514
40	3,967	209	105	10	17	1,130	5,438
41	3,395	190	70	10	16	1,070	4,751
42	1,795	70	32	3	8	490	2,398
43	1,694	72	17	3	4	382	2,172
137	990	73	7	2	4	225	1,301
TOTALS	43,892	2,842	758	111	131	11,898	59,632

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

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	761	171	10	9	9	475	1,435
3	1,443	367	15	10	13	665	2,513
4	1,716	488	8	12	5	813	3,042
5	2,162	667	15	12	8	841	3,705
6	2,228	876	21	9	16	1,247	4,397
13	1,324	258	7	3		456	2,048
14	2,837	481	20	16	9	1,024	4,387
15	3,014	347	25	14	11	915	4,326
16	3,575	394	25	12	10	950	4,966
17	4,877	685	38	23	20	1,663	7,306
129	2,071	348	12	14	4	805	3,254
141	2,304	288	12	14	9	705	3,332
143	1,598	400	10	8	2	625	2,643
TOTALS	29,910	5,770	218	156	116	11,184	47,354

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

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,243	407	20	2	2	582	2,256
8	2,396	624	29	4	7	775	3,835
9	1,132	482	8	9	7	496	2,134
10	1,749	423	18	7	8	658	2,863
11	3,389	964	43	13	10	1,433	5,852
12	465	189	1	0	2	210	867
26	2,877	358	23	7	4	943	4,212
27	2,450	283	19	9	3	625	3,389
28	2,204	510	36	8	5	732	3,495
29	1,226	253	11	3	8	397	1,898
30	1,256	221	15	3	4	284	1,783
31	2,347	320	21	4	8	588	3,288
32	2,679	317	24	4	5	617	3,646
33	2,879	335	31	7	8	741	4,001
34	3,632	479	31	13	7	1,163	5,325
50	2,078	275	16	5	8	480	2,862
136	840	123	7	3	1	324	1,298
138	2,114	282	21	7	5	522	2,951
TOTALS	36,956	6,845	374	108	102	11,570	55,955

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

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,213	75	38	5	6	445	2,782
46	2,849	84	38	5	10	548	3,534
47	2,983	149	41	5	11	731	3,920
48	2,742	131	30	6	5	560	3,474
49	827	43	16	0	4	198	1,088
51	3,276	540	22	6	6	644	4,494
52	1,286	182	5	0	3	222	1,698
53	1,238	76	21	1	5	267	1,608
54	2,338	89	29	2	5	492	2,955
55	2,401	70	23	1	9	442	2,946
56	3,087	88	35	6	11	678	3,905
57	2,521	75	38	6	14	463	3,117
58	2,271	58	17	2	4	370	2,722
59	2,565	89	33	6	9	417	3,119
60	2,143	79	23	3	6	690	2,944
61	1,591	53	11	1	2	283	1,941
62	3,117	123	28	1	2	375	3,646
63	3,484	131	53	1	11	664	4,344
64	2,223	56	18	4	5	331	2,637
65	2,486	64	22	4	6	316	2,898
Totals	47,641	2,255	541	65	134	9,136	59,772

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

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,143	193	69	10	6	966	5,387
44	2,853	224	29	4	16	681	3,807
66	4,462	110	41	5	8	520	5,146
67	2,938	97	23	1	7	401	3,467
68	1,906	134	30	8	7	403	2,488
69	2,097	73	15	2	11	269	2,467
70	1,434	71	22	1	3	213	1,744
71	2,372	64	26	2	8	331	2,803
72	4,373	119	26	3	17	751	5,289
73	1,905	87	28	5	5	349	2,379
74	4,195	219	61	7	10	816	5,308
75	3,435	162	63	13	6	805	4,484
76	1,344	61	15	1	4	265	1,690
77	2,791	98	25	4	10	484	3,412
78	2,877	79	35	2	8	457	3,458
79	1,980	74	16	3	10	336	2,419
135	3,023	181	45	4	11	547	3,811
139	2,158	43	8	1	4	231	2,445
TOTALS	50,286	2,089	577	76	151	8,825	62,004

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

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,133	446	45	14	15	1,071	5,724
18	4,391	294	42	12	11	976	5,726
21	1,180	58	18	2	2	268	1,528
81	4,719	389	44	7	17	981	6,157
82	2,583	256	27	7	8	592	3,473
83	4,160	527	40	21	11	1,104	5,863
84	1,996	430	27	8	6	558	3,025
85	2,681	505	24	10	9	753	3,982
86	2,243	284	28	4	10	494	3,063
87	2,752	239	19	3	10	580	3,603
88	2,195	316	15	3	8	558	3,095
89	2,601	666	25	11	7	783	4,093
90	1,640	268	11	3	8	478	2,408
91	4,117	371	41	13	15	993	5,550
127	3,978	293	55	12	12	838	5,188
128	2,342	209	34	7	7	651	3,250
130	800	333	9	3	3	304	1,452
131	1,947	480	12	12	6	642	3,099
142	1,360	170	15	2	4	390	1,941
TOTALS	51,818	6,534	531	154	169	13,014	72,220

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

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,505	83	14	1	4	268	1,875
92	1,627	37	11	2	6	249	1,932
93	1,610	44	18	2	6	231	1,911
94	2,060	50	20	0	3	303	2,436
95	1,753	45	18	0	2	314	2,132
96	2,412	67	23	0	9	383	2,894
97	1,484	38	17	1	4	208	1,752
98	1,852	44	23	2	5	260	2,186
99	1,428	40	15	1	6	236	1,726
100	2,246	43	16	1	5	284	2,595
101	1,661	31	17	1	5	183	1,898
102	2,509	53	23	0	6	334	2,925
103	3,673	96	36	2	14	592	4,413
104	3,117	84	22	2	13	457	3,695
105	2,403	63	23	2	4	395	2,890
106	3,007	65	23	0	8	446	3,549
107	1,948	59	17	1	5	301	2,331
108	1,129	28	7	0		126	1,290
109	958	33	7	0	1	98	1,097
110	3,791	90	24	3	6	431	4,345
111	2,590	59	27	0	6	379	3,061
113	2,233	60	21	1	3	281	2,599
132	2,272	62	15	0	3	380	2,732
TOTALS	49,268	1,274	437	22	124	7,139	58,264

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

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,032	57	12	0	8	296	2,405
114	3,067	98	22	1	19	505	3,712
115	2,707	63	23	5	8	589	3,395
116	3,743	91	35	2	12	577	4,460
117	1,850	42	18	0	6	308	2,224
118	2,519	62	27	0	6	406	3,020
119	2,754	107	34	0	11	528	3,434
120	1,832	30	15	2	4	283	2,166
121	3,097	70	27	1	8	453	3,656
122	1,655	38	13	0	5	240	1,951
123	2,194	97	25	4	12	341	2,673
124	2,491	55	13	1	4	333	2,897
125	4,432	114	32	1	13	727	5,319
126	3,534	112	35	5	13	683	4,382
133	1,309	39	12	0	2	180	1,542
134	2,034	35	22	1	4	276	2,372
140	1,780	55	8	0	7	269	2,119
TOTALS	43,030	1,165	373	23	142	6,994	51,727

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

For voter registration activity between 2/28/2015 and 3/31/2015

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	354,575	28,905	3,822	698	1,081	80,066	469,147
Board of Elections Over the Counter	68	7	1	0	1	37	114
Board of Elections by Mail	41	3	0	0	0	17	61
Board of Elections Online Registration	2	0	1	0	0	0	3
Department of Motor Vehicle	890	148	13	19	2	348	1,420
Department of Disability Services	2	0	0	0	0	3	5
Office of Aging	1	0	0	0	0	0	1
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	1	0	0	0	0	1
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	0	0	0	0	0	0	0
Department of Human Services	5	0	0	0	0	1	6
Special / Provisional	0	0	0	0	0	1	1
All Other Sources	33	2	0	0	0	8	43
+Total New Registrations	1,042	161	15	19	3	415	1,655

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	237	6	2	0	0	53	298
Administrative Corrections	6	2	0	0	16	182	206
+TOTAL ACTIVATIONS	243	8	2	0	16	235	504

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	1,112	144	14	5	4	372	1,651
Moved Out of District (Deleted)	16	4	0	0	0	8	28
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	1,649	107	15	0	4	270	2,045
Administrative Corrections	471	56	5	17	3	101	653
-TOTAL DEACTIVATIONS	3,248	311	34	22	11	751	4,377

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P
+ Changed To Party	339	59	15	22	3	139
- Changed From Party	-150	-48	-11	-2	-23	-344
ENDING TOTALS	352,801	28,774	3,809	715	1,069	79,760

DISTRICT DEPARTMENT OF THE ENVIRONMENT
NOTICE OF INTENT TO PUBLISH TWO ENERGY POTENTIAL STUDIES
FOR THE DISTRICT OF COLUMBIA

Energy Efficiency and Demand Response Potential
and
Renewable Energy Technologies Potential

The District Department of the Environment (DDOE) hereby gives notice of its intent to publish two energy potential studies for public review and a 30-day comment period.

DDOE requisitioned and received two studies that will be considered in the development of the District's Comprehensive Energy Plan. These studies are:

1. Electric and Natural Gas Energy Efficiency and Demand Response Potential for the District of Columbia; and
2. Renewable Energy Technologies Potential for the District of Columbia.

These studies were completed on behalf of the District and will be taken under advisement during the development of the District's Comprehensive Energy Plan.

Beginning 4/17/15 the full text of the studies will be available online at DDOE's website. They will also be available for pick-up for the cost of production. A person may obtain a copy of these studies by any of the following means:

Download by visiting the DDOE's website, <http://ddoe.dc.gov/node/19312>;

In person by making an appointment to pick up a copy from DDOE's offices at the 5th floor reception desk at the following street address (call the main line at (202) 535-2600); or

Write DDOE at 1200 First Street, N.E., 5th Floor, Washington, DC 20002, "Attn: Request copy of Energy Studies" on the outside of the letter.

All comments must be submitted in writing before 5/18/2015 via mail to the District Department of the Environment, Energy Administration, 1200 First Street, N.E., 5th Floor, Washington D.C., 20002, Attention: Energy Studies Comments, or by email to 2015cepddoerfa.grants@dc.gov.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6139-R2 to the Smithsonian Institution Board of Regents to operate an existing 300 kW emergency generator set with a 465 hp diesel fired engine in Room CB067, East Basement, of the National Museum of American History, located at 12th Street and Constitution Avenue NW, Washington, DC. The contact person for the facility is Jason Sawyer, Associate Director, Systems Engineering Division, at 202 633-1560.

The permit application and supporting documentation, along with the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after May 18, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located 1200 First Street NE, Washington, DC, intends to issue a permit (#6554-R1) to the Washington Metropolitan Area Transit Authority (WMATA) to operate one cross draft automotive paint booth at the Shepherd Parkway Bus Facility (formerly known as the Southern Bus Garage) located at 2 DC Village Lane SW, Washington DC 20032. The contact person for the facility is Carla A. Grano, Deputy Chief, Environmental Management & Industrial Hygiene, at 202 962-5077.

The application to operate, and the draft permit are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after May 18, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6973 to Arnold & Porter LLP to operate one Generac 250 kWe natural gas-fired emergency generator set with a 379.1 bhp natural gas-fired engine, located at 1601 Massachusetts Avenue NW, Washington, DC. The contact person for the facility is Thomas Alburtus at (213) 792-9151.

Emergency Generator to be Permitted

Equipment Location Address	Generator (Engine) Size	Engine Serial Number	Permit No.
601 Massachusetts Ave. NW Washington, DC 20002	250 kWe (379.1 bhp)	G914B004476	6973

The proposed emission limits are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4233(e) and Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)		
NOx	CO	VOC
2.0	4.0	1.0

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated annual emissions from the generator engine (assuming 500 hours per year of operation) are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.1109

Pollutant	Maximum Annual Emissions (tons/yr)
Oxides of Nitrogen (NO _x)	0.00627
Total Particulate Matter , PM (Total)	0.00656
Volatile Organic Compounds (VOCs)	0.0796
Sulfur Dioxide (SO _x)	0.0039

The application to construct and operate the generator engine and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after May 18, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF HEALTH CARE FINANCE
PUBLIC NOTICE OF PROPOSED AMENDMENTS

Home and Community-Based Waiver for the Elderly and Persons with Physical Disabilities

The Director of the Department of Health Care Finance (DHCF), pursuant to authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02) (2012 Repl. & 2013 Supp.), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to submit amendments to the District of Columbia Medicaid program's Home and Community-Based Services (HCBS) Waiver for the Elderly and Persons with Physical Disabilities (EPD) to the federal Centers for Medicare and Medicaid Services (CMS) for approval. The amendments contain proposed changes in the methods and standards for setting payment rates for some services and substantive changes to some services.

Proposed substantive changes that correlate to EPD services for Waiver Year 4, or upon approval by CMS, may include but may not be limited to:

- 1) **Adult Day Habilitation Services:** This new service will enable persons enrolled in the EPD Waiver to live in the community by offering non-residential medical supports and supervised, therapeutic activities in an integrated community setting; foster opportunities for community inclusion; and deter more costly facility-based care. Providers of adult day habilitation services must be compliant with all the new federal HCBS "setting" requirements, pursuant to 42 CFR 441.301(c)(4), to comply with the District's new Provider Readiness Review process.
- 2) **Occupational Therapy and Physical Therapy:** These two new services will be provided by licensed professionals under a Home Care Agency or by licensed individual practitioners.
- 3) **Personal Care Aide Services:** This service description will be modified to mirror the PCA Service Authorization request and submission procedures in accordance with the District's Medicaid Sate Plan PCA services rulemaking (Chapter 50 of Title 29 of the DCMR) to include the utilization of a face-to-face standardized needs-based assessment tool that determines each person's level of need for services. Changes were also made to allow the order for PCA services to be signed by an advance practice registered nurse (APRN) or a physician; conduct beneficiary re-assessments every twelve (12) months to update plans of care; and eliminate any annual caps for the receipt of services.
- 4) **Homemaker and Chore Aide Services:** A new provider category – general business providing housekeeping services in the District of Columbia- will be added to the list of allowable providers of homemaker and chore aide services. The training criteria for chore aides will also be modified.

5) Environmental Accessibility Adaptation (EAA): This service description will be modified to amend the requirement that both renters and certified home-owners need to obtain a denial letter from Handicap Accessibility Improvement Program (HAIP), administered by the District of Columbia Department of Housing and Community Development, prior to applying for EAA services under the Waiver. HAIP is only applicable to certified home-owners. Although no change to the total rate is proposed, the disaggregated cost limits associated with each type of EAA modification was removed. The limitations on amount, duration, and scope are to be modified to clarify that the total rate is inclusive of costs associated with the home inspection.

6) Case Management: This service definition will be modified to incorporate person-centered planning requirements and conform to the new HCBS standards under federal regulations. Specifically, a new entity cannot enroll as a Medicaid reimbursable provider of case management services if that entity is a Medicaid provider of personal care aide (PCA) services or any other direct care service under the EPD Waiver. Further, this entity is prohibited from having a financial interest, as defined under 42 CFR § 411.354, in a Medicaid provider of PCA or any other direct care service under the EPD Waiver.

7) Participant-Directed Community Support and Individual-Directed Goods and Services: These service definitions will be modified to clarify that EPD Waiver participants may elect to participant-direct these services under employer authority and budget authority. Under employer authority, waiver participants or their authorized representatives, as appropriate, will be the common law employer of the qualified participant-directed workers (PDWs) they hire. Financial management services (FMS) and information and assistance supports will be provided to waiver participants who choose to self-direct these services through a District-wide, IRS-approved Vendor Fiscal/Employer Agent (VF/EA FMS) FMS-Support Broker entity and will be provided as administrative activities.

The following summarizes the changes proposed regarding eligibility determinations to be effective in EPD HCBS Waiver Year 4, or upon approval by CMS:

The eligibility section is to be modified by electing to use spousal impoverishment rules to determine eligibility for the home and community-based waiver group, whereby a certain amount of the couple's combined income and assets will be protected for the spouse not receiving services under the HCBS waiver.

The following summarizes the changes proposed in rate methodologies and reimbursements to be effective in EPD HCBS Waiver Year 4, or upon approval by CMS:

The case management rate reimbursement methodology is to be modified to reflect a new all-inclusive per member per month (PMPM) capitation rate structure. The capitation rate approach will provide a better correlation between reimbursements and the number of beneficiaries receiving case management services.

The methodology for establishing the proposed capitation rate includes the following key elements: (1) a reasonable cost/average industry salary for typical case managers; and (2) a reasonable client-to-case manager ratio. The average PMPM rate is to be calculated based on these key elements and inflated by the CMS Skilled Nursing Facility (SNF) Market Basket Index, which changes annually. The Fiscal Year (FY) 2015 index of 2.20% will be applied to the proposed PMPM rate adjusted to FY 2016. An estimated index of 3.0% will be applied to the proposed PMPM rate adjusted to FY 2017.

The proposed average PMPM rates for EPD Waiver case management services will be as follows: \$238.80 in FY 2016, and \$245.96 in FY 2017.

Copies of the proposed amendments may be obtained on the DHCF website at <http://dhcf.dc.gov> or upon request from Mary Devasia, Acting Director, Long Term Care Administration, D.C. Department of Health Care Finance, 441 Fourth Street NW, 9th Floor South, Washington, DC 20001.

There are two opportunities to provide comments on the proposed HCBS waiver amendments:

Written comments on the proposed waiver amendments shall be submitted to Mary Devasia, Acting Director, Long Term Care Administration, D.C. Department of Health Care Finance, 441 Fourth Street NW, 9th Floor South, Washington, DC 20001, or via e-mail at dhcfpubliccomments@dc.gov, during the thirty (30) day public comment period, starting from the date this notice is published.

DHCF will hold a public forum during which written and oral comments on the proposed amendments will be accepted. The public forum will be held at the D.C. Department of Health Care Finance, 441 Fourth Street NW, Washington, DC 20001 on Wednesday, April 29, 2015, from 10:30 am to 12:00 pm.

Copies of this notice and the proposed Waiver Amendment will be published on the DHCF website at <http://dhcf.dc.gov>. For further information, please contact Trina Dutta, Special Projects Officer, D.C. Department of Health Care Finance, (202) 719-6632 or trina.dutta@dc.gov.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

April 14, 2015
815 Florida Avenue, NW
Washington, DC 20001
5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the March 24, 2015 board meeting.
- III. Update – Agency’s compliance with the DC Department of Small and Local Business Development.
- IV. Vote to close meeting to discuss the selection of a vendor for the Agency’s Financial Management Software.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body’s staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms regarding the selection of a vendor for the Agency’s Financial Management Software. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).

- V. Re-open meeting.
- VI. Consideration of DCHFA Resolution No. 2015-04(G) Regarding the Selection of a Vendor for the Agency’s Financial Management Software.
- VII. Agency’s 1st Quarter Budget Progress Report.
- VIII. Update – Human Resources.
- IX. Interim Executive Director’s Report.
- X. Other Business.
- XI. Adjournment.

IDEA PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Building Management Services**

The IDEA Public Charter School is seeking for a vendor to provide facility maintenance solutions in the education market

Please go to www.ideapcs.org/requests-for-proposals to view a full RFP offering, with more detail on scope of work and bidder requirements.

Please direct any questions to bids@ideapcs.org.

Proposals shall be received no later than 5:00 P.M., Friday, May 1, 2015.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Commissioning Services**

KIPP DC requests proposals from qualified and licensed contractors to provide fundamental commissioning services for a facility expansion project at 5300 Blaine Street NE. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on April 24, 2015. Questions can be addressed to lindsay.snow@kippdc.org.

LAYC CAREER ACADEMY
REQUEST FOR PROPOSALS

Food Services

LAYC Career Academy PCS will receive bids until April 27, 2015 at 4 PM.

LAYC Career Academy is advertising the opportunity to bid on the delivery of breakfast, lunch, and at risk supper meals to students enrolled at the school for the 2015-2016 school year with the possibility of four (4) one (1) year renewals. All meals must meet the USDA National School Lunch Program's meal pattern requirements for breakfast, lunch, and at risk supper. Additional specifications outlined in the invitation for bid (IFB) such as: student data, days of service, meal quality, etc. may be obtained from:

Jeremy Vera

3047 15th Street NW

Washington, DC 20009

(202) 319-2228

jeremy@laycca.org

All bids not addressing all areas as outlined in the IFB will not be considered.

MAYA ANGELOU PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Window shades**

Maya Angelou Public Charter School in Northeast DC will receive bids until May 1, 2015 for the provision of 215 window shades at its site. A contract will be awarded to the most qualified company. All necessary information may be obtained from Justin Samples at Maya Angelou Public Charter School at 5600 E. Capitol Street, NE Washington, DC 20019- 202.379.4335, E-mail: JSamples@seeforever.org Deadline for submissions is close of business Friday, May 1, 2015.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF SOLICITATION FOR
DEVELOPMENT OF VARIOUS SITES**

The Government of the District of Columbia (the “District”), through the Office of the Deputy Mayor for Planning and Economic Development (“DMPED”), is issuing from qualified real estate development teams (“Respondents”) to respond for the disposition and development of the following sites with the associated issuance dates:

- **Waterfront Station II, Square 0542 Lot 0822; DCEB-2015-R-5001**
 - Request for Proposals (“RFP”)
 - Issuance Date: April 17, 2015
- **Truxton Circle, Square 0615 Lot 0842; DCEB-2015-R-5002**
 - RFP
 - Issuance Date: April 17, 2015
- **Capitol Vista, Square 0563N Lots 0002-0006, 0800-0805; DCEB-2015-R-5003**
 - RFP
 - Issuance Date: April 17, 2015
- **1909 Martin Luther King Jr Ave SE, Square 5770 Lot 0829; DCEB-2015-I-4001
1201-1215 Good Hope Road SE, SE (Sq.-Lot 5769-1017, 5769-0847, 5769- 0867,
5770-0866, 5769-0864)**
 - Request for Expressions of Interest (“RFEI”)
 - Issuance Date: April 17, 2015

DMPED invites qualified development teams (“Developers”) to respond to these RFPs and RFEI for the redevelopment of the sites in Northwest, Southwest, and Southeast Washington, D.C. There will be Pre-Response Conferences and Site Visits held at each Site and will be further described in the final RFP and RFEI publications.

For more information and project updates, please visit www.dmped.dc.gov.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF REQUEST FOR PROPOSALS**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice, dated, April 9, 2015 that it seeks a contractor to assist public charter schools in providing IDEA and Section 504 compliant secondary transition services to all eligible students attending DC Public Charter Schools. This involves facilitating the connection of transition-age students with IEPs and 504 Plans to the services provided by Department of Disability Services Rehabilitation Services Administration (DDS/RSA). Please visit this link for more information: <http://www.dcpsb.org/report/request-proposals>. Please contact Tami Lewis at 202-328-2660 or email tlewis@dcpsb.org if you have additional questions.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF FUNDING AVAILABILITY****DSLBD Healthy Food Retail Program Grant**

The Department of Small and Local Business Development (DSLBD) is soliciting applications for the **Healthy Food Retail Program Grant**. DSLBD will award one grant in the amount of \$170,000.

The purpose of the Healthy Food Retail Program Grant is to expand access to healthy foods in food deserts within the District of Columbia by providing assistance to corner stores, farmers markets and other small food retailers (less than 5,000 square feet).

Eligible applicants are nonprofit organizations or businesses. For additional eligibility requirements and exclusions, please review the Request for Application (RFA) which is currently posted at www.dslbd.dc.gov.

Eligible Use of Funds: Applicants may propose any type of project which makes healthy produce more widely available in food deserts. For additional examples of eligible uses of funds, exclusions, and a map of the DC food deserts, please review the RFA.

If awarded a grant, grantees must begin the project within thirty (30) days of executing the grant agreement and complete funded projects by September 30, 2015.

Application Process: Interested applicants must complete an application and submit it via email on or before Friday, May 15, 2015 at 2:00 p.m. DSLBD will not accept applications submitted via hand delivery, mail or courier service. **Late submissions and incomplete applications will not be forwarded to the review panel.** Instructions and guidance regarding application preparation can be found in the RFA, which is available at <http://dslbd.dc.gov/service/current-solicitations-opportunities>.

Selection Process: DSLBD will select grant recipients through a competitive application process. All applications will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria listed below.

1. Capacity and Experience of the Applicant (20 points)
2. Strength of the Project Implementation Plan (20 points)
3. Financial Viability of Applicant Organization (20 points)
4. Percentage of Funds Benefiting DC Small Businesses and CBEs (20 points)
5. Creativity and Innovation (20 points)

The DSLBD program team will review the panel reviewers' recommendations and the DSLBD Director will make the final determination of grant awards. DSLBD will select a grantee by June 1, 2015.

Award of Grants: One grant for \$170,000 will be awarded to a single grantee.

For More Information: DSLBD will host an information session on Wednesday, April 29, 2015 at 1:30 p.m. The location of the meeting will be 441 4th Street, NW, Suite 850N. You must bring identification to enter this building. Additional sessions may be scheduled. Information about additional sessions will be posted at www.dslbd.dc.org.

Contact Information: Lauren Adkins at the Department of Small and Local Business Development at lauren.adkins@dc.gov or 202-727-3900.

Reservations: DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA
RESCHEDULED REGULAR MEETING OF THE BOARD OF TRUSTEES**

NOTICE OF PUBLIC MEETING

The rescheduled regular meeting of the Board of Trustees of the University of the District of Columbia will be held on Tuesday, April 28, 2015 at 5:00 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I.** Call to Order and Roll Call
- II.** Approval of the Minutes
- III.** Action Items
- IV.** Report of Chairperson
- V.** Report of the President
- VI.** Committee Reports
 - a. Executive – Dr. Crider
 - b. Committee of the Whole – Dr. Crider
 - c. Academic and Student Affairs – General Schwartz
 - i. Alumni Task Force – Mr. Shelton
 - ii. Communications Task Force – Ms. Bennett
 - d. Audit, Budget and Finance – Mr. Felton
 - e. Community College – Mr. Dyke
 - f. Operations – Mr. Askew
- VII.** Unfinished Business
- VIII.** New Business
- IX.** Closing Remarks

Adjournment

Expected Meeting Closure

In accordance with Section 2-575 (b) (10) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

**UNIVERSITY OF THE DISTRICT OF COLUMBIA
SPECIAL MEETING OF THE BOARD OF TRUSTEES**

NOTICE OF PUBLIC MEETING

The special meeting of the Board of Trustees of the University of the District of Columbia will be held on Friday, April 24, 2015 at 4:00 p.m. in the Board Room/Conference Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

Closed Session

- I.** Call to Order and Roll Call
- II.** Executive Appointment
- III.** Closing Remarks

Adjournment

Expected Meeting Closure

In accordance with Section 2-575 (b) (10) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing the appointment, employment, assignment, promotion, performance, evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, May 7, 2015 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of April 2, 2015 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Tuesday, April 21, 2015 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---|-----------------|
| 1. | Call to Order | Chairperson |
| 2. | Memorandum of Agreement with the District of Columbia Regarding Job Opportunities for District Residents and Contracting Opportunities for District Businesses for Designing, Inspecting and Maintaining Green Infrastructure | General Manager |
| 3. | Emerging Issues and Other Business | Chairperson |
| 4. | Agenda for Upcoming Committee Meeting (TBD) | Chairperson |
| 5. | Executive Session – To discuss legal, confidential and privileged matters pursuant to D.C. Official Code §§ 2-575(b)(4)(A) and (B) | |
| 6. | Adjournment | Chairperson |

YOUTHBUILD PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****School Improvement Support and Services****Scope of Work**

YouthBuild Public Charter School (the “School”) seeks strategic, technical, and operational support for the implementation of a school improvement plan. This support will focus on the following areas:

- a. **Program model and goals:** Identify and implement modifications to the current program model that will improve programmatic quality and enhance student outcomes. This includes 1) reviewing best practices in adult education to inform the further development of the academic and vocational programs, and 2) ensuring that charter goals and metrics align with the mission and purpose of the school and that they reflect our high expectations for all students.
- b. **Instruction:** Review the instructional delivery model and support the implementation of a plan to enhance curriculum, instruction, assessments and the use of data for continuous improvement. This includes 1) conducting a review of the special education program and, based on the findings, strengthening special education teaching and learning and compliance with applicable regulations, 2) identifying possible blended learning instructional models that will serve to increase GED passage rates, ELL proficiency, and student academic achievement, and 3) identifying and implementing activities to increase student employability skills.
- c. **School culture:** Identify and implement activities to strengthen a culture of high expectations, increase student attendance and retention, and reduce suspensions and expulsions. This includes a review and revision of the enrollment and student intake processes as well as the daily schedule and school calendar.
- d. **Human capital development:** Strengthen human capital capacity and systems. This includes 1) evaluating staff performance, 2) enhancing professional development and training, 3) improving staff recruitment and retention, and 4) providing ongoing performance management counsel to Board of Trustees.
- e. **Operations:** Identify and implement enhancements to systems, policies, and practices that support each of the areas above. This includes reviewing and enhancing all processes/systems that underlay each PMF element, including those specific to YouthBuild, in the categories of Student Progress, Student Achievement, Career/College Readiness, Leading Indicators of Attendance and Retention, and Mission Specific Goals. It also includes developing and implementing improved systems to track, measure and report on attainment of goals and academic expectations.

About the School

YouthBuild Public Charter School was established in 2005 and annually enrolls approximately 115 students at ages 16-24 who have not been effectively served by the traditional school system. The school is committed to re-engaging students in their education and preparing them for success through a combination of GED preparation and vocational / workplace development. A key element of the school is that students serve their community through volunteer projects and by creating housing for low-income residents in the Washington, DC metropolitan area.

Required Proposal Terms

- a. The time period for this contract is May 2015 through June 2016.
- b. At a minimum, identification of changes to the program model, curriculum, assessment, and data collection practices must be completed in time to allow for implementation at the start of academic year 2015 – 2016.
- c. Up to two additional years may be included in the proposal as option years.
- d. Proposals must include all elements identified in the scope of work.

Submission and Evaluation Process

Please submit an electronic version of the proposal by April 20, 2015 at 5:00pm EST to youthbulddc@gmail.com

Submitted proposals must include the following sections:

1. Narrative proposal, describing the approach and strategies to complete the scope of work
2. A proposed schedule of work.
3. Estimate of the fees to be charged, including any expenses
4. Qualifications and experience, including resumes of staff members who would be directly involved with the project, and detailed examples of comparable projects
5. Draft contract, reflecting proposed terms, fee structure, and scope of service for the project. We reserve the right to negotiate any proposed terms before signing a final contract.
6. At least three references with contact information

We will review all proposals and interview finalists on or about the week of April 27, 2015.

For additional information or clarification, please contact Mark Jordan at youthbulddc@gmail.com.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 18735 of NH Street Partners Holdings LLC, pursuant to 11 DCMR §§ 3100 and 3101, from a decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs, made November 27, 2013, to approve Building Permit No. B1310607 for construction of a new 168-room hotel addition in the DC/CR Zone District at premises 2121 M Street, N.W. (Square 70, Lot 880 (part of Record Lot 190)).

Appeal No. 18737 of Chadbourne & Parke, LLP, pursuant to 11 DCMR §§ 3100 and 3101, from a decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs, made November 27, 2013, to approve Building Permit No. B1310607 for construction of a new 168-room hotel addition in the DC/CR Zone District at premises 2121 M Street, N.W. (Square 70, Lot 880 (part of Record Lot 190)).

HEARING DATES: April 1, 2014 and April 15, 2014

DECISION DATE: May 20, 2014

ORDER DENYING APPEAL

This appeal¹ was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on January 24 and January 27, 2014 by NH Street Partners Holdings LLC and Chadbourne & Parke LLP (the “Appellants”). The appeal challenges a decision made by the Zoning Administrator (“ZA”) of the Department of Consumer and Regulatory Affairs (“DCRA”) on November 27, 2013 to approve Building Permit No. B1310607 (“Permit”) for construction at 2121 M Street, N.W. (Square 70, Lot 880 (part of Record Lot 190)) (“Property”). The Permit authorized construction of an addition to existing improvements on the Property, which is located in the DC/CR Zone District. The Appellants alleged that the ZA erred in determining that the plans complied with the Zoning Regulations (Title 11 DCMR) because: the proposed construction (i) did not represent an addition to an existing building, but constituted an entirely separate building that violated the lot control provisions of the zoning regulations; (ii) failed to comply with the parking requirements of Chapter 21; (iii) failed to comply with the loading requirements of Chapter 22; (iv) failed to comply with the roof structure requirements of § 411; and (v) failed to comply with the public space at ground level requirement of § 633. In addition, the Appellants claimed that the documents submitted by the owner as part of its building permit application did not meet the requirements of § 3202.2.

Based on the evidence of record, including the entire record, including prehearing submissions and testimony received at the public hearing, and for the reasons set forth below, the Board denies the appeal as without merit.

¹ Although the appeals were separately filed, the appellants raised the same issues and jointly prosecuted the case in their pre-hearing submission and testimony at the hearing. Therefore, the Board consolidated the matters and shall refer to the challenges as the “appeal.”

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PRELIMINARY MATTERS

Notice of Public Hearing

The Office of Zoning scheduled a hearing on April 1, 2014. In accordance with 11 DCMR §§ 3112.13 and 3112.14, the Office of Zoning mailed notice of the hearing to the Appellants, Advisory Neighborhood Commission (“ANC”) 2A (the ANC in which the property is located), the property owner, and DCRA. (Exhibits 12-15.²)

Parties

Appellants in this case are NH Street Partners Holdings LLC, the owner of a commercial office building located at 1200 New Hampshire Avenue, N.W., immediately east of the Property, and Chadbourne & Parke LLP, a tenant located within that commercial office building. DCRA is the Appellee, as the “person” whose administrative decision is the subject of the instant appeal, pursuant to 11 DCMR § 3199.1(a)(2). Renaissance Centro M Street LLC, the owner of the property (“Owner”) is automatically a party to the proceeding under 11 DCMR § 3199.1(a)(3). The ANC was also automatically a party in the case. The ANC filed a written report, which will be discussed later in this order.

Rescheduled Hearing Date

Due to lack of quorum, the Board rescheduled the hearing from the originally scheduled April 1, 2014 hearing date. On March 31, 2014, counsel for the Appellants requested the hearing be postponed to June 10, 2014. (Exhibit 26.) On April 1, 2014, counsel for the Owner opposed the request to postpone the hearing for failure to demonstrate good cause, and requested the Board schedule the hearing for either of the next available hearing dates on April 8, 2014 or April 15, 2014. (Exhibit 27.) On April 2, 2014, counsel for Chadbourne & Parke indicated that she was scheduled to be out of the country visiting her young daughter and would not return until April 14th. The letter requested the opportunity to allow her to clear her desk and recover from jet lag. (Exhibit 28 of Appeal No. 18737.) The Board rescheduled the hearing for April 15, 2014.

Pre-Hearing Submissions

The Board received joint prehearing materials from the Appellants on March 18, 2014, pursuant to 11 DCMR § 3112.10 (Exhibits 16-17). The Owner submitted prehearing materials for the Board’s consideration on March 25, 2014 (Exhibits 20-23), and DCRA submitted its prehearing statement on March 25, 2014 (Exhibit 18-19).

On April 11, 2014, ten days after the originally scheduled public hearing and three days prior to the rescheduled public hearing, counsel for NH Street Partners Holdings LLC filed a motion to waive the 14-day filing deadline for pre-hearing submissions in order to submit a written

² Unless otherwise noted, all exhibits reference the record in Appeal No. 18735.

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“rebuttal” to the Owner’s and DCRA’s pre-hearing submissions. (Exhibit 28.) Owner and DCRA each opposed the motion for failure to demonstrate good cause and because it would be prejudicial to the Owner and DCRA. (Exhibits 29-30.) At the hearing on April 15, 2014, the Board indicated that it denied the Appellant’s request and did not accept its late filing into the record. The Board also did not admit Owner and DCRA’s filings in response to the late filing into the record.

FINDINGS OF FACT

The Property

1. The property that is the subject of this appeal is known as Lot 880 in Square 70, and it is part of Record Lot 190. Lot 880 fronts on M Street, N.W. Lot 190 fronts on M Street, 22nd Street, and Ward Place, N.W.
2. All of Record Lot 190 is within the DC/CR Zone District meaning that the property is mapped both in the CR Zone District and the Dupont Circle Overlay District. The CR Zone District is a mixed-use “Commercial-Residential” zone district that permits commercial and residential development, including office, retail apartment, hotels, and light industrial uses as a matter of right.
3. Record Lot 190 is improved with a Marriott hotel, which was constructed in the late 1970s and expanded in the late 1980s and again in the mid-2000s, and a Walgreens drug store and Starbucks coffee shop that are located on the ground floor. The hotel currently has 481 guest rooms. (“Existing Improvements”.)
4. The primary entrance to the Marriott hotel is located off 22nd Street.
5. Until the mid-2000s, Owner’s portion of Lot 190 (that is, Lot 880) was improved with a nightclub, a two-story establishment that occupied all of Lot 880. Lot 880 is currently improved as a surface parking lot.
6. Appellants’ property is located immediately to the east of Record Lot 190. Appellants’ property is improved with a commercial office building. The building was permitted pursuant to a series of agreements that allocated commercial density from Record Lot 190 to the Appellants’ property, which therefore restricted the permitted development of Record Lot 190 to residential and hotel uses
7. A former public alley is located on both Record Lot 190 and Appellants’ property. The former public alley provides access to the rear of Lot 880 through Record Lot 190.

The Project

8. The Owner seeks to improve Lot 880 with a nine-story Hyatt hotel with 168 rooms, ground floor function room space, and two levels of underground parking.

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9. The Hyatt and Marriott Hotels are competing chains.
10. An existing door within the Marriott opens up onto Owner's Property (i.e. Lot 880) and provides egress from a stairway. The owner of the Existing Improvements agreed to allow this door to open onto a shared vestibule to be constructed as part of the project, which would then connect to the Hyatt Hotel through a shared vestibule.
11. Two existing doors within the retail establishments also open up onto Owner's Property (i.e. Lot 880). The owner of the Existing Improvements agreed to allow these doors to open into a service corridor located within the Hyatt hotel. Both the retail establishments within the Marriott hotel and the Hyatt hotel would share use of the service corridor.
12. In connection with the application and review of the Permit, the Owner submitted a series of documents to DCRA which included: a set of plans dated August 28, 2013 that included full architectural drawings of the Project ("Permit Plans") (Exhibit 36, Tab B); a building plat dated November 20, 2013 that depicted all existing and proposed improvements on Record Lot 190 ("Building Plat") (Exhibit 36, Tab F); and miscellaneous documents and plans submitted to the ZA's office in November 2013 that addressed questions regarding the building connection, parking, loading, roof structure, and public space at ground level (Exhibit 36, Tab D) and included, among other documents, a plan highlighting the building connections ("Connection Plan") (Exhibit 36, Tab D, A102) and a plan for attendant-assisted parking within the Project ("Valet Parking Plan") (Exhibit 36, Tab D, A100-101).

Findings Related to Lot Control

13. The Building Plat depicted all existing and proposed improvements to Record Lot 190. Drawing A102 of the Permit Plans, reprinted as the Connection Plan, depicted certain features of the Existing Improvements, including the Marriott egress stair and door and retail tenant doors that are located along the property line of the Project. (See also Exhibit 22, Tab A.)
14. Based upon the Permit Plans and the Connection Plan, the Board makes the following findings:
 - a. The Project contains a service corridor that provides access between the Project's lobby and function rooms and the Marriott's retail establishments, as well as access from those areas to the private alley and loading area. The service corridor permits a person to walk between the Existing Improvements and the Project through a door into each retail establishment.
 - b. The Project contains a vestibule located on M Street that provides shared access from both the Marriott stair tower and the Project's fire control room to M Street. The vestibule permits a person to walk between the Existing Improvements and the Project through a door.

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- c. The service corridor and vestibule are each located at the ground floor of the building, which is the floor at which the principal entrance is located and is therefore the “main floor” of the building under § 199.1 of the Zoning Regulations.

Findings Related to Parking Requirements

15. At the time of the initial construction of the Existing Improvements, no parking was required for a hotel use.
16. The existing hotel was originally constructed with 354 hotel rooms as well as commercial adjuncts, function rooms, and exhibit space, and 89 parking spaces.
17. The Zoning Regulations have since been amended to require one parking space for every four hotel rooms as well as parking for function room and exhibit space.
18. Subsequent additions added 127 rooms, which triggered a requirement for an additional 32 parking spaces. Fifty-one parking spaces were added, in excess of the requirement.
19. Notwithstanding the existence of such surplus parking spaces, the Owner’s parking computations only relied upon the parking spaces to be constructed within the Project.
20. The Project will add 168 hotel rooms, which require 42 additional parking spaces, and a 1,750 square foot function room space, which requires six additional parking spaces, for a total requirement of 48 additional parking spaces.
21. According to the Permit Plans, the Project contains two levels of underground parking, containing approximately 18,162 square feet of parking area where the minimum lesser dimension of that parking area is seven feet and the minimum greater dimension of that parking area is 14 feet, or approximately 378 square feet of area per parking space required for the Project, which exceeds the minimum requirement of § 2115.10. (Exhibit 22, Tab B.)
22. As shown on the Permit Plans and the Valet Parking Plan, the rows of permanent striped parking spaces are arranged as 90 degree angled parking and the aisles between such rows of permanent striped parking spaces (as well as all columns and other obstructions) have a minimum width of at least 20 feet, which meets the requirement of §§ 2117.6 and 2115.14.
23. As shown on the Permit Plans, the parking garage levels have a minimum vertical clearance of at least 6.5 feet, which meets the requirements of §§ 2115.5 and 2115.15.
24. The Existing Improvements and the Project will have a combined parking requirement of more than 75 parking spaces, and therefore meet the prerequisites of § 2115.9 for the provision of parking in accordance with §§ 2115.10 through 2115.18.
25. Subsection 2115.11 provides that the “parking space dimensional, size, design, and striping requirements stipulated under §§ 2115.1 through 2115.4, 2117.3, 2117.5, and 2117.6 may be

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waived; provided, that the parking is managed during a specified 12 hour peak period to be determined by the D.C. Department of Transportation by employed attendants who park the vehicles using the parking facility.”

- 26. The underground parking will be operated as an attendant-assisted parking garage on a full-time, 24 hours a day, basis, which meets the requirements of § 2115.11 for a waiver of the provisions cited therein.
- 27. At the time of the initial construction of the hotel, the Zoning Regulations loading requirements for that use were based upon 200 room increments, with additional loading facilities required at each 200 room increment (i.e. 200, 400, 600, etc.). Because the original hotel had 354 rooms, it needed to provide a minimum of one loading berth and three delivery spaces for each 200 hotel rooms. The regulations did not specify the width of the facilities.
- 28. This 200 room increment schedule was amended to provide one set of loading berth requirements for hotels with up to 200 rooms and a second set for hotels with greater than 200 rooms and therefore eliminated the need to provide greater loading facilities at each subsequent 200 room increment. The current schedule is as follows:

USES AND DISTRICTS	MINIMUM NUMBER AND SIZE OF LOADING BERTHS REQUIRED	MINIMUM NUMBER AND SIZE OF LOADING PLATFORMS REQUIRED	MINIMUM NUMBER AND SIZE OF SERVICE/DELIVERY LOADING SPACES REQUIRED
Hotel, For Guest Room Areas, in All Districts: With 30 to 200 rooms Usable for sleeping	1 @ 30 feet deep	1 @ 100 ft. ²	1 @ 20 feet deep
With more than 200 rooms usable for sleeping	1 @ 30 feet deep 1 @ 55 feet deep	1 @ 100 ft. ² 1 @ 200 ft. ²	1 @ 20 feet deep

- 29. Thus, if a hotel is constructed today with 201 rooms and provides the loading facilities set forth above, those facilities would continue to satisfy the Zoning Regulations no matter how many additional rooms are later added.
- 30. Pursuant to § 2200.8 of the Zoning Regulations, loading facilities for additions to an existing structure do not need to exceed the amount of loading required for the entire structure as proposed if constructed new.

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31. If constructed as new, the combined building (that is, the Existing Improvements and Project) would have a total of 649 rooms because the number of rooms is greater than 200. Subsection 2201.1 would require two loading berths, one with a 30-foot width and a second with a 55-foot width and one service delivery space.
32. The loading facilities for the Existing Improvements satisfy this requirement; except that neither of the loading berths is 55 feet wide.
33. As shown on the Building Plat, the Project will provide an additional one 30-foot deep loading berth, one 100 square foot loading platform, and one 20-foot deep delivery space. The loading facilities are located at the end of the private alley. (See also Exhibit 22, Tab C.)
34. The existing loading berths were provided under the old requirements, which did not require a 55-foot loading berth. Therefore, the ZA concluded that the existing loading is grandfathered under the old dimensional requirements.

Findings Related to the Provision of Public Space

35. Subsection 633.1 of the Zoning Regulations requires that in the CR Zone District, an area equivalent to 10% of the total lot area shall be provided for all “new development.”
36. Because the Project is an addition to an existing building, it is not a “new development.”
37. The existing hotel features an arcade adjacent to the main entrance comprising approximately 1,776 square feet, and a lobby also adjacent to the main entrance comprising approximately 6,821 square feet. Together, the lobby and arcade consist of approximately 8,597 square feet, or 13.3% of the area of Record Lot 190, which is over the 10% minimum requirement.
38. In accordance with § 633.2, the arcade and lobby are immediately adjacent to the main entrance of the principal building on Lot 190, and provide a transition from 22nd Street into the interior of the hotel.
39. In accordance with § 633.3, the arcade and lobby have a height of at least one story. The lobby height is also at least 10 feet tall.
40. In accordance with § 633.5, the arcade and lobby are open to the public on a continuous basis, and per § 633.4, they are lighted and furnished with ample space for public seating. (See Exhibit 22, Tab E.)

Findings Related to the Roof Structures

41. As shown on the Permit Plans, the Project will contain its own building core and roof structure, as permitted under § 411.4.

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42. As shown on the Permit Plans, the roof structure is set back from the south wall, which faces M Street, and from the northeast wall, which faces an open court. The roof structure is not set back from the eastern wall, which is a shared lot line with Appellants' property.
43. The roof structure is also not set back from the western wall, which faces an interior court created by the Project and the Existing Improvements. (See also Exhibit 22, Tab D.)

CONCLUSIONS OF LAW

The Board is authorized by the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to hear and decide appeals when it is alleged by the appellant that there is an error in any decision made by any administrative officer in the administration of the Zoning Regulations. (11 DCMR §§ 3100.2, 3200.2.) In an appeal, the Board may reverse or affirm, in whole or in part, or modify the decision appealed from. (11 DCMR § 3100.4.) In this instance, the decision complained of was the ZA's approval of the Permit.

Based on the findings of fact, the Board is not persuaded by the Appellants that an error occurred in the decision of the ZA as to the adequacy of the plans or the compliance of such plans with the Zoning Regulations governing building and lot control, parking, loading, roof structures, and public space at ground level. The Appellants failed to show that the ZA acted unreasonably or an arbitrary or capricious manner, abused his discretion, or otherwise committed an error in finding that the Project complied with the above-challenged portions of the Zoning Regulations.

Subsection 3202.2 and Adequacy of the Plans

At the public hearing, the Appellants alleged that the documents submitted by the Owner and relied upon by DCRA in reviewing and approving the Permit did not meet the requirements of § 3202.2 of the Zoning Regulations.

Subsection 3202.2 requires that each building permit application include "any of the following [documents] that is deemed necessary" The materials are broken into two categories: "scaled drawings" and a "building plat" The scaled drawing are to show the "plan, elevation, and location by dimension of all existing and proposed structures, and the proposed use of those structures"; "parking and loading plans and the basis for computation of those plans"; and "other information necessary to determine compliance with this title." The building plat requirements include "all existing and proposed structures"; "number, size and shape of all open parking spaces, open loading berths, and approaches to all parking and loading facilities"; and "other information necessary to determine compliance with the provisions of this title."

Following the close of the public hearing and at the request of the Board, DCRA submitted a list of all documents relied upon by DCRA in reviewing the Permit's compliance with the Zoning Regulations.

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Appellants allege that the drawings relied upon by DCRA in approving the Permit's compliance with the Zoning Regulations were incomplete because they did not include full detailed drawings of the Existing Improvements on Record Lot 190 or a full accounting of Record Lot 190's parking and loading requirements. Appellants also allege that the building plat was insufficient because it did not show the roof structures of the existing and proposed structures.

However, § 3202.2 only requires documents to the extent that they are "deemed necessary" by DCRA to evaluate compliance with the Zoning Regulations. To this end, nothing requires an applicant to submit—or DCRA to require—detailed drawings of an existing building when, as here, the only work that is proposed is an addition to the existing structure. Rather, DCRA reasonably determined that the submitted documents provided enough detail to ascertain compliance with the Zoning Regulations. The regulations leave it to DCRA's discretion as to what is necessary and the Board has no reason to second guess the agency's judgment. The Board notes that § A-106.1.12 of the Construction Codes (Title 12 DCMR) provides specific submission requirements for building permit applicant's to demonstrate compliance with the Zoning Regulations, essentially making § 3202.2 superfluous.

With regard to Appellants' claim regarding the lack of roof structures on the building plat, the plain language of § 3202.2 makes no mention of roof structures. Furthermore, for the reasons discussed below, once the ZA determined that the Project was authorized to have a separate roof structure under § 411.4, there was no reason for the ZA to evaluate the roof structure on the Existing Improvements.

Based on the Findings of Fact, the Board concludes that DCRA reasonably decided that the Permit Plans, Building Plat, and other drawings provided sufficient information to determine compliance with the Zoning Regulations. Subsection 3202.2 did not require the Owner to submit full detailed plans and elevations of the Existing Improvements, and DCRA was not required to request such plans.

The Project Complies with the Building and Lot Control Requirements

Under the Zoning Regulations, each building is ordinarily required to be located on its own record lot. (11 DCMR § 3202.3.) In a commercial zone district, separate buildings may be located on the same record lot only if each conforms with certain theoretical lot requirements. (11 DCMR § 2517.) Therefore, the key issue in this Appeal is whether the Existing Improvements and the Project constitute a single building under the Zoning Regulations, and may therefore be located on the same record lot, or whether the structures are separate buildings that require either separate record lots under § 3202.3 or conformance with the requirements of § 2517. For the reasons set forth below, the Board concludes that the combined structure meet the definition of "Building" under § 199.1 of the Zoning Regulations and therefore may be located on Lot 190 without any further approval.

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The Connections between the Existing Improvements and the Project Allow the Two Portions to be Considered a Single Building

The definition of “building” addresses the circumstances when separate portions of a structure may not be considered a single building and, by extension, identify when such separate portions may be considered as being one.

When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

The first sentence addresses the circumstance when portions are separated in their entirety by a common division wall with no open connection between the portions. The exception referred to is contained in § 3202.3 (c), which provides that “[a]ny combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure.”

For the reasons to be explained in greater detail below, this element of the definition does not apply to this appeal because the walls that separate the Existing Improvements from the Project have openings in the form of doors that open onto a shared service corridor and shared vestibule. Although the definition of “building” provides that the existence of a communication below the main floor cannot make the structure one building, it necessarily follows that the existence of such a communication at or above the main floor would. For purposes of this definition, “communication” typically means access between the separate portions of the structure. (See *Application No. 18263-B of 117 C Street SE*, at 11 (2013); *BZA Appeal No. 16646 of Daniel Serwer and James W. McBride*, at 9.).

Here, the Zoning Administrator was presented with three above-grade communications between the Project and the Existing Improvements.

- The first two communications feature a shared service corridor that is located on Owner’s Property but permits access from both ground floor retail tenants within the Existing Improvements into the shared service corridor. This shared service corridor also provides egress from the Project’s lobby and function room spaces. The shared corridor will be open and available for access on a continuous basis and provide the retail tenants with access to loading and trash facilities at the end of the private alley. The shared service corridor also permits direct communication from the retail tenants’ space into the Project’s hotel lobby and lounge, and vice versa.
- The third communication features a shared exit vestibule that provides access from an egress stair within the Existing Improvements onto Owner’s Property. The vestibule also provides access to the Project’s fire control room. The vestibule is enclosed and within the Project.

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The Appellants allege the Project lacks a “substantial” and “meaningful” connection to the Existing Improvements on Lot 190 and, as a result, does not meet the definition of “Building” under the Zoning Regulations. The issue of whether a connection is meaningful is only relevant when two building segments are being connected by a horizontal element that is not entirely internal. The issue concerns whether the connection is of sufficient substance to be considered a portion of a building.

Thus, in Z.C. Order 04-36, *Dorchester House Associates LLC and Kalorama West LLC* (2006), the Zoning Commission revisited its decision to hold a hearing on a PUD because it considered the trellis that connected the existing building to the new construction to be insufficient. This Board has held that a trellis establishes a meaningful connection if it has a roof that provides at least 51% coverage and is supported by columns for the shelter, enclosure, or support of persons. *Application No. 18263-B of Stephanie and John Lester* (2011). Similarly the Zoning Commission considered the meaningful connection provided by such horizontal structures as a 12-story glass bridge, Z.C. Order No. 05-36, *200 K Street NE PUD* (2006), and a solid glass and steel canopy connecting entrance lobbies, Z.C. Order No. 08-34, *Center Place Holdings, LLC* (2011).

There is no need for a similar inquiry when, as here, the connections are entirely internal to an enclosed structure. As the Zoning Administrator explained, a communication exists when “a person can walk through one portion of the building through the other through a door or corridor.” (Transcript of Apr. 15, 2014 Hearing (“Tr. April 15”) at 226.) The ZA concluded that all the connections between the Project and the Existing Improvements provided “communication” between the otherwise separate portions of the structure because, in all cases, the connections “allow passage from one portion of the building to the other.” (Tr. April 15 at 224-25.) Even Appellants’ expert conceded that a communication could be “as minimum as a door that grants you access into a space that is assumed to be contiguous space.” (Tr. April 15 at 131-32.)

In its pre-hearing statement, the Owner provided examples of communication that include doorways and corridors that only provide limited passage between otherwise separate structures. One such example is the building connection approved by the Zoning Commission in Z.C. Case No. 06-27, which merely allows passage between separate portions of parts of the mixed-use office, residential, and retail project. (See Z.C. Order No. 06-27, *Square 54 PUD*, at 6 (2007).) Here, the proposed connections not only meet the basic test for passage, but actually will be actively used by the occupants of the existing building to cross over into the Project. Therefore, the connections more than satisfy the requirement for the “existence of communication between separate portions of a structure” at or above the main floor.

Based on the Findings of Fact, the Board concludes that the ZA’s determination regarding the connections was reasonable. Each point of communication permits passage between a portion of the Existing Improvements and a portion of the Project. Each point of communication is located at or above the main floor, and accordingly the Board affirms the ZA’s conclusion based on the plain language of the definition of “Building” under § 199.1.

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The Retail Tenants Constitute Part of the Existing Building

At the hearing, Appellants argued that even if the building connections otherwise provide meaningful communication, the connections cannot be recognized as communications because there is no connection between the lobbies of the Existing Improvements and the Project.

This argument is irrelevant because nothing in the definition of “Building” in § 199.1 specifies the extent to which the communication must interconnect the separate portions of the building. As set forth in the Findings of Fact, the retail uses are located on the ground floor of the hotel structure, with hotel rooms located over and above the retail uses starting at the second floor of the building. The connections are therefore clearly “within” the hotel structure and constitute part of the Existing Improvements.³ The Zoning Regulations simply do not require the lobbies to be connected. Instead, any communication between the separate portions of the structure will suffice.

As explained above, the Board concludes that the connections between the Project and the retail establishments, which are located within the existing hotel, provide communication between the Project and the Existing Improvements. The Board notes that this conclusion is consistent with the building connection approved by the Zoning Commission in Z.C. Case No. 06-27, which merely connected individual demised portions of the separate office and residential portions of the project but did not provide for access (open or restricted) directly from the office lobby to the residential lobby. (Exhibit 23, Tab V.)

The Connected Structures Do Not Need to Share Common Ownership or Purpose

Appellants also argued that the Zoning Regulations require that the connected portions of a building must share common ownership and common purpose. They alleged that, because the Existing Improvements and proposed Project would be owned and operated as competing hotels, they could not constitute a single building. Appellants cited the separate ownership, competing commercial operations, lack of common facilities such as parking, loading, or life safety systems, and individual building addresses, and § 3202.3(c) of the Zoning Regulations in support of this assertion.

Subsection 3202.3(c) Does Not Apply

The Board does not agree with Appellants’ interpretation of § 3202.3 of the Zoning Regulations. As noted, § 3203.3 is an exception to the rule stated in the definition of “building” that when “separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building.” Under § 3202.3(c), “any combination of commercial occupancies separated

³ At the hearing, Appellants argued that the Starbucks and Walgreens retail establishments did not constitute “commercial adjuncts” to the Marriott hotel. The Board concludes that it is not necessary to address this assertion because the retail spaces are clearly part of the Existing Improvements, but notes that under the definition of “Hotel” in § 199.1, “Commercial Adjuncts” are simply described as certain retail and service establishments accessory to hotel use, and do not have an internal connection requirement.

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in their entirety, erected, or maintained in common ownership shall be considered as one (1) structure” and therefore can be located on a single record lot, even though the separate commercial structures otherwise constitute separate buildings under the Zoning Regulations.

The phrase “separated in their entirety” means that there are no openings whatsoever between the walls that separate the occupancies. That is not the case here. Rather the walls that separate the Existing Improvements from the Project will have doors that open onto shared spaces that connect the two portions. The only question, which the Board has already answered in the affirmative, is whether those connections constitute communications at or above the main floor. Since they do, § 3202.3(c) is irrelevant as to whether a single building has been created.

In Z.C. Case No. 03-05, the Zoning Commission explicitly rejected the notion that § 3202.3(c) applies to multi-story commercial structures. (Z.C. Order No. 03-05, DOT Headquarters PUD, at 1-3 (2004).) The Commission recounted the history of the provision, which was adopted in 1964 to allow for strip malls (i.e. individual commercial stores each separated by common division walls) to locate on single lots of record without a building connection. (*Id.* at 3.)

Furthermore, the Zoning Commission concluded that notwithstanding the language of § 3202.3(c), the definition of “Building” in § 199.1 (and its requirement for above-ground communication) nevertheless controlled the determination of whether a structure is a single building for zoning purposes. (*Id.* at 2.) All that § 3202.3(c) does is allow for those otherwise-separate buildings to be located on a single lot of record.

Based on the foregoing, the Zoning Commission concluded in Z.C. Case No. 03-05 that § 3202.3(c) did not apply to large multi-story commercial improvements. For similar reasons, the BZA concludes that § 3202.3(c) is inapplicable here. The Existing Improvements and Project are not a strip mall; rather, they are multistory commercial structures similar to the office buildings at issue in Z.C. Case No. 03-05.

No Requirement for Common Ownership or Facilities

The Board also does not agree with Appellants’ assertion that the Existing Improvements and Project must have common ownership and common facilities to constitute a single building for zoning purposes. There is nothing in the definition of “Building” that imposes the requirement for single ownership or common facilities within a structure that is a single building for zoning purposes. The Board will not read a limitation into the Zoning Regulations that is not there.

It is well established that separate portions of a single record lot may be owned by separate property owners because the system of lots that govern ownership (the assessment and taxation lot system) allows for the creation of multiple A&T lots on a single record lot. *Application No. 14261 of Portsmouth Construction Company*, at 2-3 (1987). Furthermore, the Zoning Regulations also anticipate that structures that are a single building for zoning purposes may otherwise have separate building systems for individual components of that building. For example, the definition of “Building” itself presupposes that there are “separate portions”

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connected by the above-ground communication. And as discussed below, § 411.4 contemplates, as one example, that the separate portions of the structure may have separate elevator cores, and therefore allows for separate roof structures.

The only relevant fact to the determination of what constitutes a Building under § 199.1 is the presence or absence of above-ground communication between otherwise separate portions of the structure.

No Prohibition on Competing Uses

Finally, the Appellants argued that the Existing Improvements and Project cannot constitute a single building under the Zoning Regulations because it will be occupied by separate and competing hotels.

The use of property within the Building is solely governed by the provisions of the applicable zone district. Again, nothing in the definition of “Building” states or even hints that the separate portions of the building must be composed of similar or compatible uses. For similar reasons, the Zoning Regulations do not preclude other competing uses within a building or structure. To find otherwise would preclude an office building owner from subleasing different spaces within the building to competing law firms, and preclude a retail developer from leasing different spaces to competing restaurants or fast food chains.

Moreover, zoning governs use and not ownership of property. There is no zoning regulation that requires the Owner to identify the type of hotel that it intends to construct on its property. The Zoning Regulations are only concerned with the number of rooms, number of parking and loading spaces, and other dimensional constraints. If Appellants’ assertion is taken to its logical conclusion, it would mean that the Existing Improvements and the Project would constitute a single building if, say, the Project were proposed as a Courtyard by Marriott, but does not constitute a single building because the Owner has elected to partner with Hyatt Place. That is not a logical result.

Conclusion

For all of the reasons above, the Board reiterates that the definition of “building” under § 199.1 controls whether otherwise-separate structures constitute a single building for zoning purposes. Subsection 3202.3(c) is inapplicable here because the two portions will not be separated from the ground up or from the lowest floor; that provision only applies to strip malls. And nothing in the definition of “Building” of § 199.1 requires common ownership and shared building facilities or prohibits competing uses within a structure that is a single building for zoning purposes.

Therefore, because the Existing Improvements and the Project meet the definition of “Building” under § 199.1, the two constitute a single building for zoning purposes that is permitted on Record Lot 190. The Project does not require either a separate lot of record or conformance with § 2517 in order to be located on Record Lot 190 as an addition to the Existing Improvements.

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The Project Complies with the Parking Requirements

Under §§ 2100.6 and 2100.7 of the Zoning Regulations, each addition to an existing non-historic building that increases the building's intensity by more than 25% must include additional parking based on the Schedule of Parking requirements in § 2101. Here, the Project is required to provide 48 parking spaces, and it proposes to provide all 48 spaces within its garage.

Appellants also allege that the Project does not comply with certain dimensional and arrangement requirements of the Zoning Regulations, including the minimum required width of standard parking spaces under § 2115.1 and the amount and grouping requirements for compact spaces under §§ 2115.3 and 2115.4. However, under the plain language of §§ 2115.9 and 2115.11, those requirements may be waived when, as here, attendant-assisted parking is employed.

Those provisions provide in relevant part:

- 2115.9 In a commercial building or structure located in a . . . CR District where at least seventy-five (75) parking spaces are required according to the schedule of parking requirements under § 2101.1 and where parking spaces are provided within a parking garage, parking may be provided as set forth in §§ 2115.10 through 2115.18.
- 2115.11 Parking space dimensional, size, design, and striping requirements stipulated under §§ 2115.1 through 2115.4, 2117.3, 2117.5, and 2117.6 may be waived; provided, that the parking is managed during a specified twelve (12) hour peak period to be determined by the D.C. Department of Transportation by employed attendants who park the vehicles using the parking facility.

Subsection 2115.18 states that, for the purpose of § 2115.9, hotels and retail uses are commercial.

The Property Meets the Prerequisites of § 2115.9

The Property is a "commercial building" that is located within the CR Zone District. As set forth in the findings of fact and conceded by all of the parties, the Existing Improvements are required to provide at least 32 parking spaces, and the Project is required to provide 48 additional parking spaces, for a total requirement of at least 80 parking spaces for the combined building. Therefore, based on the plain language of § 2115.9, the building is eligible to utilize the provisions of § 2115.9 of the Zoning Regulations and provide some parking through attendant-assisted parking.

Appellants argue that § 2115.9 does not apply here because the Project's parking requirement is only 48 parking spaces. However, the trigger in § 2115.9 is based on the total parking

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requirement for the building, and as established above, the building is both the Existing Improvements and the Project. Accordingly, the building has a total requirement of at least 80 parking spaces, which exceeds the minimum requirement of 75 spaces.

The attendant-assisted parking plan meets the requirements of § 2515.11

Appellants claim that the waiver available under § 2115.11 is unavailable because the Zoning Administrator did not refer the attendant-assisted parking plan to DDOT for review and approval of its design and operation. However, § 2115.11 imposes no such requirement for 24-hour valet parking. The subsection calls for DDOT to determine the 12-hour peak period of operation for a facility, during which time attendant-assisted parking must be in operation. In this case, the Owner will provide 24-hour attendant parking. The referral provided for in § 2115.11 is only needed when less than a 24 hour period will be utilized.

Furthermore, nothing in the Regulations obligated the ZA to seek such determination from DDOT prior to the issuance of the building permit. The use of the parking facility, including any attendant-assisted parking, will not take effect until the structure is constructed and a certificate of occupancy is issued. Therefore, even if a DDOT determination was needed, the ZA could have reasonably concluded that a determination of the peak period by DDOT should wait until the issuance of the certificate of occupancy, so that current parking and traffic patterns can be considered, and at that time the ZA could also affirm compliance with the other provisions of attendant-assisted parking, such as the sign required under § 2115.12.

The Appellants allege that the proposed parking does not comply with the minimum aisle width requirement of § 2115.14, which provides that “[w]here aisles are provided, the aisles shall meet the design requirements stipulated in §§ 2117.5 and 2117.6.” The Appellant claim noncompliance because the valet parking plan showed cars parked within the aisles. However, the § 2115.11 states that the aisle width requirements of §§ 2117.5 and 2117.6 may be waived when attendant-assisted parking is present. Therefore, cars may be parked in the drive aisles when attendants are managing the parking garage. All § 2115.14 does is ensure that when attendant-assisted parking is not in operation, the drive aisles meet the minimum aisle width requirement. Here, that requirement has been met.

For the reasons set forth above, the Board concludes that the Project complies with the dimensional requirements of the Zoning Regulations.

The Project Complies with the Loading Requirements

Under the Zoning Regulations, additions to existing buildings require the provision of additional loading facilities under certain conditions. Appellants argue that (1) the Project failed to provide additional required loading facilities for the increase in rooms; and (2) the Project’s additional loading was improperly located.

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The Project Does Not Require Any Additional Loading Facilities

Appellants argue that the Project should have been required to provide additional berths, including a 55-foot deep berth, because the cumulative addition of hotel rooms to the original structure (including the 1980s and 2000s additions) exceeds 200 rooms. However, the loading requirements applicable to additions to hotels are not dependent on the number of rooms added by the addition, but whether those additional rooms would increase the existing hotel's rooms to over 200, thereby triggering additional loading facilities. As noted in the findings of facts, the hotel when constructed already had more than 200 rooms. And although constructed under different loading requirements, its present loading facilities provide the same number as would be required had the combined number of existing and proposed rooms (649) been constructed today. As such, the facilities satisfy § 2200.8, which provides that “[l]oading berths, loading platforms, and service/delivery loading spaces for the addition of additions need not exceed the amount of loading berths, loading platforms, and service/delivery loading spaces that would be required for the entire structure as proposed if constructed new.” The addition will actually add more loading facilities than are required.

It is true that neither the existing nor new loading facilities include a 55-foot loading berth as is currently required for hotels with more 200 rooms, but this sized berth does not need to be provided. The existing loading berths were provided under the old requirements, which did not require a 55-foot loading berth. Therefore, the Zoning Administrator concluded that the existing loading is grandfathered under the old dimensional requirements. (Tr. April 15 at 240.) The Board concurs with the ZA's determination, and notes that the Zoning Commission specifically acknowledged grandfathering of older loading facilities would take place when it amended the loading requirements for hotels. (Z.C. Order No. 314, *Hotels Text Amendment—Statement of Reasons*, at 14: “The Zoning Regulations cannot be made to apply retroactively.”)

For the above reasons, the Board concludes that the Project does not require any additional loading facilities.

The Location of the Project's Loading Facilities Does Not Violate the Zoning Regulations

Notwithstanding the fact that no loading is required, as noted the Project does include an additional loading berth, loading platform, and service/delivery space to accommodate its proposed use. As set forth in the Findings of Fact, these loading facilities are located in the private alley, which is an open court. Appellants allege that § 2203.1 prohibits the location of loading in this open court.

Appellants' arguments fail because § 2203.1 only governs the location of *required* loading berths and spaces. Here, the spaces are not required for the reasons set forth above, and therefore may be located anywhere on the lot.

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The Project Complies with the Roof Structure Requirements

The Zoning Regulations govern the number and location of roof structures. Appellants alleged that the Project's roof structure violated both the single enclosure requirement of § 411.3 and the setback requirements of § 630.4(b).

The Project is permitted to have a separate roof structure. Subsection 411.4 explicitly states that when separate elevator cores are required, a separate enclosure is permitted to correspond to each elevator core. Here, the separate uses within the building require separate elevator cores, thus authorizing separate roof structures under § 411.4. Accordingly, the Board concludes that multiple roof structures are permitted.

The Project's roof structure fully complies with the setback requirements. Subsection 630.4(b) requires the setback of roof structures from all exterior walls of a building. By definition, then, some walls of a building are exterior walls and other walls are interior walls. As the Zoning Administrator explained, under the Zoning Regulations, exterior walls are those walls that face streets, alleys, yards, and open courts. (See Tr. April 15 at 234-35; *Appeal No. 17109 of Kalorama Citizens Association*, at 11-13 (2005).) By contrast, walls that face the interior of the building, such as a closed court, are interior walls. Subsection 630.4(b) does not require a setback from those interior walls.

Here, as set forth in the Findings of Fact, the Project's roof structure complies with the setback requirement from all exterior walls (that is, the north and south walls). The Project's west wall is not an exterior wall because it faces a closed courtyard within the interior of the combined building. Therefore, the Zoning Administrator concluded that no setback is required from that west interior wall. For the foregoing reasons, the Board agrees with the ZA and concludes that no setback is required from the Project's west interior wall.

The Project Does Not Violate the Public Space at Ground Level Requirements

Section 633 of the Zoning Regulation requires that any "new development" in the CR Zone District devote a portion of the building as public space. The area of such public space is based on the area of the record lot and the space must satisfy certain requirements of the Zoning Regulations. The Appellants allege that the Project should not have been approved because Record Lot 190 does not provide the required public space at ground level. As explained below, the Board concludes the requirement is inapplicable because the Project is not a new development and that even if the requirement applied, the record lot already provides the required public space.

The Project is Not "New Development" on Record Lot 190 and Therefore Does Not Trigger the Public Space Requirement

Appellant's claim of noncompliance is principally premised upon their belief that the Project is not an addition to the Existing Improvements and is therefore a new project which must separate

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satisfy the § 633 requirements. For the reasons stated above, the Board has already concluded that the Project is an addition to the Existing Improvements that form a single building. Therefore the requirements of § 633 are inapplicable.

“New development” is not defined in the Zoning Regulations, which means the phrase has the meaning given by *Webster’s Unabridged Dictionary*. *Webster’s Third Unabridged Dictionary* defines “new” as “1: having existed or having been made but a short time” and “development” as: “8: a developed tract of land; esp. a subdivision having necessary utilities (as water, gas, electricity, and roads”. Based on the foregoing definitions, the “new development” clearly took place in the late 1970s, when Record Lot 190 was created by subdivision. The Project is not “new development” but rather an addition to an existing development on land that has and continues to be improved with structures and uses that are part of the same common development scheme for Record Lot 190.

Furthermore, the Project does not seek to build on area that constitutes the record lot’s public space. The site of the Project never served as the required public space because it is not adjacent to the main entrance of the hotel and it was otherwise occupied by structure from the late 1970s through the mid-2000s that did not serve as a transition between the right-of-way and the Existing Improvements. And the current parking lot located on the site of the Project similarly does not serve as the required public space because it does not meet the requirements of § 633 (it is not adjacent to the main entrance of the Existing Improvements nor does it provide a transition from the street to the building, it is not landscaped, and it is not open to the public on a continuous basis).

Even if § 633 Applied, its Requirements are Satisfied by the Existing Improvements.

Section 633 of the Zoning Regulations sets forth specific requirements for public space at ground level. The public space at ground level requirement is unique to the CR Zone District. The Zoning Regulations require that new development set aside at least 10% of the lot area as public space that provides a transitional space between the street and the building. The space must be adjacent to the main entrance of the principal building or structure on the lot. The space must be either open to the sky or have a height of one story or 10 feet. The space must be lighted and landscaped for public use, and may be used for temporary commercial displays. The space must be open and available to the general public on a continuous basis.

For the reasons discussed above, the Project is part of a single building on a single lot of record. Per § 3202.3 of the Zoning Regulations, compliance with yard, court, and other requirements of the Zoning Regulations is evaluated based on the structure’s record lot, not any assessment and taxation lots. Therefore, the public space requirement is based on the lot area of that lot of record (Record Lot 190).

The Zoning Administrator concluded that the Marriott’s lobby, combined with the arcade immediately outside the lobby, satisfies the requirement for “public space at ground level” for Record Lot 190. As set forth in the Findings of Fact, the hotel lobby and arcade:

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- Meet the minimum area requirement of § 633.1;
- Per § 633.2, are located immediately adjacent to the main entrance and serve as a transitional space between the right-of-way and the building;
- Per § 633.3, has a minimum clearance of one story or 10 feet;
- Per § 633.4, is lighted and furnished with ample space for public seating; and
- Per § 633.5, is open to the public on a continuous basis.

Based on a plain reading of § 633, the Board concurs with the ZA's conclusion.

Appellants argue that the lobby cannot count as public space because it is not open to the sky. Nothing in the language of § 633 requires that the public space be open to the sky. Indeed, § 633.3 makes it clear that the public space does not need to be open to the sky, so long as it has a height of one story or 10 feet.

Appellants also argue that the lobby cannot count toward the public space requirement because it is located behind the building line (meaning the façade of the building). However, nothing in § 633 indicates that the space must be behind the building line. Again, § 633.3 permits the space to be enclosed and covered which, by definition, constitutes "Building" under § 199.1. Therefore, any enclosed space is automatically behind the building line. Moreover, even the Appellants conceded that the arcade met the public space requirement, even though the arcade also fell behind the façade line of the building. Finally, all that § 633.2 requires is that the space is located immediately adjacent to the main entrance, and that it serves as a transitional space between the right-of-way and the building. The Regulations do not state that the transitional space must be located on one particular side of the building entrance.

Appellants also argue that the lobby is not sufficiently public because it is not open 24 hours a day. However, Appellants provided no evidence to support their claim that the lobby was unavailable at any particular time. Moreover, § 633.5 merely requires that the space be open and available on a "continuous" basis. Since the space is required to be located on private property, it is reasonable to conclude that the property owner may impose reasonable restrictions on the use of the space for maintenance and security reasons.

For all of the above reasons, the Board concurs with the Zoning Administrator's determination that the existing arcade and lobby satisfy the public space at ground level requirements for Record Lot 190. Because the Project does not increase the size of Record Lot 190—and therefore does not increase the amount of public space required under § 633—the Zoning Administrator reasonably concluded that no additional public space is required for the Project.

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Advisory Neighborhood Commission 2A

The Board is required to give “great weight” to the issues and concerns raised by the affected ANC. (D.C. Official Code § 1-309.10(d).) In this case, ANC 2A is not one of the Appellants, but ANC 2A filed a resolution regarding the Project. (Exhibit 25.) The resolution made no mention of the issues raised by the Appellants, but expressed concerns about signage-related lighting issues. The Zoning Regulations do not govern lighting and signage. The Court of Appeals has held that the “great weight” requirement “extends only to those issues and concerns that are ‘legally relevant.’ *Wheeler v. Board of Zoning Adjustment*, D.C. App., 395 A.2d 85, 91 n.10 (1978).” *Bakers Local Union No. 118 v. District of Columbia Bd. of Zoning Adjustment*, 437 A.2d 176, 179 (1981). *Accord Concerned Citizens of Brentwood v. District of Columbia Bd. of Zoning Adjustment*, 634 A.2d 1234, 1241 (D.C.1993) (ANC’s views on whether variance should be granted not relevant to the BZA’s decision as to whether a variance was needed). Here, the ANC concerns over the Project’s impact were not legally relevant to the Board’s determination as to whether an error was committed in the administration of the Zoning Regulations and therefore may not be given great weight.

DECISION

Based on the findings of fact and conclusions of law, the Board concludes that the Appellants have not satisfied their burden of proof with respect to the various claims of error regarding the Zoning Administrator’s approval of Building Permit No. 1310607, issued on November 27, 2013, to approve construction of a new 168-room hotel addition in the DC/CR Zone District at premises 2121 M Street, N.W. (Square 70, Lot 880 (part of Record Lot 190)). Accordingly, it is therefore **ORDERED** that the decision of the Zoning Administrator is **AFFIRMED** and the appeal is therefore **DENIED**.

VOTE: **3-0-2** (Peter G. May, Jeffrey L. Hinkle and Lloyd J. Jordan to Affirm the decision of the Zoning Administrator; Marnique Y. Heath abstaining; S. Kathryn Allen not participating, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 6, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18925 of Hwa Golden, as amended¹, pursuant to 11 DCMR § 3104.1, for a special exception from the accessory parking lots requirements under § 214, to continue to operate² an accessory parking lot containing 40 spaces in the R-1-B District at premises 6400 Georgia Avenue, N.W. (Square 2945, Lot 852).

HEARING DATE: March 31, 2015

DECISION DATE: March 31, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (“Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 4A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4A, which is automatically a party to this application. The ANC submitted a written report that indicated that at a regularly scheduled, duly noticed public meeting of the ANC held on March 3, 2015, at which a quorum was present, the ANC voted to recommend approval of the application for the continued use of an accessory parking lot at the subject property subject to the execution of a Voluntary Agreement. (Exhibit 23.)

The Office of Planning (“OP”) submitted a timely report recommending approval of the application with conditions, including a term of five years, (Exhibit 26) and testified in support of the application at the hearing. The District Department of Transportation (“DDOT”) submitted a timely report of no objection with one condition. (Exhibit 27.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception from the accessory parking lot requirements under § 214, to continue to operate

¹ The Applicant amended the application by clarifying that it was requesting special exception relief from accessory parking lot requirements, which come under § 214, instead of § 213 as originally requested. (Exhibit 24.) The caption has been changed accordingly.

² OP indicated in its report that the subject property was established as an accessory parking about 1951 to serve the commercial building located at the northwest corner of Georgia Avenue and Tuckerman Street. According to OP, the Board extended the approval of the use of the subject property as accessory parking up to four times since then. (Exhibit 26.) Three of those prior approvals for this use of the same lot, all granted subject to conditions include: BZA Case Nos. 12253 (1977, five-year term); 13723 (1982, three-year term); 14998 (1989, five-year term).

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an accessory parking lot containing 40 spaces in the R-1-B District. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception relief, pursuant to 11 DCMR § 3104.1 and § 214, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6 AND WITH THE FOLLOWING CONDITIONS:**

1. Approval shall be for a period of **FIVE (5) YEARS**, beginning on the date upon which the order became final.
2. Hours of operation shall be Monday through Saturday, 7:00 a.m. to 9:00 p.m.
3. Gates at the entrance and exit shall be closed and locked when the lot is closed.
4. Fencing shall be maintained along the northern and eastern sides of the lot.
5. Pavement and wheel stops shall be repaired and/or replaced as necessary to maintain an all-weather surface. Parking lot striping shall be maintained in good condition and directional arrows shall be painted on the surface of the lot indicating the direction of traffic through the lot. Applicant shall consider the use of permeable paving materials when appropriate.
6. Existing brick wall and cap shall be repaired and maintained in good condition.
7. Grass strip on the east side of the parking lot and the open space on the west side of the parking lot shall be kept free of refuse and maintained in a healthy growing condition.
8. Up to five dumpsters may be kept within the lot.
9. Location of the light pole shall be indicated on the plan.

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VOTE: **4-0-1** (Lloyd J. Jordan, Anthony J. Hood, Marnique Y. Heath,
and Jeffrey L. Hinkle, to APPROVE; one Board seat
vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 3, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18969 of Edward G. Fisher M.D., as amended¹, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions under § 320, to operate a non-profit organization on the second floor of an existing building in the R-3 District at premises 3536 Minnesota Avenue S.E. (Square 5419, Lot 22).

HEARING DATE: April 7, 2015

DECISION DATE: April 7, 2015

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibits 7 and 40.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 7F and to owners of property located within 200 feet of the site.² The site of this application is located within the jurisdiction of ANC 7F, which is automatically a party to this application. The ANC did not submit a report regarding the application. To questions posed by the Board, the Applicant testified that she tried to contact the ANC so as to present the application to the ANC, but that the contact information she had been provided for her single member district ("SMD") was incorrect. Eventually, she was able to contact the ANC's Chair who in turn provided the Applicant with the correct contact information for the SMD. The Applicant met with the SMD, but because the ANC's meeting had already occurred, she was unable to meet with the full ANC prior to the hearing on the application. The SMD submitted a letter in support of the application. (Exhibit 37.) Also, at the public hearing, the SMD from ANC 7D05, a neighboring ANC, testified in support of the application and confirmed that there had been difficulties in getting accurate contact information for some ANCs.

The Office of Planning ("OP") submitted a timely report on March 31, 2015, recommending approval of the application, having reviewed the application as one for a use variance (Exhibit 40), and testified in support of the application, as amended, at the

¹ The Applicant amended the application (Exhibit 33) by changing the original request for a special exception under § 217.1 to a use variance from § 320, based on a revised Zoning Administrator referral. (See, OP report, Exhibit 40.)

² The Applicant testified at the hearing that notice of the amended application for variance relief was provided through posting of the property. (Revised – Exhibit 26; Original – Exhibit 24.)

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hearing. The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 36.)

In addition to the letter of support from the SMD, ANC 7F06, (Exhibit 37), there were also letters of support for the application from Dr. Sabine O’Hara, UDC College of Agriculture, Urban Sustainability and Environmental Sciences (Exhibit 38) and four neighbors. (Exhibit 25.)

The Board closed the record at the end of the hearing. As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for a use variance from 11 DCMR § 320. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that in seeking a variance from 11 DCMR § 320, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED**.

VOTE: **4-0-1** (Lloyd L. Jordan, Michael G. Turnbull, Marnique Y. Heath, and Jeffrey L. Hinkle to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 8, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18971 of Nicholas Nowak, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 403, the open court requirements under § 406, and the non-conforming structure requirements under § 2001.3, to allow the construction of a rear addition to an existing single-family dwelling in the R-4 District at premises 317 9th Street S.E. (Square 924, Lot 817).

HEARING DATE: April 7, 2015

DECISION DATE: April 7, 2015

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report in support of the application, dated March 14, 2015, indicating that at a duly noticed and scheduled public meeting on March 10, 2015, at which a quorum was in attendance, the ANC voted unanimously (10-0-0) in support of the application. (Exhibit 25.)

The Office of Planning ("OP") submitted a timely report on March 31, 2015, indicating it was not opposed to the relief requested in the application (Exhibit 29) and testified in support of the application at the hearing. In its report OP noted that the property had been the subject of a prior Board approval, Application No. 11197, in which the Board granted variances from lot occupancy and open court to allow a six-foot extension at the rear wall of the main structure at ground level with an open deck above. The Applicant herein is proposing to replace the addition and second floor deck with a new two-story addition.¹ (Exhibit 29.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 28.)

Letters in support of the application from both adjacent neighbors were submitted to the record. (Exhibits 10 and 12.) A letter of support was also submitted by the Capitol Hill Restoration Society. (Exhibit 27.)

¹ The Board found the exceptional condition and practical difficulty previously found in the Board's prior Order No. 11197 continued to apply, since the Applicant confirmed that other than the previously approved addition and deck, the property had not otherwise changed since 1973.

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As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for area variances from 11 DCMR §§ 403, 406, and 2001.3. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from 11 DCMR §§ 403, 406, and 2001.3, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 8.**

VOTE: **4-0-1** (Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: April 8, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN

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APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7,
SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-14
Z.C. Case No. 13-14
Vision McMillan Partners, LLC and
Office of the Deputy Mayor for Planning and Economic Development
(First-Stage PUD, Consolidated PUD, and Related Map Amendment
@ Square 3128, Lot 800 - McMillan Reservoir Slow Sand Filtration Site)
November 10, 2014

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held public hearings on May 1, May 5, May 8, May 13, and May 27, 2014, to consider an application for a first-stage and consolidated planned unit developments ("PUD") and related map amendment ("Application") filed by Vision McMillan Partners, LLC and the District of Columbia, the current owner of the property, through the Office of the Deputy Mayor for Planning and Economic Development ("DMPED"), (together the "Applicant"). The Application is for a major redevelopment project at the McMillan Reservoir Slow Sand Filtration Site, located at 2501 First Street, N.W., Washington, D.C. (Square 3128, Lot 800) in Washington, D.C. (the "PUD Site"). The PUD Site is bounded by North Capitol Street to the east, Michigan Avenue to the north, First Street to the west, and Channing Street to the south, all in the northwest quadrant of Washington, D.C.

FINDINGS OF FACT

The Application, Parties, and Hearings

1. On November 22, 2013, the Applicant filed an application with the Commission for first-stage and consolidated review of PUDs and a related map amendment to zone the northern portion of the PUD Site to the C-3-C Zone District for a depth of 277 feet, as measured from the center of the curb at Michigan Avenue, N.W., and the remainder of the PUD Site to the CR Zone District. The first-stage PUD seeks approval of the master plan for the PUD Site, while the consolidated PUD requests approval of five of the seven development parcels. The PUD Site contains approximately 1,075,356 square feet (24.69 acres) of land area and is presently unzoned. On December 2, 2013, notice of the filing was published in the *D.C. Register* and was mailed to Advisory Neighborhood Commissions ("ANC") 5E, 5A, and 1B.
2. The PUD Site is divided into seven distinct Parcels. Parcel 1 is located at the north portion of the PUD Site, and will be improved with a healthcare facility with ground-floor retail (the "Healthcare Facility") and a park above a preserved water filtration cell ("Cell 14"). Parcel 4, fronting on North Capitol Street at the center of the PUD Site will be developed with a mixed-use, multi-family residential building with a ground floor-grocery store ("Multi-Family/Grocery Building"). Approximately 146 individual row dwellings are proposed for Parcel 5 (the "Rowhouses"). The south one-third of the PUD Site, known as Parcel 6, will be developed as an eight acre park ("Park") including a 6.2 acre green space, a community center building, and the South Service Court comprised of historic structures to be retained and restored. Lastly, the North Service Court, also known as Parcel 7 and located immediately south of Parcel 1, will be comprised of

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- retained and restored historic resources. Future second-stage applications will include a mixed-use, multi-unit residential building on Parcel 2 with ground-floor retail, and a mixed-use commercial building on Parcel 3 with healthcare uses and ground-floor retail.
3. The PUD Site is part of the larger McMillan Reservoir and Filtration complex, a 92-acre facility comprised of a reservoir, the slow sand filtration facility, and a pumping station, all of which were constructed at the turn of the twentieth century by the U.S. Army Corps of Engineers. The entire complex is listed as an individual landmark in the D.C. Inventory of Historic Sites and as a Historic District in the National Register of Historic Places.
 4. The Applicant's development team is comprised of Trammell Crow Company, EYA, and JAIR LYNCH Development Partners (collectively "Vision McMillan Partners" or "VMP"). In 2007, the Applicant was selected among five bidders by the National Capital Revitalization Corporation, which was later dissolved and the city, acting through DMPED, assumed control and awarded the right to develop and implement a master plan for the adaptive re-use of the PUD Site in partnership with the District. A Development Management Agreement ("DMA") was signed between DMPED and VMP, with VMP agreeing to perform and provide the following services: General Master Development Planning; Lead Design Process; Lead Community Engagement Process; Lead Regulatory Approval Preparation Process; and to create a Fiscal Impact Analysis and Public Finance Plan. Additionally, under an Exclusive Rights Agreement ("ERA") with the city, the Applicant has the exclusive right to negotiate for the acquisition and development of the vertical components of the PUD Site designated for Developer Uses. As such, the Applicant is required to construct a mix of uses on the PUD Site, including housing, affordable housing, home ownership opportunities, new neighborhood serving retail, and open spaces and parks that respect the historic property.
 5. VMP and the District of Columbia will enter into a Land Disposition Agreement ("LDA") setting forth the terms for the transfer of ownership of the development pads for the Healthcare Facility, the Multi-Family/Grocery Building, and the Rowhouses to VMP, and the terms for management and operation of the PUD Site. The LDA process will conclude after final review by the Commission and the Mayor's Agent for Historic Preservation ("Mayor's Agent").
 6. By report dated January 17, 2014, the Office of Planning ("OP") recommended that the Application be set down for a hearing. At its public meeting held on January 27, 2014, the Commission voted to schedule a public hearing on the Application. At that same time, the Commission determined to hear the case over multiple sessions given the breadth and scope of the project. On February 10, 2014, the Commission approved the following hearing schedule, with the caveat that transportation would be discussed at every hearing night:

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<u>Hearing Date</u>	<u>Topic</u>
May 1, 2014	Stage 1 Master Plan, Open Spaces and Parks, and Community Center (Parcels 6 and 7)
May 5, 2014	Multi-Family/Retail Building (Parcel 4) and Rowhouses (Parcel 5)
May 8, 2014	Healthcare Facility (Parcel 1)
May 13, 2014	Continuation Hearing (if needed)

The Commission established separate deadlines for requests for party status for each segment of the hearing. A fifth and final hearing night was added for May 27, 2014, to receive additional testimony due to a lack of time on previous hearing nights, and to allow for the Applicant to present rebuttal testimony and closing statements.

7. On February 18, 2014, the Applicant submitted a prehearing statement for the first-stage and consolidated PUD and related map amendment, along with updated zoning calculations and site plans. (Exhibits ["Ex."] 17-17H). The Applicant also filed a supplemental statement with additional architectural drawings and information on April 11, 2014. (Ex. 32-32G.)
8. A description of the proposed development and notice of the hearing was published in the *D.C. Register* on March 7, 2014. The public hearing notice was mailed to all property owners within 200 feet of the PUD Site as well as to ANCs 5E, 5A, and 1B.
9. The parties to each segment of the hearing were the Applicant, ANC 5E, the ANC in which the PUD Site is located, and Friends of McMillan Park ("FOMP"). FOMP is a nonprofit organization dedicated to preserving, restoring, and adaptively reusing the PUD Site. On April 17, 21, and 24, 2014, FOMP filed individual requests for party status to appear in opposition to the each of the development parcels scheduled to be reviewed on separate hearing nights. At each of the three hearing nights on May 1, 5, and 8, 2014, the Commission granted party status for FOMP.
10. On April 22, 2014, and May 1 and 5, 2014, the McMillan Coalition for Sustainable Agriculture filed individual requests for party status to appear in opposition to the each of the development parcels scheduled to be reviewed on separate hearing nights. At each of the three hearing nights on May 1, 5, and 8, 2014, the Commission denied the party status request for not meeting the requirements under the Commission's rules. At the May 8th hearing night, the Commission re-deliberated at length about whether to grant party status to the McMillan Coalition for Sustainable Agriculture. However, no representative from

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the Coalition was present at the hearing to answer questions from the Commission, and therefore the Commission denied the party status request.

11. By letter dated May 6, 2014, ANC 5E stated its intent to continue to negotiate with the Applicant to reach an equitable and appropriate Community Benefits Agreement ("CBA") that reflects a compilation of input from the ANC 5E and various civic associations. (Ex. 492.) In its May 6, 2014 letter, ANC 5E requested that the Commission keep the record open until May 21, 2014, to allow the ANC and the Applicant to continue working toward reaching an equitable agreement.
12. At its regularly scheduled, publically noticed meeting on June 17, 2014, with a quorum of 7 of 11 present, ANC 5E voted 4-0-3 to approve the Applicant's proffered community benefits and reaffirmed its continuing support for the PUD before the Commission, the Mayor's Agent, and proceedings before the D.C. Council on LDA.
13. The PUD Site also borders ANC 1B and ANC 5A, and thus their views are also entitled to great weight.¹ At its regularly scheduled, publicly noticed meeting on May 1, 2014, ANC 1B, with a quorum of 9 of 11 present, voted 8-0-1 to defer to and participate in the process established by ANC 5E, the ANC of primary jurisdiction. At the May 13, 2014, hearing night, ANC 1B Commissioner Anderson-Holness testified that the decision to defer to ANC 5E was based on the fact that the PUD Site is within ANC 5E boundaries and that ANC 1B wanted to support its fellow ANC as it supports its community. ANC 5A did not participate in the hearing; however, at its regularly scheduled, duly noticed meeting on January 29, 2014, at which a quorum was present, ANC 5A voted 7-0-0 to support the Application. (Ex. 41.)

The May 1st Hearing Night

14. At the May 1, 2014, hearing night, the Commission initially considered a motion filed by FOMP to dismiss or postpone the hearing. (Ex. 149.) FOMP asserted that the Commission's proceeding to approve the PUD was premature because the PUD had not yet been reviewed by the Mayor's Agent or the Historic Preservation Review Board ("HPRB"), and because the PUD was not yet subject to the LDA between the District and the Applicant authorizing development of the PUD Site. At the hearing, the Commission rejected FOMP's motion based on the finding that decisions made by the Mayor's Agent and HPRB are not germane to Commission proceedings, and that the transfer of ownership through the LDA would have no bearing on the Commission's proceeding or decision.
15. At the May 1, 2014, hearing night, the Applicant presented eight witnesses in support of the first-stage master plan, open spaces and parks, and community center (Parcels 6 and

¹ See *Neighbors United for a Safer Community v. District of Columbia Bd. of Zoning Adjustment*, 647 A.2d 793 (D.C. 1994).

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- 7): Adam Weers, Trammell Crow Company, and Anne Corbett, Project Director for VMP, on behalf of the Applicant; Matthew Bell, Perkins Eastman Architects; Robert Schiesel and Dan VanPelt, Gorove/Slade Associates; Emily Eig, EHT Traceries; Rebecca Manning, George Sexton Associates; Kirk Mettam, Robert Silman Associates; and Steven Sher, Director of Zoning and Land Use Services, Holland & Knight LLP. Based upon their professional experience and qualifications, the Commission recognized Matthew Bell as an expert in architecture; Robert Schiesel and Dan VanPelt as experts in transportation engineering and planning; Emily Eig as an expert in historic preservation; Rebecca Manning as an expert in lighting design; Kirk Mettam as an expert in structural engineering; and Steven Sher as an expert in land use, zoning, and planning. Shiv Newaldass, Project Manager for DMPED, also testified in support of the Application on behalf of DMPED.
16. Maxine Brown-Roberts from OP testified in support of the first-stage master plan, open spaces and parks, and community center, with certain comments and conditions. Jennifer Steingasser and Joel Lawson were also present on behalf of OP. Jonathan Rogers, Anna Chamberlin, and Jamie Henson of the District's Department of Transportation ("DDOT") also testified in support of the first-stage master plan, open spaces and parks, and community center, with certain comments and conditions.
17. At the May 1, 2014, hearing night, the Commission determined that due to lack of time, persons and parties in support of or opposition to the master plan, open spaces and parks, and community center, would be heard at the May 13, 2014, hearing night.

The May 5th Hearing Night

18. At the May 5, 2014, hearing night, the Applicant presented six witnesses in support of the Multi-Family Grocery Building (Parcel 4) and the Rowhouses (Parcel 5): Aakash Thakkar, EYA, and Jair Lynch, JAIR LYNCH Development Companies, on behalf of the Applicant; Jack McLaurin, Lessard Design; David Jameson, David Jameson Architect; and Jim Voelzke, MV+A. Based upon their professional experience and qualifications, the Commission recognized Jack McLaurin, David Jameson, and Jim Voelzke as experts in architecture. Robert Schiesel from Gorove/Slave also testified in support of the Application with respect to transportation.
19. Maxine Brown-Roberts from OP and Sam Zimbabwe from DDOT testified in support of the Multi-Family Grocery Building on Parcel 4 and the Rowhouses on Parcel 5, with certain comments and conditions. Jennifer Steingasser and Joel Lawson were also present on behalf of OP. C. Dianne Barnes, ANC Commissioner 5E09, testified on behalf of ANC 5E in support of the Application. Several persons also testified in support of the Application.

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20. FOMP presented two witnesses to testify in opposition to the Application regarding the Multi-Family Grocery Building and Rowhouses: Anne Sellin and Tony Norman. Based upon her professional experience and qualifications, the Commission recognized Anne Sellin as an expert in historic preservation. Several persons testified in opposition to the Application.

The May 8th Hearing Night

21. At the May 8, 2014, hearing night, the Applicant presented three witnesses in support of the Healthcare Facility (Parcel 1): Adam Weers, Trammell Crow Company, on behalf of the Applicant; Shalom Baranes, Shalom Baranes Architects; and Jeffrey Aten, Nelson Byrd Woltz Landscape Architects. Based upon their professional experience and qualifications, the Commission recognized Shalom Baranes as an expert in architecture and Jeff Aten as an expert in landscape architecture. Janice Posey, on behalf of the Higher Education and Healthcare Sector within DMPED testified in support of the Healthcare Facility.
22. Maxine Brown-Roberts and Jennifer Steingasser from OP and Anna Chamberlin from DDOT testified in support of the Healthcare Facility, with certain comments and conditions. Joel Lawson was also present on behalf of OP. Several persons also testified in support of and opposition to the Healthcare Facility.

The May 13th Hearing Night

23. At the May 13, 2014, hearing night, Councilmember Kenyan McDuffie from Ward 5 testified in support of the Application. C. Dianne Barnes, ANC 5E, also testified in support of the Application and requested that the Commission keep the record open to allow completion of negotiations between ANC 5E and the Applicant regarding the Applicant's proffered community benefits which, at the time of the hearing, had not yet been finalized. Also testifying in support of the Application were Sylvia M. Pinkey, Chairperson of ANC 5E, and E. Gail Anderson-Holness, Commissioner for ANC 1B. Numerous persons testified in support of and in opposition to the Application.
24. FOMP presented three experts to testify in opposition to the Application: Joe Mehra, MCV Associates, Inc.; Miriam Gusevich, Miriam Gusevich-Miles Studio; and George Oberlander, Gannett Fleming. Based upon their professional experience and qualifications, the Commission recognized Joe Mehra as an expert in transportation engineering, Miriam Gusevich as an expert in architecture, and George Oberlander as an expert in land use and zoning. FOMP also presented John Salatti as a lay-witness testifying in opposition to the Application.

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The May 27th Hearing Night

25. At the May 27, 2014, hearing night, the Commission received further testimony in support of and in opposition to the Application. The Applicant also presented rebuttal testimony. The Commission concluded the hearing and closed the record, except for certain limited information. In addition to the testimony presented at the public hearings, the Commission received numerous letters in support of and opposition to the Application.

Post Hearing Submissions and Actions

26. The Applicant submitted its post-hearing materials on June 23, 2014. (Ex. 832-832O.) The parties filed responses on July 7, 2014. (Ex. 835.) The Applicant and FOMP submitted proposed findings of fact and conclusions of law also on July 7, 2014. (Ex. 834, 836.)
27. On July 11, 2014, Daniel Wolkoff submitted his testimony. (Ex. 839.)
28. On July 17, 2014, the Stronghold Civic Association submitted comments on the draft CBA. (Ex. 841.) On July 21, the McMillan Advisory Group submitted its comments on the draft CBA. (Ex. 843.) On July 22, 2014, the Bloomingdale Civic Association submitted its comments on the CBA. (Ex. 845.)
29. On July 25, 2014, Chris Niosi and Victoria Langford submitted their testimony. (Ex. 847.)
30. At its regular meeting on September 29, 2014, the Commission took proposed action to approve the first-stage and consolidated PUD and related map amendment with conditions. At its regular public meeting on October 6, 2014, the Commission clarified that it intended to approve both the first-stage, and the consolidated PUD applications. The Commission felt this clarification was necessary because the motion it approved at the September 29, 2014 meeting did not mention the consolidated portion of the PUD.
31. The first-stage and consolidated PUD and related map amendment were referred to the National Capital Planning Commission ("NCPC") on October 7, 2014 for review of any impacts on the federal interest under the Comprehensive Plan.
32. On August 25, 2014, the Applicant responded to the issues raised by the Commission when it took proposed action. (Ex. 848, 849-849G.)
33. On August 25, 2014, NCPC submitted its staff comments to the Commission. (Ex. 850.)

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34. On September 15, 2014, the Applicant submitted revised plans in response to NCPC staff's comments. (Ex. 856A1-856A4.) The Applicant also submitted a letter that responded to the comments in the August 25, 2014 NCPC staff's letter. (Ex. 857.)
35. On September 15, 2014, FOMP submitted a response to the Applicant's post-hearing submission dated August 25, 2014. (Ex. 858.)
36. On October 6, 2014, the Applicant submitted its list of proffers and draft conditions pursuant to 11 DCMR § 2403.16. (Ex. 860.)
37. On October 20, 2014, the Applicant submitted its revised final list of proffers and draft conditions pursuant to 11 DCMR § 2403.20. (Ex. 864.) The Applicant also submitted additional viewshed and modeling images and an update on the Applicant's transit commitments. (Ex. 862, 863.)
38. The Commission took final action to approve the Application on November 10, 2014.

The PUD Site and Surrounding Area

39. The PUD Site is being redeveloped through a public-private partnership between the District of Columbia, as owner of the property, and VMP, as the master planner and developer selected by the District to implement the project. The PUD Site is bounded by North Capitol Street to the east, Michigan Avenue to the north, First Street to the west, and Channing Street to the south, all in the northwest quadrant of Washington, D.C.
40. Historically, the PUD Site was used as a slow sand water filtration plant. It consists of 20 underground cells of sand filter beds on a level platform or "plinth," which is inserted into the rising slope of North Capitol Street. The south end of the PUD Site is situated approximately 16 feet above the north end of the PUD Site; however, as North Capitol Street rises, the plinth remains level so that it sits approximately 10 feet below Michigan Avenue at its northern end.
41. The surface of the PUD Site is generally flat, rectangular in shape, and is made up of a shallow dirt-bed covered with grass and weeds. This plane is punctuated by 2,100 manholes to the filter bed chambers below. Two recessed service corridors containing 20 chimney-like structures, known as the sand storage bins, traverse the PUD Site laterally with pathways that lead to the underground cells. These lateral corridors, referred to as the "North Service Court" and the "South Service Court," are lined with other elements of the water filtration process, including regulator houses, stationary sand washers, and portals and ramps to the underground chambers of sand filter beds. Overall, the PUD Site is approximately three city blocks long along North Capitol Street and First Street, and one block wide along Channing Street and Michigan Avenue.

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42. The PUD Site is situated adjacent to the residential neighborhoods of Bloomingdale to the south and Stronghold to the east, which are characterized by a variety of large Victorian rowhouses and more modest rowhouses, many with front porches. The Glenwood Cemetery and Trinity College are also located to the east across North Capitol Street, adjacent to the residential communities. The Veterans Affairs Medical Center, Washington Hospital Center, and Children's National Medical Center are located across Michigan Avenue to the north and have building heights ranging from 90 to 127.5 feet. To the west across First Street is the functioning reservoir of the McMillan Reservoir and Filtration Complex operated by the U.S. Army Corps of Engineers. Further to the west is Howard University.

The PUD Project

43. The existing PUD Site has approximately 1,075,356 square feet (24.69 acres) of land area and is presently unzoned. In conjunction with its PUD application, the Applicant will amend the Zoning Map to rezone the PUD Site to the C-3-C and CR Zone Districts. The C-3-C Zone District will be located along the northern portion of the PUD Site and will encompass the Healthcare Facility in Parcel 1. The CR Zone District will encompass the remainder of the PUD Site, including Parcels 2 and 3, which will be developed as future second-stage applications; the Multi-Family Grocery Building in Parcel 4; the Rowhouses in Parcel 5; the Park, including the community center and South Service Court in Parcel 6, and the North Service Court as Parcel 7.
44. The overall PUD will include approximately 2,070,753 square feet of gross floor area, or an aggregate floor area ratio ("FAR") of approximately 1.92. Uses on the PUD Site will include (i) the Healthcare Facility with approximately 860,000 square feet of gross floor area devoted to medical office uses and approximately 15,000 square feet of gross floor area devoted to ground floor retail; (ii) the Multi-Family Grocery Building on Parcel 4 comprised of approximately 305,847 square feet of gross floor area, divided into 258,235 square feet of gross floor area devoted to residential units (inclusive of loading areas) and approximately 55,567 square feet of gross floor area devoted to a ground floor grocery store (inclusive of loading areas); (iii) 146 individual Rowhouses, comprised of approximately 350,000 square feet of residential uses; and (iv) the 17,500 square foot community center. In addition, approximately almost 500,000 square feet of land area on the PUD Site is devoted to parks, landscaping, and open areas. This consists of the healing gardens, the park, the North and South Service Courts, Cell 14, and the Olmsted Walk.
45. Building heights on the PUD Site will range from 26 feet to 115 feet. The project will be an architecturally distinct, vibrant, mixed-use development that provides housing, employment, retail, cultural, and recreation opportunities for District residents. The PUD Site will retain many significant elements of the historic McMillan Slow Sand Filtration

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Plant and incorporate these elements into the overall design and concept plan. The PUD Site will be open to the public at all times, and will integrate necessary retail amenities, parking, and pedestrian-oriented infrastructure into the existing community.

The Master Plan

46. The first-stage PUD Application includes the master plan for the PUD Site. The master plan orients construction on the PUD Site around a new, two-way internal street grid, which will disperse traffic and provide cross-site connectivity. Evarts Street will run laterally across the PUD Site from First Street to North Capitol Street. Quarter Street and Three-Quarters Street will run north-south, in between the North Service Court and the South Service Court. Half Street will be located at the mid-point of the PUD Site, connecting Michigan Avenue down to the South Service Court. The North and South Service Courts will be divided into two-way streets and will similarly be integrated into the proposed grid system. The Service Courts will preserve the historic regulator houses, silos (sand bins), and access bays to the underground sand filtration cells associated with the landmark. The overall development is set back from all edges of the PUD Site, retaining the existing topography of the PUD Site and recreating the elevated hawthorn-lined perimeter walkway originally designed by Frederick Law Olmsted, Jr. This perimeter walkway will be a publicly accessible recreational path set inside and parallel to the public sidewalk.
47. The North and South Service Courts divide the PUD Site into three distinct development blocks. The northern block is comprised solely of Parcel 1, and is bounded by First Street to the west, Michigan Avenue to the north, North Capitol Street to the east, and the historic North Service Court to the south. This northern block will be developed with the Healthcare Facility with ground-floor retail uses, as described in detail below. The Applicant will preserve a substantial amount of open space on the northern block, preserving important sightlines across the PUD Site. The development will retain Cell 14, a 41,414-square-foot filtration cell, and will incorporate a "healing garden" along Michigan Avenue. The reconstruction of the Olmsted Walk along the perimeter of the PUD Site will provide a pedestrian link between the Healthcare Facility to the north and the primary open space at the southern end of the PUD Site. This northern block will be rezoned to the C-3-C Zone District.
48. South of the North Service Court is the central block of the PUD Site, which the Applicant will develop with the Multi-Family Grocery Building containing approximately 281 residential units and a ground-floor grocery store (Parcel 4), and the 146 moderate density Rowhouses (Parcel 5). A future phase of development will also include an approximately 173,000 square foot healthcare facility with retail on the ground floor (Parcel 3) and an approximately 334,950 square foot mixed-use building with retail on the ground floor and residential units above (Parcel 2). This central portion of the

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PUD Site has a land area of approximately 447,565 square feet and will be bisected by the newly created Evarts Street, N.W., which will run laterally in between the Service Courts, and will be further divided by Three-Quarters Street, Half Street, and Quarter Street, which will run longitudinally between the North and South Service Courts. The proposed zoning for this component of the project is the CR Zone District.

49. The southern block of the PUD Site (Parcel 6), located between Parcel 5 and Channing Street, is the Park and will include the 6.2-acre green space, the community center, and the South Service Court. The southern block will also accommodate a construction and staging area for D.C. Water, as described below.

The Park, Community Center, and South Service Court (Parcel 6)

50. The Park comprises the entire southern portion of the PUD Site (Parcel 6), encompassing the 6.2 acre green space, the 17,500 square foot community center, and the South Service Court. The Park's program includes convenient pedestrian, bicycle, and vehicular access, large informal play areas, the Olmsted Walk, terraced seating, an outdoor "sprayground" and playgrounds, natural amphitheater, a stormwater pond that will reference the PUD Site's subterranean natural hydrology, and a "walking museum" that will tell the history of the PUD Site. The Park will also accommodate informal sports and events for District residents. The western portion of the Park will include the reconstructed elevated plinth, which will be preserved with views to the reservoir and city landmarks beyond. A portion of Filtration Cell 28, an underground filter bed, will also be preserved for future use. Hawthorn trees will line both sides of the Olmsted Walk, and a tree grove in a quincunx pattern will be located in the center of the Park, referencing the historic pattern of manholes in the plinth.
51. The community center will house circulation and gallery spaces with exhibits on the history of the PUD Site, a 25-meter swimming pool, a multipurpose community meeting room with a catering kitchen, outdoor gathering spaces, fitness studio, and locker and shower facilities. The building will have a glass façade made of high-performance glazing that will welcome ample daylight into the pool and other public spaces. The building will incorporate a lightweight metal exterior trellis shading system to condition the exterior spaces and shade the building. Reinforced concrete groin vaults will recreate the experience of the historic below-grade filter beds, while wood boards, likely reclaimed wood from the PUD Site, will envelop the building's entrance vestibule.
52. Parcel 6 will also accommodate a construction and staging area for D.C. Water during their construction of a "Long Term Control Project," a major infrastructure project by D.C. Water to improve stormwater management in the area. As a result, the timing of the District's construction on the Park and community center will be coordinated with D.C.

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Water. In addition, 21 parking spaces along the South Service Court will be provided for public visitors to the community center.

Multi-Family Grocery Building (Parcel 4)

53. The Multi-Family Grocery Building is located in the central portion of the PUD Site along North Capitol Street. Designed by MV+A Architects and David Jameson Architect, Inc., and developed by JAIR LYNCH Development Partners, the mixed-use building will accommodate a grocery store on the ground level and approximately 258,235 square feet of gross floor area devoted to residential uses, comprised of approximately 196 market-rate units and 85 senior-affordable units for seniors earning between 50% and 60% of the area medium income ("AMI") for the Washington Metropolitan Area. The proposed building will be constructed to a maximum height of 77 feet.
54. The residential area of the building is articulated as three simple bars along North Capitol Street, recalling the rhythm of the sand bins and providing open courtyards in the building's interior. This open-ended massing strategy reduces the building's scale as it relates to and is viewed by the existing rowhouses across North Capitol Street. The façade responds to the rhythm of the placement of the historic sand bins and regulator houses with large corresponding frames containing balconies for the residences. Three portals reflect the placement of the three sand bins located in front of the building, while a fourth balcony wraps the building corner, acknowledging the sand bin at the intersection of the North Service Court and Quarter Street. An abstracted plinth containing the retail/grocery program features a canted wall facing the North Service Court, embodying the original Service Court walls on the PUD Site.
55. As described in more detail in the Circulation, Parking, and Loading section below, the Multi-Family Grocery Building will contain an on-site parking garage containing approximately 329 parking spaces for residents and retail patrons. Loading will be accessed from Evarts Street and will include one berth at 40 feet, two berths at 70 feet, three loading platforms at 200 square feet, and two service/delivery spaces at 20 feet.

Rowhouse Development (Parcel 5)

56. Parcel 5 is located in the central portion of the PUD Site and spans its full width. Designed by Lessard Design and developed by EYA, Parcel 5 will be developed with 146 row dwellings, with approximately 350,000 square feet of gross floor area. The dwellings will be constructed in groups of six to eight houses, with one group of 16 back-to-back units, and with maximum building heights of 48 feet (three and four stories). Except for the 16 back-to-back units, the row dwellings will have rear yards and rear garage access from new private alleys, and will have widths of 14 feet, 16 feet, 18 feet, or

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20 feet, with gross floor areas of approximately 1,600 to 3,200 square feet. The back-to-back units share a common party wall with two and a half stories of living space and a common parking garage below. The back-to-back units are approximately 22 feet wide and range in size from 2,000 to 2,700 square feet.

57. The Applicant will seek to exempt the rowhouse development from the inclusionary zoning ("IZ") requirements of Chapter 26 of the Zoning Regulations. If the exemption is granted, the Applicant will still have to set aside the minimum amount of gross floor area for affordable units. In the CR Zone District, new housing developments with 10 or more units must set aside eight percent of the gross floor area devoted to residential uses to households earning no more than 80% of the AMI. As initially presented, the Applicant increased the proffered amount of affordable units to 10% of the gross floor area of the Rowhouse development (approximately 35,000 square feet), which equated to 18 units. At the May 5th hearing night, the Applicant further increased its proposal by committing to offer nine units to households earning no more than 50% of the AMI. Finally, through negotiations with ANC 5E, the Applicant increased the number of affordable units from 18 to 22 units, or approximately 12.3% of the gross floor area of the Rowhouse development. Nine of the affordable units will continue to be offered to households earning no more than 50% of AMI, with the remaining 13 affordable units offered to households earning no more than 80% of AMI. All of the 16 back-to-back units will be market-rate.
58. The Rowhouse development makes up the single-family residential fabric of the PUD Site and corresponds to the existing residential community of Bloomingdale to the south and Stronghold to the east. The massing of the Rowhouse units provides a transition from the low-rise surrounding community to the larger buildings on the PUD Site and across Michigan Avenue, and is designed so that the individual structures form part of a larger compositional block or terrace. The Rowhouses front pedestrian-friendly streets with large outward facing windows, pedestrian-scaled lighting, landscaping, and street trees.
59. As described in more detail in the Circulation, Parking, and Loading section below, each rowhouse will contain a minimum of one on-site vehicle parking space. No loading is required for the row dwellings, and none is provided.

Healthcare Facility (Parcel 1)

60. The Healthcare Facility is located at the north end of the PUD Site, with frontage on Michigan Avenue, North Capitol Street, and First Street, N.W. Designed by the architectural firm of Shalom Baranes Associates and developed by Trammell Crow Company, with landscape design by Nelson Byrd Woltz Landscape Architects, the Healthcare Facility will be comprised of approximately 860,000 square feet devoted to healthcare uses, and a minimum of 15,000 square feet devoted to ground-floor retail. The

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Healthcare Facility will rise in two halves and be separated above grade by Half Street. The two halves will be connected at the main floor of the building fronting on the North Service Court. The building will be 115 feet in height, and stepping down to an approximate height of 110 feet at the far east and northeast extensions. The building is set back from North Capitol Street by approximately 150 feet, with the preserved Cell 14 acting as a buffer between the Healthcare Facility and the adjacent residential community. The building will occupy approximately 55% of Parcel 1, with an overall density of 4.08 FAR. The Healthcare Facility will serve the office needs of physicians and medical service providers affiliated with many of the leading healthcare systems in the area including Children's National Medical Center and the Washington Hospital Center.

61. The primary pedestrian entrances to the Healthcare Facility are located from the North Service Court on the southern side of the building at the main floor level. The primary vehicular parking entrance is located at First Street on the east side of the building. Public vehicular access points are also located along Michigan Avenue, oriented toward the adjacent hospitals. A vehicular driveway loop off of Michigan Avenue will provide visitors, particularly patients, with convenient, covered access to the patient lobby spaces, and facilitate the use of high occupancy vehicles, including shuttles to and from nearby Metrorail stations.
62. The Healthcare Facility's main floor will be on its south side, opening onto the historic North Service Court, and will be activated by pedestrian-oriented retail and the primary parking garage entrance for retail patrons. To the north of the building along Michigan Avenue, a terraced medicinal/healing garden will create a welcoming space for patients, visitors, and employees. The Olmsted Walk will connect the Healthcare Facility and its healing gardens with the rest of the PUD Site's public amenities to the south.
63. As described in more detail in the Circulation, Parking, and Loading section below, the Healthcare Facility will contain a four-level underground parking garage containing approximately 1,900 vehicle parking spaces open to the public. Loading facilities will be located on both sides of Half Street and will include four berths at 30 feet deep and four service/delivery spaces at 20 feet deep.

Site Circulation, Parking, and Loading

64. The Master Plan introduces several new streets within and access points to the PUD Site. The new street system incorporates new internal blocks that connect the VA/Washington Hospital Center to the north to the Bloomingdale neighborhood to the south, and provide multi-modal connectivity and circulation within and throughout the entire PUD Site.
65. East-west connections are achieved by restoring the historic North and South Service Courts as part of the street system, as well as introducing Evarts Street, which will run

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laterally across the site from First Street to North Capitol Street. The North and South Service Courts will preserve and incorporate all 20 historic silos (sand storage bins) and all four regulator houses into the new design and development. The North Service Court will provide two-way vehicular access, connecting First Street through to North Capitol Street, with sidewalks that are activated by ground-floor retail uses in the Healthcare Facility to the north and in the Multi-Family Grocery Building to the south. Pedestrian access to the grocery store on Parcel 4 will be from the North Service Court. The South Service Court will only provide external vehicular access from First Street, and is designed to be a shared corridor with pedestrian access, open space, street parking, and vehicle zones for convenient drop-off and pick-up for the Park and community center.

66. The PUD will also provide three new north-south streets: Half Street will be located at the mid-point of the PUD Site and will connect from the South Service Court to Michigan Avenue. Quarter Street and Three Quarters Street will run north-south between the North Service Court and the South Service Court. Sidewalks will be located on all of these streets for easy and safe pedestrian access. Bicycle racks will be provided along the sidewalks, in addition to long-term, secure bicycle storage areas within the individual buildings.
67. The PUD involves the introduction of three new traffic lights: two traffic lights will be located on North Capitol Street where it intersects with the North Service Court and Evarts Street, and one new traffic light will be located at the intersection of Michigan Avenue and Half Street. These new lights will help reduce traffic congestion and help move vehicles around the PUD Site at a steady and consistent rate.
68. The PUD Site will serve as a transit hub that accommodates premium transit options, such as the Metrobus, Circulator Bus, and the future D.C. streetcar, and will provide convenient connections to Capital Bikeshare stations, bicycle storage and changing facilities, privately run shuttles to the Brookland Metrorail station, and vehicle parking. Upon completion, the PUD project will create a new, vibrant destination that will complement the adjacent institutional and residential uses and will be easily accessible from all areas of the city and via all modes of travel.
69. On-street parking will be provided on all of the streets internal to the PUD Site, with some spaces reserved for car-sharing. On-site parking and loading will be located on each of the individual parcels, as described below:
 - a. Healthcare Facility: A maximum of 1,900 parking spaces will be provided in the Healthcare Facility in four levels of underground parking. The primary vehicular access is on the east side of the building from the vehicular driveway loop along Michigan Avenue. An additional parking entrance is located from First Street, and is intended primarily for the everyday occupants of the building accessing the

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main floor level. Direct vehicular access points into the garage are also provided from the North Service Court. All four levels of the garage will be available for use by employees, patients, visitors, and retail patrons, and all of the access points can be used for both entrance and exit;

- b. Loading facilities for the Healthcare Facility will be located on both sides of Half Street in order to keep trucks away from the retail entrances and sidewalks along the North Service Court. Loading facilities include four loading berths at 30 feet deep and four service/delivery spaces at 20 feet deep;
- c. Multi-Family Grocery Building: The Multi-Family Grocery Building on Parcel 4 will include approximately 329 parking spaces on two levels of below-grade parking, plus approximately 100 bicycle parking spaces. The parking garage will be accessed from Evarts Street, separate from the residential and retail entrances;
- d. Loading for the Multi-Family Grocery Building will be located on Evarts Street adjacent to the parking garage entrance and will include one loading berth at 40 feet deep, two loading berths at 70 feet deep, three loading platforms at 200 square feet, and two service/delivery spaces at 20 feet deep. The Applicant revised the design and location of the loading facilities since its initial submission, which located the parking garage entrance on Quarter Street in between the market-rate and senior residential lobbies and had extended the loading facilities across the majority of the south-facing façade of the Multi-Family Grocery Building on Evarts Street. The revised design allows for a more safe and convenient design and operation of the building;
- e. In addition to the relocated loading facilities, the grocery store operator will have a loading management plan, with at minimum the following two elements: (i) an employee of the grocery store will be responsible for scheduling deliveries and working with delivery drivers and companies to ensure that the loading dock is not over-scheduled. Trucks will not be permitted to queue in public space, and drivers will be made aware of the proper routing of large vehicles to and from the PUD Site; and (ii) deliveries of large vehicles (defined as those that will require backing maneuvers into the loading dock from Evarts Street) will be prohibited during weekday mornings from 7:00 a.m. to 8:30 a.m. Residential use of the loading facilities will primarily include move-ins and move-outs, trash removal, large residential deliveries, and deliveries to support residential operations; and
- f. Rowhouses: The parking requirement for the Rowhouse development on Parcel 5 is one parking space per dwelling unit, for a total requirement of at least 146 parking spaces. However, Parcel 5 will incorporate between 208 and 292 total parking spaces, with each row dwelling containing a private one- or two-car

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garage accessed by a network of alleys. The two-car garages in the 14-foot and 16-foot units provide back to back (tandem) parking for two cars, and as an option the Applicant will allow homebuyers to remove one of the tandem spaces in favor of a den/study and only one parking space. The 16 back-to-back row dwellings will have a common underground parking garage accessed from Evarts Street. The Zoning Regulations do not require loading facilities for the Rowhouses and none are provided. On-street parking will be available for visitors;

70. Pedestrians will have access to the PUD Site from all four corners, as well as from First Street at the North and South Service Courts and at Evarts Street; North Capitol Street at the North Service Court and Evarts Street; and at Half Street along Michigan Avenue. Numerous interior walkways and paths will provide active and passive pedestrian circulation and sidewalks will be designed to encourage foot traffic and activity on the street. The historic Olmsted Walk, which runs around the perimeter of the PUD Site parallel to, yet often well above, the public sidewalk, will be refurbished. Three sets of the corner concrete stairs will be reconstructed in place and ADA-accessible ramps will be created to provide a contiguous and safe pedestrian experience.
71. Space for at least three new Capital Bikeshare stations will be provided on the PUD Site.

Sustainable Development

72. The master plan for the overall development for the PUD Site will be evaluated for LEED-Neighborhood Development and will be certified at least LEED-Gold or its equivalent. Individual buildings within the PUD Site will be certified at least LEED-Silver or its equivalent. The PUD is consistent with best practices for storm water management, low-impact development, and sustainable design. The project's storm water management will meet the latest storm water regulations that the District recently implemented and will consist of many different types of low impact design techniques, including pervious pavement in sidewalks, roadways, alleys, and parking spaces; bio-swales; bio-tree pits and inlets; cartridge filters; oil/grit separators; rain gardens; green screens; detention vaults; and cisterns.
73. The PUD Site does not presently have any storm water management facilities connected to it. Redevelopment of the PUD Site will significantly improve water quality, reduce the volume of runoff, and control the release and safe conveyance of all on-site storm water drainage.

Responsibilities of the Applicant and the District

74. Under the DMA and the ERA agreements between the District and VMP, the two parties will jointly develop the PUD Site. The District will be responsible for the land development, which includes the provision of ready-to-build pad sites serviced by

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common infrastructure including streets, utilities, and lighting. The District will also be responsible for the provision of public amenities, such as the complete park system, community center, and the historic preservation of the built resources. The Applicant will execute the vertical development on the PUD Site. The first-stage of vertical development will include the Healthcare Facility on Parcel 1; the Multi-Family Grocery Building on Parcel 4; and the 146 Rowhouses on Parcel 5.

75. The Applicant will create a project association or business improvement district, referred to as the McMillan Public Space Partnership ("Partnership"). The Partnership will provide an operating framework to maintain and program the public space within the McMillan redevelopment, including the private roadways, alleys, bicycle paths, historic walks, sidewalks, parks, open space, historic resources, streetscapes, street furniture and fixtures, and signage within the PUD boundaries. The Partnership will be a not-for-profit corporation governed by a board of directors responsible for strategic and financial planning, management, and reporting to the public. As its primary function, the Partnership will maintain and program most, if not all, of the public assets on the PUD Site via an agreement with the District. The assets include the Park and open space, historic resources, public art, and internal streets and their components (e.g., paving, light fixtures, benches). (Ex. 832M.)

CBE and First Source Employment Opportunities

76. By agreement dated June 23, 2014, the Applicant entered into a First Source Agreement with the D.C. Department of Employment Services ("DOES"). (Ex. 832K.) Among others, the Agreement requires the Applicant to use DOES as the first source to fill all new jobs created as a result of the PUD, and requires that 51% of all new hires on government contracts between \$300,000 and \$5 million shall be District residents. The Applicant is committed to meeting the requirements under the First Source Agreement and to maximize job opportunities for District residents, especially Ward 5 residents.
77. The Applicant has committed \$700,000 toward the establishment of a workforce fund, which will organize and distribute grants and awards to local workforce development and social service organizations to connect District residents seeking jobs at the PUD Site with the training, job preparation, and workforce readiness skills necessary to maximize their job opportunities. These efforts will be undertaken for both the construction jobs generated by redevelopment of the PUD Site and for the permanent positions within the retail and healthcare arenas generated by the tenants that will locate at the PUD Site. As a part of this process, an advisory board will be established, made up of local community stakeholders, workforce development organizations, and representatives from the Applicant and the tenant community, which will provide input and approve grants awarded by the fund. The Construction Employment Plan, included with Exhibit 832K, specifies the specific ways that the Applicant will meet its goals of hiring District residents.

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78. In addition, the following Certified Business Enterprises ("CBE") subcontractors have participated or are currently participating in the Applicant's team: EHT Traceries, Perkins Eastman DC, Gorove/Slade Associates, Shalom Baranes Associates, Silman Associates, ECS Capitol Services, WDG Architecture, Symmetra, Green Door Advisors, LLC, and Answer Title. (Ex. 8320.) The final CBE agreement will be negotiated with the District as part of the LDA and executed prior to issuance of any building permits for the project.

Public Benefits and Project Amenities

The Commission finds that the following public benefits and project amenities will be created as a result of the PUD:

Housing and Affordable Housing

79. The PUD will provide approximately 924,583 square feet of gross floor area devoted to residential uses, or approximately 677 units of new housing in single-family and apartment houses, for both rental and ownership opportunities. The Applicant will set aside a portion of the total square feet of gross floor area devoted to housing on the PUD Site for affordable housing, as follows:
- a. On Parcel 4, a minimum of 67,018 square feet of gross floor area of the total new housing provided, or approximately 85 residential units, will be set aside as senior housing (55 years of age or older) for households earning between 50% and 60% of the AMI. These units will all be located in the southern wing of the building. Due to the financing structure for the development of the senior housing, these units are not subject to the IZ spacing requirements;
 - b. On Parcel 5, 22 of the single-family row dwellings will be set aside as affordable housing. Nine of the affordable units will be set aside for households earning no more than 50% of AMI, with the remaining 13 affordable units set aside for households earning no more than 80% of the AMI. The affordable units will be scattered throughout Parcel 5, and all of the 16 back-to-back units will be market-rate;
 - c. On Parcel 2, approximately 25 units, or approximately 21,341 square feet of total gross floor area devoted to housing, will be set aside for households earning up to 80% of the AMI. The affordable units located on Parcel 2 will be sufficient to achieve a 20% split of affordable units across the PUD Site;
 - d. The Applicant will be requesting the Zoning Administrator to grant an exemption from the Inclusionary Zoning requirements of Chapter 26 pursuant § 2602.3 (f).

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The provision exempts to “any development financed, subsidized, or funded in whole or in part by the federal or District government and administered by the Department of Housing and Community Development (DHCD), the District of Columbia Housing Finance Agency, or the District of Columbia Housing Authority and that meets the requirements set forth in § 2602.7”;

- e. Subsection 2602.7 provides that:
- The development shall set aside, for low- or moderate-income households, affordable dwelling units (“Exempt Affordable Units”) equal to at least the gross square footage that would have been required pursuant to §§ 2603.1 and 2603.2. The terms “low-income household” and “moderate-income household” shall have the same meaning as given them by the federal or District funding source, or financing or subsidizing entity, and shall hereinafter be referred to collectively as “Targeted Households”;
 - The Exempt Affordable Units shall be reserved for the Targeted Households and sold or rented in accordance with the pricing structure established by the federal or District funding source, or financing or subsidizing entity, for so long as the project exists;
 - The requirements set forth in § 2602.7(a) and (b) shall be stated as declarations within a covenant approved by the District; and
 - The approved covenant shall be recorded in the land records of the District of Columbia prior to the date that the first application for a certificate of occupancy is filed for the project; except that for developments that include one-family dwellings, the covenant shall be recorded before the first purchase agreement or lease is executed;
- f. The Applicant has committed to fully comply with these requirements; and
- g. In addition, the affordable housing units will be constructed prior to or concurrently with the market-rate units, except that if the development is phased, the affordable units will be constructed at a pace that is proportional with the construction of the market-rate units.
80. Urban Design, Architecture, and Site Planning: The PUD will be developed substantially in accordance with the master plan prepared by EEK Perkins Eastman Architects dated April 11, 2014 (Ex. 32A1A1-32A1A26 and 32A2A1-32A2A72 [hereinafter Ex.”32A”]) and supplemented by drawings submitted on June 23, 2014 (832A1-832A3 [hereinafter “Ex. 832A”]). The Applicant will provide all necessary public infrastructure to support the development, including all project site work; all streets, alleys, sidewalks, and bike paths; historic and commemorative signage throughout the PUD Site to create a walking museum interpreting the preserved structures and views; and all related utilities.

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Parks, Open Space, and Landscaping

81. Parks, Open Space, and Landscaping: The PUD will provide almost 500,000 square feet of land area comprised of the Park, the North and South Service Courts, the healing gardens, preserved Cell 14, and the Olmsted Walk. The Olmsted Walk will be Americans with Disabilities Act (“ADA”) accessible and include benches along the walk. The Park will include covered seating areas with at least four durable, high-quality picnic tables or similar tables and chairs, an amphitheater adjacent to the community center, a children's playground, a "spray-ground," an outdoor adult fitness area, a pond, and open lawns for casual sports. The Applicant will provide all related streetscape improvements and street furniture, including lighting, benches, trash receptacles, and bicycle racks.

Design Guidelines; Public Art Guidelines

82. The Applicant will implement and follow the Master Plan Design Guidelines prepared by EEK Perkins Eastman Architects (Ex. 17C); and the Cultural DC Public Art Master Plan. (Ex. 17D10).

Historic Preservation

83. The Applicant will retain and rehabilitate the North and South Service Courts, including all 20 sand storage bins, all four regulator houses, at least one sand washer, certain filter bed portals, and extended portions of the service court walls. Cells 14 and a portion of Cell 28 will also be preserved. The Applicant will re-establish the Olmsted Walk around the perimeter of the PUD Site and reconstruct the concrete stairs at the PUD Site's two southern corners and northeast corner that provided access to the walk. The Applicant will seek permission from the U.S. Army Corps of Engineers or other responsible government agency to obtain the historic McMillan Fountain, formerly located on a portion of the McMillan Reservoir west of First Street, in order to install it on the PUD Site. All work will be consistent with the Secretary of the Interior's standards for the Treatment of Historic Properties, including the Treatment for Rehabilitation.
84. In addition, the PUD incorporates major historic preservation elements into the proposed redevelopment, which are consistent with the historic preservation covenants dedicated on the PUD Site when it was transferred from federal ownership to the District. The Applicant retained EHT Tracerics, Inc. as historic preservation consultant to evaluate the PUD Site to ensure an appropriate and sensitive approach to this engineering landmark. EHT Tracerics prepared an Historic Preservation Report that: (i) provides a guide to the extensive documentation on the historic site; (ii) evaluates the historic significance of the PUD Site; (iii) evaluates the historic integrity of the landmark; (iv) provides recommendations for preservation based on the Secretary of the Interior's Guidelines for

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the Treatment of Historic Properties; and (v) guides the preservation-related approval processes for the PUD redevelopment project. (Ex. 538A-538C.) As indicated in this report, each of the preserved historic elements will be sensitively integrated into the PUD master plan, and will continue to convey their significance in a new setting of buildings that respect the history of the PUD Site. The overall development will retain significant character-defining features of the landmark sufficient to convey its historic character. Among other preservation-minded measures, the establishment of a 6.2-acre open space at the southern third of the PUD Site will retain the PUD Site's visual expanse from North Capitol Street, westerly to and beyond the Reservoir, as well as offer the opportunity for residents and visitors to observe the PUD Site close in, rather than only from the perimeter as originally designed and as it presently sits.

85. As part of the historic preservation component, the Applicant will retain and incorporate the North and South Service Courts and their sand filtration process structures, including all 20 sand storage bins, all four regulator houses, at least one sand washer, plus many of the filter bed portals and much of the service court walls. Retention and rehabilitation of these iconic features will retain the historic identity of the PUD Site and will create unique, place-making settings for the new community. The Applicant will also retain and preserve for adaptive reuse two underground filter beds: Cell 14, located at the northeast corner of the PUD Site, and Cell 28, located off of the South Service Court. Cell 14 will become, on its surface, a new park permitting views to the cylindrical sand bins from the north, while its underground structure will be reserved for future adaptive reuse to compliment the public and retail activities in that area of the PUD Site. In the interim, Cell 14 will be used by D.C. Water as a stormwater storage tank. Part of Cell 28 will be preserved and will be incorporated into the Park as part of the interpretive program. The vision is a "walking museum" that tells the history of the PUD Site and its significance to the city via a self-guided walking tour of the PUD Site's preserved and restored historic assets. In total, approximately 1.5 acres of underground cells will be preserved and slated for future use.
86. The unusual topography of the plinth lends itself well to the creation of vast swaths of open space. Pedestrian pathways are positioned throughout the PUD Site, including the elevated perimeter walkway originally designed by Fredrick Law Olmsted, Jr. and three historic corner stairs, which will be reconstructed along the PUD Site's edges. The Applicant will recreate the Olmsted Walk lined with two rows of thornless Hawthorn trees, which are consistent with Olmsted's original design intent. The Applicant will reconstruct three of the original corner stairs, and will construct ADA-compliant ramps to access the pathway. The Hawthorn species is historically accurate, native to America, adapted to urban environments, and has pleasant aesthetic qualities year-around. The path itself will be made of recycled and reclaimed concrete paving to the greatest extent possible, with a steel edge and a sand or DG setting.

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87. The PUD has undergone extensive review by the Historic Preservation Office ("HPO") and HPRB through a series of public hearings over 18 months. On April 25, 2013, and September 27, 2013, HPRB reviewed and discussed the master plan and design guidelines for the PUD Site and provided additional recommendations to the Applicant. (Ex. 88, 89.) On October 31, 2013, HPRB found the revised concept designs to "represent an architecturally coordinated and cohesive approach that specifically relates to the character of the PUD Site." HPRB recommended that the project return for final review after approval by the Commission and the Mayor's Agent for Historic Preservation, pursuant to the Historic Preservation Act. (Ex. 91.)

Community Center

88. The District will provide a two-story community center that consists of approximately 17,500 square feet of gross floor area. The community center will include gallery space with exhibits on the history of the PUD Site, a 25-meter swimming pool, a multipurpose community meeting room with a catering kitchen, outdoor gathering space, fitness studio, and locker and shower facilities. This amenity will be open to the public and will provide a user-friendly and convenient space for public gatherings and community events. The multipurpose community meeting room will include moveable partitions to create smaller and larger spaces for flexible gathering and events.

Healthcare Facility

89. The Applicant will devote approximately 860,000 square feet of gross floor area to medical office and related healthcare uses on Parcel 1. A future phase of development will also include an approximately 173,000-square-foot healthcare facility with retail on the ground floor (Parcel 3).

CBE Participation

90. Prior to the issuance of a building permit, the Applicant will execute a CBE Agreement with the D.C. Department of Small and Local Business Development ("DSLBD") to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. Business opportunities will be posted on the DSLBD website, and the Applicant will give opportunities to CBE businesses for smaller contracts, such as catering, trash collection, and delivery service. The Applicant will continue to work cooperatively with DSLBD and its contractors and with the Business Development Councils and other local community organizations to maximize opportunities for CBE firms throughout the process. The PUD will also include 20% sponsor equity participation by a CBE developer.

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Training and Employment Opportunities

91. During construction of the project, the Applicant will abide by the terms of the executed First Source Employment Agreement with the District Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD. To the extent permitted by law, first preference for employment opportunities will be given to Wards 1 and 5 residents. The Applicant and its contractor, once selected, will coordinate training, job fairs, and apprenticeship opportunities with construction trade organizations or with healthcare facilities and other organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD.

Management and Maintenance of Publicly Accessible Areas

92. Prior to the issuance of the first certificate of occupancy for the Application, the Applicant will establish a project association or business improvement district for the PUD ("Partnership") that will be responsible for the maintenance and improvements of the roadways, alleys, bicycle paths, historic walks, sidewalks, parks, historic resources, streetscapes, street furniture and fixtures, and signage within the PUD boundaries. The Partnership will program and stage events within the PUD for the benefit of the public.

Environmental Benefits

93. The master plan for the overall development for the PUD Site will be evaluated for LEED-Neighborhood Development and will be certified at least LEED-Gold or its equivalent. Individual buildings within the PUD Site will be certified at least LEED-Silver or its equivalent.

Benefits of Special Value to the Community

94. The Applicant will provide the following community benefits:
- a. \$1,000,000 as a workforce development fund to be coordinated by the Community Foundation of National Capital Region ("CFNCR"), of which \$300,000 for scholarships will be for community residents to pursue higher education, training, or job-related certification, encouraging "legacy" career paths such as civil engineering, landscape architecture, or on-site jobs in the medical field, with a preference for Wards 1 and 5 residents, to the extent permitted by law. The remaining \$700,000 directed to organizations whose mission includes workforce development, to create true "career paths" for District residents through readiness, training, and placement in on-site or other employment opportunities, and which have a demonstrated track record for successful job placement and retention of District residents;

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- b. \$125,000 to parent teacher associations or other appropriate non-profit organizations serving Science, Technology, Engineering, and Math (“STEM”) programs at Dunbar High School (\$50,000), McKinley Technical high school (\$50,000), and Langley Educational Campus (\$25,000);
- c. \$500,000 over a 10-year period in the project association operating budget to hire high-school age residents and senior residents to provide guided tours of the McMillan site highlighting the preserved historic resources;
- d. \$750,000 over a 10-year period in the project association operating budget to create a community market, outdoor cafe, and space for art installations between the South Service Court and South Park, and to activate the South Service Court and existing elements, such as regulator houses for small business incubators, silos as hanging gardens, water features and observation points;
- e. \$225,000 to facilitate business start-ups in the project;
- f. \$500,000 for neighborhood beautification projects in surrounding communities to be distributed as recommended by ANC 5E: Bates Civic Association (\$50,000); Bloomingdale Civic Association (\$175,000); Eckington Civic Association (\$100,000); Edgewood Civic Association (\$100,000); Hanover Civic Association (\$50,000); and Stronghold Civic Association (\$25,000);
- g. The Applicant shall use best efforts to provide free WiFi for public use in the community center and park;
- h. \$150,000 to the North Capitol Main Street, Inc., for the storefront improvement program to provide grants for major corridors in ANC 5E boundaries affected by the PUD. The funds shall only be used for storefronts located on North Capitol Street, N.E., and N.W., between Channing Street and New York Avenue; and
- i. The Applicant will provide a total of approximately 97,770 square feet of gross floor area devoted to retail and service uses on the PUD Site. The retail space will include a neighborhood-serving grocery store.

Transportation Mitigation Measures

95. In its review of the project, DDOT identified a number of potential adverse effects of the project related to its transportation impact, and recommended a list of mitigations to minimize the anticipated impacts of the project. (Ex. 38.) DDOT and the Applicant

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collaborated to develop means to implement DDOT's suggested mitigations. The Applicant submitted a detailed transportation performance plan² that lists the mitigations and the threshold events by which the mitigations must be implemented) ("Transportation Performance Plan"). (Ex. 849B.) DDOT evaluated the mitigations and found that they were adequate. (Ex. 851.) This list of mitigations was further refined and expanded by the Applicant in response to comments from the Commission. (Ex. 862.) DDOT again evaluated this enhanced list of mitigations and concluded that they were adequate. (Ex. 866.) The Commission further expanded the list of mitigations when it took final action to approve the applications, by stating that the private shuttle service provision of the plan should be provided at the levels of service provided in the plan without regard to its cost to the Applicant. The Commission finds that the mitigations provided in Condition D.1 of this Order are adequate to mitigate the potential adverse effects of the project related to its transportation impact.

Development Incentives and Flexibility

96. The Applicant requested the following areas of flexibility from the Zoning Regulations:
- a. To provide a range in the number of residential units on Parcel 4 of plus or minus 10% from the number depicted on the plans dated April 11, 2014, and supplemented by drawings submitted on June 23, 2014 (Ex. 32A, 832A);
 - b. From the roof structure set back requirements, consistent with the roof plans submitted as part of the plans dated April 11, 2014, and supplemented drawings submitted on June 23, 2014 (Ex. 32A, 832A);
 - c. From the loading requirements, consistent with the loading diagrams submitted in Ex. 699B, and as modified by Ex. 832A;
 - d. From the rear yard depth requirements, consistent with the plans dated April 11, 2014, and supplemented by drawings submitted on May 13, 2014 (Ex. 32A, 699A);

² The Transportation Performance Plan includes obligations to (this is a non-exhaustive list):

- Coordinate design of roadway and public space infrastructure;
- Submit to DDOT review of operational and management measures to spread peak hour traffic demand;
- Construct physical improvements to roadway infrastructure (subject to DDOT approval);
- Coordinate with DDOT and other nearby institutions to develop a plan to increase transit capacity to levels sufficient to serve the project ("Transit Implementation Plan");
- Fill any transit demand gaps through private shuttles;
- Comply with a loading management plan for the grocery store;
- Comply with a transportation demand management plan;
- Fund bikesharing docks on the Site; and
- Perform identified traffic monitoring and reporting.

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- e. The Applicant seeks flexibility under the PUD guidelines from the rear yard requirements for all of the Rowhouses except Buildings 9 and 19. A rear yard depth of 12 feet is required for each group of buildings, but only nine feet are provided for Buildings 1-8, and Buildings 10, 11, 13, and 17. The Applicant seeks a deviation of three feet for those buildings. No rear yards are provided for Buildings 12, 15, and 18;
- f. Additionally, the Applicant seeks flexibility from the open court width requirements at Building 9 in order to provide a 9.5-foot-wide court where 10 feet is required;
- g. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not substantially change the exterior configuration of the buildings;
- h. To vary the location and configuration of the affordable units on Parcels 2 and 4, so long as the proportion of studio, efficiency, and one-bedroom affordable units to all affordable units do not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market-rate units with a mixed-income building on Parcel 2. The affordable units shall be of a size equal to the market-rate units, provided that the affordable units may be the smallest size of each market-rate type and have no luxury-scaled unit counterpart;
- i. To vary the garage layout, the number, location, and arrangement of the parking spaces on each of the parcels, provided that the total number of parking spaces is not reduced below the minimum level required by the Commission;
- j. To vary the layout of the loading facilities on Parcel 1, provided that the dimensions and number of loading facilities are not reduced;
- k. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, location and orientation of the fins, or any other changes to comply with the District of Columbia Construction Code, the recommendations of the D.C. Historic Preservation Review Board or the Mayor's Agent for Historic Preservation, or that are otherwise necessary to obtain a final building permit;

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- l. To vary the final design of retail frontages, including locations of doors, design of show windows and size of retail units, to accommodate the needs of specific retail tenants;
- m. To vary the location and size of signs on the buildings, as long as they conform to the sign guidelines for the PUD;
- n. To vary the location, attributes and general design of the public spaces and streetscapes incorporated in the PUD to comply with the requirements of the approval by DDOT's Public Space Division; and
- o. If any retail areas are leased by a restaurant or food service user, flexibility to vary the location and design of the ground-floor components of the building(s) in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any restaurant use.

Phasing

97. The Applicant will undertake construction and delivery of the PUD according to the following timeline, also included as Exhibit 17D2 in the record:
- Infrastructure construction will start in 2015 and will be delivered throughout 2016 and 2017;
 - Construction of public amenities will start in mid-2016 and will be delivered between mid-2017 and mid-2018;
 - Construction of the Rowhouses will start at the beginning of 2016 and will be delivered throughout 2017 and 2018;
 - Construction of the Healthcare Facility will start at the beginning of 2016 and will be delivered throughout 2017 and 2018;
 - Construction of the Multi-Family/Grocery Building will start in 2016 and will be delivered throughout 2017 and 2018;
 - D.C. Water will control Cell 14 until 2022; and
 - Construction of Parcels 2 and 3 will be part of a future phase of development.

Office of Planning Reports

98. OP submitted separate reports for each segment of the PUD, recommending approval of the project subject to certain conditions. (Ex. 37, 46, 68.) The OP report dated April 21, 2014, affirmed OP's support of the proposed C-3-C and CR Zone Districts for the PUD Site, and stated that the proposed development is consistent with the objectives of the proposed zones. (Ex. 37.) In addition, at the May 8, 2014 hearing night, OP testified to

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its support of the proposed zone districts. OP stated "the C-3-C zone is appropriate for [Parcel 1] as it allows the [A]pplicant to respond to the adjacency of the hospitals across Michigan Avenue at an appropriate massing and density.... The flexibility to provide for the 130 foot height would also allow the ability to step the building down to a lower height...and to provide an abundance of open space across the site." (Z.C. Transcript ["Tr."], 05/08/2014 at pp. 129-30.) In response to questions from the Commission, OP described how it "did look at the site as a unified project and how the density moved throughout the site and what was required of each of the parcels... We would not be supporting C-3-C across the site or as a matter of right, only as part of this PUD so that that the density could be controlled...." (*Id.*, pp. 135-36.) This analysis was further corroborated in testimony and a memorandum submitted by the Applicant's expert witness in zoning and land use. (Ex. 832C.)

99. OP's April 21, 2014 report also provided a detailed analysis of the project's consistency with the Comprehensive Plan Future Land Use Map and Generalized Policy Map, and how the PUD meets or furthers many of the elements and policies of the Comprehensive Plan, including the following:
- a. *LU-1.2.1: Reuse of Large Publicly-Owned Sites* and *LU-1.2.7: Protecting Existing Assets on Large Sites* - The PUD supplies new housing and affordable housing, creates new employment opportunities, and provides new public parks and open space. The PUD also preserves, restores, and reuses historic elements;
 - b. *H-1.2.4: Housing Affordability on Publicly Owned Sites* - The PUD includes a mix of housing types and affordability and includes market and affordable units; rental and homeownership units; and single family and multi-family buildings. Units specifically dedicated for seniors, 55 years and older, is also a feature of the development;
 - c. *PROS-1.3.6: Compatibility with Adjacent Development* and *PROS-3.3.1: North-Central Open Space Network* - The Park and open space will enhance the PUD Site and contribute significantly to an integrated system of permanent open spaces and parks, with areas for both passive and active recreation. The restoration of the Olmsted Walk will be a significant asset to the development and the community, and will be compatible to the historic character of the PUD Site. The proposed buildings will not be in conflict with the residential and commercial uses on the PUD Site;
 - d. *UD-2.2.8: Large Site Development* and *UD-2.3.5: Incorporating Existing Assets in Large Site Design* - The largest parcel and the most intense development will be on the northern portion of the PUD Site adjacent to the intense institutional uses. The development on the PUD Site tapers down towards the residential uses

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along North Capitol Street and the Park is adjacent to the residential uses to the south. Most of the historic structures, significant natural landscapes, and panoramic vistas will be preserved and integrated into the new development. The master plan includes design guidelines to provide direction on building appearance and streetscape, signage and utilities, parking design, landscaping, buffering, protection of historic resources, integration of the development with the surrounding neighborhood, and design principles that promote environmental sustainability;

- e. *HP-2.4.3: Compatible Development* - HPRB has concluded that the proposed development would preserve the historic character of the PUD Site and that new buildings are at a scale that respects the historic elements through design and siting; and
 - f. *MC-2.6.1: Open Space on McMillan Reservoir Sand Filtration Site; MC-2.6.2: Historic Preservation at McMillan Reservoir; and MC-2.6.5: Scale and Mix of New Uses* - The open space on the PUD Site will include areas for passive and active recreational uses, including a community center and "healing gardens," which are designed to provide connectivity to the medical complexes across Michigan Avenue and the Armed Forces Retirement Home property. HPRB and HPO review addressed the cultural significance of the PUD Site, which includes the preservation of the underground cells as well as the above-ground structures with proposals for adaptive reuse. The Applicant will work with Cultural DC to promote public art that is compatible to the PUD Site's historic character. The Applicant requested CR and C-3-C Zone Districts on the PUD Site that would allow the requested range of residential and other uses. (Ex. 37.)
100. OP submitted a supplemental report dated September 15, 2014 that responded to the NCPC submission dated August 25, 2014. (Ex. 854.)
101. OP also submitted a response to the Applicant's post-hearing submission dated August 25, 2014. (Ex. 855.)

DDOT Reports

102. On April 21, 2014, DDOT submitted a report indicating that it conditionally supported the project. (Ex. 38.) DDOT's recommendations and conditions fell into the following three categories: (i) improvements to egress to the south of the PUD Site; (ii) alterations to physical improvements; and (iii) additional TDM measures.
103. The Applicant addressed each of these issues in its oral testimony and in the following post-hearing submissions, prepared by Gorove/Slade and dated June 18, 2014:

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- a. Response to DDOT Staff Report & Transportation Commitments Memorandum (Ex. 832E);
 - b. Curbside Management Plan Memorandum (Ex. 832F2); and
 - c. Response to MCV Associates Testimony & Reports Memorandum (Ex. 832F1).
104. DDOT's April 21, 2014 report stated that the Applicant used sound techniques to perform its analysis, and that DDOT agrees with the Applicant's methodology of determining trip distribution and collecting data. (Ex. 38.) At the public hearing, DDOT further expressed support for the PUD. DDOT testified that although FOMP's transportation expert asserted that the PUD would result in additional congestion on North Capitol Street, all of the mitigation measures proposed by DDOT and accepted by the Applicant would fully mitigate the expected traffic impacts. (Z.C. Tr., 05/13/2014 at pp. 196-97.) In addition, DDOT's report stated that much of the potential delay can be mitigated by implementing a coordinated signal system in the vicinity of the PUD Site. (Ex. 38, p. 12.)
105. DDOT's July 8, 2014 report responded to the Applicant's June 18th submission. It commented on the changes and updates to the site design, identified areas of disagreement with the Applicant's proposed mitigations, and highlighted remaining areas not addressed by the Applicant's report. (Ex. 837.)
106. DDOT's September 10, 2014 report stated that it had coordinated efforts with the Applicant to assess and mitigate anticipated transportation impacts of the project, and responded to the changes made to the transportation elements of the proposal put forward by the Applicant in its August 25, 2014 submission. (Ex. 851.) The report stated that the Applicant had addressed all of the outstanding issues identified by the Commission, and that "the Applicant's Transportation Performance Plan [Exhibit 849B] includes the comprehensive list of mitigations, developed in close coordination with DDOT, that are necessary to mitigate the projected transportation impacts of the project."
107. DDOT's October 29, 2014 report stated it was responding to the refinements made to the Applicant's transportation-related elements through the Applicant's October 20, 2014 filing. (Ex. 862.) The report stated that "[t]he Applicant coordinated with the Applicant on the refinements in Exhibit 862, and DDOT concurs with the modifications. Through the [Transit]³ Implementation Plan, the Applicant has provided a firm commitment and the level of detail necessary to assure DDOT that adequate transit capacity will be in place prior to the occupancy of the proposed development." (Ex. 866.)

³ DDOT's report stated it was the "Transportation" Implementation Plan but the Applicant consistently referred to it as the "Transit" Implementation Plan, and it is referred to it as the "Transit" Implementation Plan in the conditions of this Order.

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ANC Reports

108. ANC 5E: On November 19, 2013, at a properly noticed public meeting at which a quorum was present, ANC 5E voted 6-2-2 in support of the Applicant's submission to HPRB for the first-stage and consolidated PUD and related map amendment. (Ex. 40.) The resolution asserted ANC 5E's support for the project and its interest in working with the Applicant to address outstanding issues, including the development of a CBA, traffic mitigation measures, and the development of appropriate public transportation facilities.
109. On May 6, 2014, ANC 5E submitted a letter requesting that the Commission keep the record open until May 23, 2014, to allow ANC 5E and the Applicant to continue working toward reaching an equitable CBA, which at the time was still under negotiation. (Ex. 492.)
110. At the public hearings, Commissioner C. Dianne Barnes, on behalf of ANC 5E, testified in support of the PUD. Ms. Barnes stated that the proposed development would create a more walkable community to shop, live, work, and play, and that it would give neighborhood residents an opportunity to actively enjoy the local treasures. Ms. Barnes also expressed ANC 5E's concerns regarding the impacts on neighborhood traffic, particularly on First Street and North Capitol Street.
111. On May 27, 2014, Sylvia Pinkney, on behalf of ANC 5E, submitted a letter stating that on May 24, 2014, ANC 5E voted unanimously to support a draft CBA, which requested the Applicant to commit certain public benefits and amenities as a condition of approval to the Application. (Ex. 816.) The letter attached the terms of the CBA that were acceptable to ANC 5E.
112. On June 17, 2014, at a duly noticed public meeting, at which a quorum was present, ANC 5E voted 4-0-3, with one recusal and two abstentions, to support the PUD Application and to move forward with its final CBA. (Ex. 833.)
113. On September 10, 2014, ANC 5E submitted a letter stating its continued support for the proposal. (Ex. 852.)
114. ANC 1B: At its regularly scheduled, publicly noticed meeting on May 1, 2014, with a quorum of 9 of 11 present, ANC 1B voted 8-0-1 to defer to and participate in the process established by ANC 5E, the ANC of primary jurisdiction. (Ex. 688.)⁴ At the May 13, 2014 hearing night, ANC 1B Commissioner Anderson-Holness testified that the decision

⁴ ANC 1B also submitted a letter dated April 30, 2014, stating that it would be voting on the project at its May 1, 2014 meeting. (Ex.110.)

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to defer to ANC 5E was based on the fact that the PUD Site is within ANC 5E boundaries and that ANC 1B wanted to support its fellow ANC as it supports its community.

115. ANC 5A: At its regularly scheduled, publicly noticed meeting on January 29, 2014, at which a quorum was present, ANC 5A voted 7-0-0 to support the PUD Application. (Ex. 41.) In its resolution, ANC 5A applauded the city and the Applicant for the detailed plan that it developed for the PUD Site, including adjustments to accommodate residents' concerns and guidelines established by HPRB. ANC5A asserted that it looked forward to continued work with the Applicant in the development of traffic, transit, and stormwater solutions, ongoing zoning and historic preservation concerns, and the development of a community benefits agreement.

Contested Issues

Transportation, Traffic, and Vehicle Congestion

116. FOMP asserted that the traffic conditions created by the PUD would be legally unacceptable under § 2403.3 of the PUD regulations, due to unmitigated impacts on the surrounding area and on the operation of city services. FOMP claimed that the influx of additional cars and congestion created by the PUD would overwhelm the existing transportation infrastructure in and serving the surrounding neighborhoods, which is already congested beyond capacity. (Ex. 34-34D.) With respect to the adequacy of the Applicant's traffic mitigation measures, FOMP argued that the Applicant's proposed transportation measures were vague, non-binding, and inadequate to mitigate transportation impacts caused by the PUD. Many persons in opposition to the Application made similar allegations in their public testimony to the Commission regarding the already overly congested streets surrounding the PUD Site and the inability for the street network to accommodate any new vehicles.
117. Joe Mehra of MCV Associates, supported FOMP's argument in his written and oral testimony. Mr. Mehra stated that the PUD would result in excessive delays and congestion on the roadways surrounding the PUD Site, and that residents and visitors to the PUD Site would not take significant advantage of public transportation to mitigate the anticipated additional traffic congestion. (Ex. 696.)
118. In addition, FOMP stated that the Applicant's analysis was generally incorrect and that the additional number of vehicle trips created as a result of the PUD would be higher than what was proffered by the Applicant. (Ex. 45.) Mr. Mehra also claimed that there were multiple errors in the Applicant's capacity analyses with respect to default values of heavy vehicles in the network, incorrect lane widths, missing details on bus blockages, and conflicting bicycle volumes, among others. Mr. Mehra asserted that there were discrepancies in the traffic counts because the Applicant used existing traffic counts for some intersections and balanced counts for others. He objected to the background traffic

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assumptions used by Gorove/Slade, particularly the use of the Metropolitan Washington Council of Governments ("MWCOG") regional model as a basis for determining growth outside the study area. As a result, according to Mr. Mehra, the Applicant significantly underestimated the growth of traffic due to the PUD, its impacts on the surrounding area, and the ability to mitigate those impacts. (Ex. 696.)

119. In its written and oral testimony, DDOT confirmed that Gorove/Slade's analysis was appropriate, correct, and followed DDOT's guidelines. (Ex. 38.) DDOT specifically stated that Gorove/Slade's mode split assumptions were reasonable and even overestimated the percentage of trips occurring by vehicle, particularly for the medical office and grocery components of the PUD.
120. Gorove/Slade also refuted Mr. Mehra's findings in a post-hearing submission. It noted that capacity analysis was based on the Highway Capacity Manual, as required by DDOT, which uses a default value for some to nearly all of the model inputs. While Mr. Mehra might have wanted the Applicant to apply a different capacity analysis, the Commission finds it entirely appropriate and necessary for the Applicant to comport with DDOT guidelines. This ensures that transportation studies across the city are conducted in a consistent and cohesive manner. Similarly, the Commission finds it appropriate to use the MWCOG regional model for traffic from future developments outside the study area. Gorove/Slade followed industry and local DDOT standards in development of the background traffic assumptions and all of these assumptions were discussed and vetted with DDOT. One advantage in using the MWCOG regional model is that it provides specific information on peak traffic hours broken down by roadway direction. Additionally, it results in a study that overestimates traffic volumes because the MWCOG includes developments such as the Armed Forces Retirement Home and the PUD Site as sources of new traffic data. That is, they are double-counted in the Gorove/Slade report and the TDM measures are geared toward these higher traffic assumptions.
121. The Commission agrees with DDOT and the Applicant that approximately half of the projected number of vehicle trips generated by the PUD will arrive or depart in the off-peak direction of travel, where there is generally more capacity available on the existing transportation network. (Ex. 38.) Finally, the Commission finds that the Applicant utilized sound techniques to perform its traffic impact analysis. Consequently, the Commission finds the Gorove/Slade analysis reasonable and credible.
122. The traffic mitigation measures required by this Order will adequately ameliorate traffic on the streets surrounding the PUD Site. The Applicant will construct numerous improvements to the transportation network, and will implement various TDM measures to ameliorate traffic congestion caused by the PUD. The Commission further finds that

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the new street network will disperse traffic in a way that minimizes the PUD's impact on the external road network and improves connectivity to the adjacent neighborhoods. (Ex. 38, 832F2-832F3, 849B, 862.)

123. In addition, the Commission finds that DDOT and WMATA have completed plans for expanding and upgrading the transit capacity around the PUD Site through additional bus service on WMATA's 80 and H routes, as well as an east-west Circulator route. DDOT has funding in place for Circulator expansion and is willing to expend some of these funds to commence the study and planning process for the east-west Circulator line before the end of 2014. The Commission also finds that Councilmember Kenyan R. McDuffie is committed to working with DDOT to ensure that the existing public funding for these transportation improvements stays in place and that the expanded and upgraded transit capacity needed for the project to succeed is in place by the time the Healthcare Facility opens for business. (Ex. 832D.)
124. In addition, FOMP alleged: (i) the Applicant's commitments to abide by its Transportation Performance Plan, and to develop a final Transit Implementation Plan in coordination with DDOT and other institutions to bolster transit available to the Site, are not sufficiently definite to address future traffic conditions and transit needs for the Site, (ii) that DDOT has not made a sufficiently definite commitment to provide sufficient additional public transit, (iii) the Applicant's traffic monitoring plan is not sufficiently definite, and that nothing in the monitoring plan indicates what happens if the goals are exceeded, (iv) that the additional transit trips provided will be inadequate to meet new demand, and (v) that the Applicant has not sufficiently addressed the likely effects of the proposed additional public transit trips and/or shuttles and traffic on intersections with poor levels of service. (Ex. 858.)
125. The Commission finds that the Applicant has demonstrated a sufficiently definite commitment to ensure adequate future traffic conditions and transit capacity for the Site. The Applicant is required to implement all the mitigation measures established in the Transportation Performance Plan dated August 25, 2015, as enhanced by the commitments in its October 20, 2014, and as further enhanced by the Applicant's commitment to provide shuttle capacity (if needed) without regard to cost. (Ex. 849B, 862.) The Applicant is further required to coordinate with DDOT and other nearby institutions to provide a detailed Transit Implementation Plan prior to building permit issuance that will show how the Applicant will achieve the necessary additional transit capacity to support the project. (Ex. 849B, 862.) DDOT has agreed to review the plan, and coordinate delivery of transit services. If any component of the public transit service enhancements is not possible by the Certificate of Occupancy for each parcel, the Applicant will fill any transit demand gaps through private shuttles. (Ex. 862.) The Commission finds that this level of commitment is sufficient, even though it does not rise to the level requisite for this to count as a public benefit of the PUD, pursuant to 11

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- DCMR § 2403.6. The Commission has not counted the project's traffic mitigation measures as public benefits of the project. Instead, it has only evaluated the traffic mitigation measures necessary to mitigate the impact of the project on the surrounding area and the operation of city services and facilities, pursuant to 11 DCMR § 2403.3. The Commission finds that the Applicant has made a sufficiently definite commitment to meet that standard.
126. With regard to FOMP's allegation that DDOT has not made a sufficiently definite commitment to provide additional public transit, the Commission takes DDOT at its word that it is "committed to enhancing public transit capacity to meet the continued growth in transit demand." (Ex. 851.) As DDOT stated in its final report, DDOT is limited in the assurances it can provide because of funding horizon limitations. (Ex. 866.) The project is several years from progressing to the point where the additional transit capacity is needed. The Commission finds that DDOT's commitment is sufficiently definite under the circumstances.
127. Turning to FOMP's assertion that the monitoring plan is not sufficiently definite, and lacks sufficient enforcement provisions, the Commission notes that DDOT actively participated in designing the metrics and has concluded that they are adequate. (Ex. 837, 851). The Commission finds that the monitoring plan is sufficiently detailed and specific.
128. The Commission disagrees with FOMP's assertion that nothing in the transportation monitoring plan indicates what happens if the goals are exceeded. (Ex. 858.) The plan states that the Applicant must suggest additional mitigation measures if the goals are exceeded. (Ex. 849B, p. 4.) The Commission finds that the monitoring plan, when combined with the other mandatory traffic mitigation measures required by the Traffic Performance Plan, are sufficient to mitigate the potential adverse effects of the project related to traffic.
129. The Commission also disagrees with FOMP that the additional transit trips provided were inadequate to meet existing demand and the new demand created by the project. The Commission is persuaded by the analysis conducted by the Applicant and DDOT that the expected sources of additional public transit trips are adequate to meet the new demand created by the project. Furthermore, the Applicant is required to provide private shuttle service if adequate public transit capacity is not achieved.
130. Finally, the Commission also disagrees with FOMP that the additional traffic, public transit trips and/or shuttles generated by the project, combined with existing traffic levels, will overwhelm the traffic infrastructure. The Commission is persuaded by the analysis conducted by the Applicant, and DDOT's conclusion that the Applicant's Traffic

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Performance Plan, combined with the other mitigation measures proposed by DDOT and incorporated by the Applicant, will be sufficient to adequately mitigate the traffic and transit effects of the project.

131. Opponents to the project raised other objections to the inadequacy of the on-street bicycle facilities surrounding the PUD Site, and argued that bicycle access to the PUD Site is difficult and unsafe.
132. The Commission finds that the Applicant is improving bicycle facilities by providing a sidewalk along North Capitol Street at a minimum of eight feet wide, which will provide space for cyclists riding on the sidewalk along North Capitol Street. In addition, the Applicant provided concepts for a bicycle lane for First Street, N.W. The Commission finds that the Applicant will also address bicycle infrastructure by providing funding for a minimum of 60 Capital Bikeshare docks on the PUD Site, and an additional 20 docks offsite at a nearby Metrorail station. The funding will include capital costs and one year of operations and maintenance.
133. The Commission therefore finds that the traffic and transit mitigation measures incorporated into this Order are sufficient to sufficiently mitigate the potential adverse effects of the project related to traffic.

Historic Preservation

134. Another major point of contention was the Applicant's proffer of historic preservation as a public benefit. FOMP claimed that the Applicant's proposal destroyed over 80% of the historic resources on the PUD Site, particularly the underground water filtration cells, that the new construction dwarfed the limited number of historic resources being retained in the North and South Service Courts, and that the significant open and green spaces of the landmark would be lost. Ms. Sellin, FOMP's expert in historic preservation, opined that a "park" on the site of the historic McMillan Reservoir Historic District was an essential component of the city's McMillan Park Plan of 1902, that it was a park open for the public's recreational use, and that the Applicant's plan would obliterate it. FOMP argued that the level of demolition and the alteration of the historic landscape is wholly inconsistent with the historic preservation laws and policies in the District, including the policies in the District of Columbia Comprehensive Plan and the requirements of the D.C. Historic Landmarks and Historic Districts Protections Act, D.C. Official Code § 6-1100 *et seq.* (Ex. 34.) According to FOMP, this extensive demolition could not constitute an amenity under § 2403.9(d) of the PUD regulations.
135. FOMP also argued that alternative redevelopment options were possible that would save more of the historic site and allow adaptive re-use of the underground cells. Miriam Gusevich, FOMP's expert in architecture, presented a schematic plan at the hearing,

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although she did not submit it to the record, dubbed the "People's Plan." That plan would purport to allow some development on the PUD Site while preserving the majority of it as open space and park, including an urban beach with recycled sand from the existing underground vaults. Ms. Gusevich asserted that the Applicant had not investigated retention of the underground cells in more stable condition or their possible reuse as retail "incubator" space. FOMP relied on a 2000 structural report prepared by C.C. Johnson and Malhotra, PC ("CCJM Report"), which claimed that many of the cells could be stabilized and reused, and could support four story structures on top without destroying the historic filtration cells (*see* Chapter 6 of the CCJM Report). (Ex. 93.)

136. Other persons and organizations testified against the historic preservation component of the PUD, as well. The National Trust for Historic Preservation, for example, argued that the preservation of the majority of the above-grade structures did not constitute a PUD project amenity or public benefit because historic preservation deed restrictions on the project required retention of the structures anyway. The National Trust stated that § 2403.4 of the PUD regulations provides that a PUD must benefit the public or surrounding area to a significantly greater extent than would likely result from a project under matter-of-right zoning. According to the National Trust, a matter of right project would also require the same amount of preservation and thus it could not be credited as a public benefit or amenity. (Ex. 34B.)
137. The Applicant's expert witnesses provided a contrary view. Kirk Mettam of Robert Silman Associates, the Applicant's expert in structural engineering, testified that the unreinforced concrete used for the underground cells was extremely unstable. He stated that he studied the CCJM Report and agreed with its assessment that there is "little capacity to resist tension loads in the concrete caused by either unbalance vertical load or horizontal forces caused by possible super structure above the ground...[or] dynamic loads caused by vehicular traffic." (CCJM Report at 6-3; 05/27/2014 Tr., at p. 139.) Mr. Mettam also noted that the CCJM Report was a draft, and that his studies went further in their analysis. The Robert Silman Associates report dated April 10, 2014 ("Silman Report"), concluded that the unreinforced vaults are very susceptible to brittle failure due to settlement, both vertical and lateral movement of the surrounding soils, and that the concept of adding four stories to the existing structure will result in failure of the existing structures. (Ex. 786.) The report further concluded that any hanging remnants of the cell structure from a new slab above would subject the building to movements that will cause great distress and precipitate internal hazards. Mr. Mettam noted that the CCJM Report did not include an analysis of the existing footings, which the Silman Report did analyze. The Silman Report concluded that, based on the allowable bearing pressures presented by CCJM, the existing structure cannot support its own weight, let alone the weight of the massive slabs proposed above, or even the more modest construction proposed by CCJM. While the cells could be reinforced, they would have to be completely encased and numerous new columns introduced throughout the underground cells, leaving little of the

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- historic configuration recognizable. In Mr. Mettam's professional opinion, the Applicant's proposed scheme balances preservation and adaptive reuse of selected cells while permitting the use of the remaining property by the community.
138. Emily Eig, an expert in historic preservation, testified that it was unrealistic to adaptively reuse the underground cells as a museum, galleries, restaurants, grocery stores, residences, fisheries, or other similar uses. Unlike buildings that are designed to support human occupancy, Ms. Eig stated that this industrial site was not meant to serve those functions. She noted that the friable character of the unreinforced concrete challenges the PUD Site's preservation, because it is simply not stable enough to support activities above or within. (Ex. 783.) She opined that none of the stabilization solutions, as detailed in the Silman Report, allow for good preservation solutions and that anything necessary to make them safe and code-compliant by modern standards would destroy their historic integrity. (Ex. 783; 05/27/14 Tr., at p. 146.)
139. Ms. Eig further testified on the strength of the preservation plan as proposed in the PUD. She stated that the design guidelines and architectural concepts of the plan, as endorsed by HPRB, retain many character-defining features of the historic landmark McMillan Park site. She opined that (i) the site will continue to read as a whole based on its form, organization, topography; (ii) almost all the above-ground historic built features will be retained; and (iii) the historic tripartite organization and horizontal plinth, which is critical to the interpretation of the historic operations of the filtration plant, will be integrated into the site plan. Moreover, she continued, the project will recreate the site-defining Olmsted Walk, re-purpose two underground cells, concentrate the public experience in the southern third of the site where the expanse of the plain across to the reservoir is most distinct and the experience most special.
140. The Commission credits the testimony of Mr. Mettam and Ms. Eig. The Commission finds that the cells are so structurally unstable that they cannot support development above, which is contemplated by the Comprehensive Plan. FOMP urges the Commission to give greater credence to the CCJM Report. Yet, this is not an instance of competing structural reports. The Silman Report builds on the analysis of the CCJM report – issued only as a draft – and provides further study of the existing footings with respect to lateral and horizon soil movement. Based on these additional studies presumably not yet conducted by CCJM, the Silman Report concludes that the less intensive development on the site that the CCJM Report suggested might be possible was, in fact, unsupportable. The Commission is persuaded that stabilization of the underground cells would require such reinforcement and introduction of new structural members that the integrity of the cells would be lost. While FOMP's counsel suggested during cross-examination of Ms. Eig that the cells could be re-created under the Secretary of Interior Standards for Rehabilitation, Ms. Eig stated that those standards do not contemplate recreation of entire structures. As she explained, the Secretary of Interior Standards only contemplate

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reconstruction of missing elements or missing structures, not demolition of an historic resource in order to reconstruct it. (05/27/2014 Tr., at p. 243.) Based on the testimony and evidence of record, the Commission concurs with the findings of HPRB that the proposed redevelopment of the site provides significant preservation benefits. Almost all of the above ground historic built features will be retained and rehabilitated to the Secretary of the Interior's standards and guidelines.

141. With respect to any alleged inconsistency with the historic preservation laws and policies in the District, including the policies in the District of Columbia Comprehensive Plan and the requirements of the D.C. Historic Landmarks and Historic Districts Protections Act, D.C. Official Code § 6-1100 *et seq.* (Ex. 34), the Commission notes that the master plan and individual building designs were endorsed by HPRB as well as the State Historic Preservation Officer. HPRB is the District government review board with expertise to determine consistency with the city's preservation laws and policies. Additionally, the project will be forwarded to the Mayor's Agent to consider the proposed demolition. The Commission finds it appropriate to defer to expertise of HPRB and the Mayor's Agent regarding the preservation laws. The Commission addresses consistency with the historic preservation elements of the Comprehensive Plan below.

Views and Viewsheds

142. In its written and oral testimony, FOMP expressed concerns regarding the impact of the development on historic view sheds. FOMP claimed that the proposed development would obscure all views of the National Cathedral, Howard University skyline, Washington Monument, Old Post Office, Capitol Building, Catholic University, Basilica of the National Shrine of the Immaculate Conception, the reservoir, and the sand storage towers on the PUD Site. FOMP asserted that the existing rowhouses in the adjacent communities are only two to three stories high and do not obscure the same views. (Ex. 39, 45.)
143. Evidence submitted to the record suggests otherwise. The views will be maintained in the southern portion of the PUD Site where the park will be located. The northern views have already been compromised by the hospitals located across Michigan Avenue from the PUD Site. In addition, the proposed development will not impact the views and viewsheds from the Armed Forces Retirement Home ("AFRH") located north of the PUD Site beyond the Veteran's Administration Hospital, the Washington Hospital Center and Children's National Medical Center. In 2008, AFRH completed a Master Plan to help direct new development on its site, which NCPC reviewed as part of an environmental assessment and Section 106 review under the National Historic Preservation Act. The plan analyzed views and viewsheds from various vantage points, including a sightline from Scott Statue south to the Capitol. The proposed PUD falls within that sightline; however, existing trees obscure the view of the Capitol for much of the year from Scott

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Circle, and the proposed Healthcare Facility on the PUD Site does not block the view to the Capitol.

144. The Commission further finds that views and viewsheds are not protected under the Zoning Regulations, unless specifically provided for through easements or other provisions of law. Here, there are no easements that protect views or viewsheds across the PUD Site, nor are there any provisions in the federal elements of the Comprehensive Plan, developed by NCPC, that protect such views. However, the Mid-City Area Element of the Comprehensive Plan for the PUD Site does provide that historic views and viewsheds across the site should be protected (10A DCMR § 2016.9). The Applicant's proposal satisfies that objective.

Historic Preservation Covenants

145. FOMP and several opponents also disputed whether the PUD complied with the historic preservation covenants on the property designed to enforce the Section 106 process by ensuring that redevelopment on the site complied with the Secretary of the Interior Standards for Rehabilitation. They urged the Commission to defer action until those issues were resolved with the Advisory Council on Historic Preservation. The Commission disagrees. First, the Commission finds that it is not within its jurisdiction to interpret restrictive covenants on a property unrelated to the Zoning Regulations. Second, the Commission notes that those covenants place decision-making on historic preservation matters squarely in the hands of the State Historic Preservation Office ("SHPO") for the District of Columbia. On May 22, 2014, the Historic Preservation Officer, David Maloney, and OP jointly submitted a supplemental report stating that the SHPO does not disagree with the plans for the PUD Site and has no reason to conclude that the project will not be in compliance with the preservation covenants in the deed. The Commission thus finds this issue resolved: the preservation covenants are no impediment to Commission action on this PUD and the SHPO's report, coupled with HPRB's recommendations, demonstrate that the project advances important preservation goals and objectives that constitute public benefits and amenities under the PUD regulations. (Ex. 776.)

Environmental Degradation

146. In its written testimony and at the public hearing, FOMP urged that the proposed development would destroy the majority of open space and landscape features on the PUD Site. FOMP quoted the National Register nomination for McMillan Park, stating that "[t]he landscaped grounds were designed by the nationally acclaimed landscape architect, Frederick Law Olmsted, Jr.," and that "the reservoir as a park opened the waterworks up for public use and contributed to the civic beauty of the city." (Ex. 34.)

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147. The Commission finds that the PUD Site retains only a few remnants of the designed landscape conceived by Olmsted. Those that exist include the form of tree and shrubbery stumps, which can be used to ascertain the original patterns of some of the plantings. However, the identified species presently existing on the PUD Site do not represent species that were specified by Olmsted. For example, the ivy that grows on many of the structures in the North and South Service Courts has been identified as Boston Ivy, which was not the species recommended by Olmsted. Because few remnants of Olmsted's original landscape plan remain, the PUD Site's designed landscape retains a low degree of integrity of materials, workmanship, feeling, setting, association, and location. (Ex. 538B, at p. 78). The PUD cannot destroy landscape features that no longer exist. Instead, the PUD will re-establish much of the Olmsted plan for the PUD Site, most significantly the Olmsted Walk, with its allee of trees around the entire perimeter of the property.
148. With respect to the open space, any development on the PUD Site will affect this characteristic of the historic use, including the one described by FOMP's expert in architecture, Ms. Gusevich. As noted above, the southern third of the site will remain open, preserving views south, west, and east of the PUD Site. Views to the north have already been compromised and development will take place in those areas. The project is sensitively designed to preserve the salient open space features of the landmark with the 6.2-acre park and the historic east-west views through the North and South Service Courts.
149. FOMP and other opponents also claimed that the proposed development would exacerbate the significant downstream flooding experienced by residents in neighborhoods immediately to the south of the PUD Site. (Ex. 34.) FOMP stated that the Applicant did not address the impact of the new sewer hookups for the proposed development on the already overburdened sewer system. (Ex. 45.)
150. The Commission credits the testimony and reports of the Applicant's expert in civil engineering and finds that the Applicant has adequately addressed storm water management on the PUD Site. The Applicant will meet and exceed the latest storm water management regulations that have been implemented by the District government. The on-site system proposed will consist of many different types of low impact design techniques, including impervious pavement and sidewalks, roadways, alleys, bio swales, bio tree pits and inlets, cartridge filters, oil grid separators, rain gardens, green screens, detention vaults, and cisterns. The large open spaces, the Park, and the Service Corridors allow the Applicant to apply many of these and other cutting edge techniques. Currently, the PUD Site has no storm water management facilities included or connected to prevent water runoff or flooding in the area. The proposed on-site systems will significantly improve water quality, reduce the volume of runoff, and control the release and safe conveyance of all storm water drainage.

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151. FOMP also challenged the Applicant's proposed LEED certification for the buildings on the PUD Site as an insufficient public benefit to outweigh environmental impacts of the project. (Ex. 34.) The Commission finds, however, that the Applicant will provide LEED-ND Gold for the overall PUD Site, and will achieve LEED-Silver status in individual buildings, given design choices. The Commission finds that the Applicant is proposing sufficient public benefits that outweigh environmental impacts.

Compliance with the PUD Evaluation Standards

152. In its written testimony and at the public hearing, FOMP asserted that the Applicant did not satisfy its burden of proving that the impacts of the PUD on the surrounding area were outweighed by the public benefits and amenities. FOMP stated that the "token" preservation of a few historic structures and landscape elements does not constitute a public benefit or amenity of the PUD that outweighs unmitigated destruction of the historic structures, open spaces, and landscapes on the PUD Site. Based on this belief, FOMP asserted that the proposed project does not afford the public any benefit in terms of "urban design, architecture, site planning, landscaping, and open space." (*see* 11 DCMR §§ 2403.9(a) and (b).) FOMP also claimed that the Applicant's proposed benefits are vague and conclusory, and that the Applicant does not quantify the benefits proposed, measure their impact, or demonstrate any reasonable commitment on the part of public agencies. (*see* 11 DCMR § 2304.6.) For example, FOMP stated that the Applicant's Transportation Impact Study ("TIS") relies on proposed transit improvements, including the new streetcar line, private shuttle buses, and the D.C. Circulator bus, to mitigate traffic impacts, but that the Applicant did not provide any evidence that WMATA has made any commitment to implement the transit improvements stated. FOMP also stated that there is no evidence of a commitment to install three new Capital Bikeshare stations. (Ex. 34.)
153. The Commission is not persuaded by these arguments. As noted above, the proposed PUD provides a full range of tangible public benefits and amenities, including the preservation of almost all of the above-grade historic structures and at least two underground cells; the re-establishment of the Olmsted Walk; the provision of a significant public park with open space, water features, ball fields, playgrounds, and other recreational spaces; construction of new housing, significant affordable housing above the requirements for the requested zone districts, large healthcare facilities with jobs for District residents, and a grocery store; among many other features. These alone are significant public benefits and amenities in and of themselves. The Applicant has gone beyond this to include additional elements specifically requested by the community that have special value to the neighborhood. These include streetscape beautification and storefront improvement funds in the immediate area; scholarships for high school students; contributions to parent-teacher associations or other non-profits serving Science, Technology, Engineering and Math ("STEM") programs; McMillan tour guide

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programs for high-school students and seniors; business start-up funds; among many others. As a result of the on-site and additional benefits, the Applicant has gained the support of ANC 5E, the ANC in which the PUD Site is located.

154. Still, FOMP took exception to the projected employment opportunities on the PUD Site and claimed that they do not constitute sufficient "employment and training" opportunities (*see* 11 DCMR § 2403.9(e)) that outweigh the adverse impacts of the project as a whole. FOMP alleged that the Applicant did not explain how the jobs would be measurable or quantifiable, as required by the PUD regulations. (*see* 11 DCMR 3403.7.) (Ex. 34.) FOMP asserted that the Applicant's job estimates are "soft," meaning either of short duration or ill defined. FOMP asserted that the Applicant made unsupported claims of the number of jobs that would be created by the PUD, especially with regard to permanent medical jobs in the healthcare facilities. FOMP also urged that the number of jobs anticipated by the Applicant were "hypothetical" because the Applicant has no knowledge of which healthcare providers, if any, would lease the proposed space. (Ex. 45.) FOMP asserted that the Applicant's anticipated number of jobs created is extravagant, especially in relation to competition from the AFRH project one block north of the PUD Site, which FOMP asserted would break ground and find tenants long before any office space would be built at the PUD Site. (Ex. 45.) FOMP claimed that more than 50% of the anticipated jobs created are construction jobs that will disappear in a few years, and that the Applicant did not adequately explain what the stated "indirect" jobs are, or where they will come from, or who will hold them. (Ex. 45.) FOMP further claimed that the Applicant did not provide any assurance that the jobs that would be provided as a result of the project would provide permanent employment for District residents who are the most in need of jobs, and that the permanent jobs provided as a result of the project will be for skilled and trained healthcare workers when most District residents are not qualified for those positions. (Ex. 858.) Finally, FOMP criticized the Applicant's workforce development fund because it does not definitively state how much of the fund will be used for measurable training and employment opportunities, arguing that therefore it did not qualify as a public benefit under the criteria established by 11 DCMR § 2403.6⁵ (Ex. 858.)
155. The Commission finds that the Applicant's expected jobs numbers are not hypothetical and that the Applicant will provide significant new jobs to District residents. The

⁵ "Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from the development of the site under the matter-of-right provisions of this title. All public benefits shall meet the following criteria:

(a) Benefits shall be tangible and quantifiable items; and

(b) Benefits shall be measurable and able to be completed or arranged prior to issuance of a Certificate of Occupancy.

Monetary contributions shall only be permitted if made to a District government program or if the applicant agrees that no certificate of occupancy for the PUD may be issued unless the applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided." (11 DCMR 2403.6.)

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Applicant has discussed potential tenancy with several of the healthcare providers in the immediate area, including Medstar, the Washington Hospital Center, and Children's National Medical Center. (Ex. 832I.) Moreover, the Applicant has committed \$1 million as a workforce development fund to be coordinated by the Community Foundation of the National Capital Region, a substantial portion of which will be directed to organizations whose core mission is workforce development to create true "career path" jobs, and other amounts for community scholarships for residents to pursue careers related to the historic or proposed uses on McMillan, such as civil engineering, landscape architecture, or the medical field. While the use of the workforce development fund is somewhat speculative, as FOMP points out, the Commission finds that it qualifies as a public benefit. The Applicant is required to show evidence to the Zoning Administrator in accordance with § 2403.6 of the Zoning Regulations of annual payments of \$140,000 each over a five-year period (\$700,000 total) to the CFNCR to support workforce development initiatives to improve low-income workers' skills, credentials, career prospects, earnings, and job placement, particularly in key local industries and occupations. The Applicant is also required to show evidence of payment of annual payments of \$60,000 each over a five-year period (\$300,000 total) to CFNCR to support scholarships for higher education, training, or job-related certification encouraging "legacy" career paths such as civil engineering, landscape architecture, or on-site jobs in the medical field, with a preference for Wards 1 and 5 residents to the extent permitted by law. The Commission finds that the workforce development fund qualifies as a public benefit of the project because it meets the criteria established by 11 DCMR § 2403.6. The workforce development fund would not be created under matter-of-right development. The contribution amounts are quantifiable, and will be arranged prior to the issuance of a certificate of occupancy, and as a condition of this order, the Applicant must show that the funds are used for their intended purposes prior to the issuance of a certificate of occupancy.⁶ Finally, during construction of the project, the Applicant shall abide by the terms of the executed First Source Employment Agreement with the District Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project. To the extent permitted by law, first preference for employment opportunities shall be given to Wards 1 and 5 residents. The Applicant and its contractor, once selected, shall coordinate training, job fairs, and apprenticeship opportunities with construction trade organizations or with healthcare facility and other organizations to

⁶ The Applicant is required to show it has made the scholarship payments and that the funds have been used for the stated purpose prior to the settlement of the first townhouse on Parcel 5. The Commission finds that this is an acceptable alternative to tying proof of performance to a Certificate of Occupancy, because Certificates of Occupancy are not issued for townhouses. (See 11 DCMR § 3203.1.) Settlement on the first townhouse is the most reasonable equivalent event to issuance of a Certificate of Occupancy. Much like a Certificate of Occupancy, which allows the use and occupancy of a particular building or space, settlement is the time by which a homeowner is handed the keys to the residence and can occupy the home. An alternative would be to disregard the payment because it did not comply with the requirement of the regulation requiring performance tied to a Certificate of Occupancy. This seems unduly harsh, and would unnecessarily limit potential contributions in other PUDs proposing one-family dwellings.

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maximize participation by District residents in the training and apprenticeship opportunities in the PUD.

156. FOMP further claimed that the proposed housing and affordable housing opportunities could be achieved without destroying the below-grade sand filtration cells and open space. FOMP asserted that only a small percentage of the affordable housing provided on the PUD Site goes beyond what would be required under matter-of-right zoning, and thus the housing component does not satisfy the PUD requirements of exceeding what would have been required through matter-of-right development. (*see* 11 DCMR 2403.9(f).) (Ex. 34.) FOMP also noted that none of the housing offered on the PUD Site is for low-income households, as defined in 11 DCMR § 2601.1, and that instead the Applicant proposes to devote most of the affordable housing units to households earning up to 80% of the AMI. (Ex. 39, 858.)
157. The housing and affordable housing included in this PUD is significant, real, and measurable. The proposed CR zoning only requires the Applicant to produce eight percent of the total gross floor area devoted to residential uses as inclusionary units. Those units would only need to be affordable to households earning up to 80% of AMI. Here, however, the Applicants will devote 20% of the residential GFA on the PUD Site to affordable units, with 85 units in the multi-family building set aside for senior citizens earning 50% to 60% of AMI. The Applicant has increased the number of Rowhouses set aside as inclusionary units to 22 where only 18 would be required. Nine of the affordable Rowhouses will be available to low-income households earning no more than 50% of the AMI. This is a clear benefit to the city that would not otherwise happen through matter-of-right development.
158. In its written testimony and at the public hearings, FOMP asserted that the influx of market-rate housing on Parcels 4 and 5 will accelerate gentrification in the surrounding neighborhoods, increase median sale and rental prices, and result in a net loss of affordable housing units. (Ex. 39.) FOMP stated that the development will therefore not help to meet the city's affordable housing goals. The Commission finds that this claim is conclusory and that FOMP provided no evidence to support it.

Consistency with the Comprehensive Plan

159. FOMP asserted that the Applicant's proposed development is inconsistent with the Comprehensive Plan, specifically the Mid-City Element. In its written testimony, FOMP asserted that the Mid-City Element stated, "reuse plans for the McMillan Reservoir Sand Filtration site [shall] dedicate a substantial contiguous portion of the site for recreational and open space. The open space should provide both active and passive recreational uses, and should adhere to high standards of landscape design, accessibility, and security... connectivity to nearby open spaces such as the Armed Forces Retirement Home, should be achieved through site design." (10A DCMR § 2016.5.) (Ex. 34.)

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160. FOMP also urged that the PUD was inconsistent with the Parks, Recreation and Open Space Element (Chapter 8) of the Comprehensive Plan, which describes the network of "major federal facilities, cemeteries, and institutional uses located just north of the city's geographic center, in an area otherwise lacking in public parkland," and states that "as detailed plans are developed for these sites, the District must take an active role in conserving the connected open space network as an historic, ecological, aesthetic, and recreational resource." (Ex. 34.)
161. The Commission finds that the PUD will provide a substantial amount of parks and open space and is consistent with the Mid-City Area Element of the Comprehensive Plan. The proposed open space on the PUD Site will include areas for passive and active recreational uses, including a community center and plaza, a pond, an open grass area above the preserved cells, a lawn, an amphitheater, a spray fountain, and portions of the Olmsted Walk. The park will enhance the PUD Site, provide significant new open spaces for public enjoyment, offer a new opportunity for many recreational services, and contribute significantly to an integrated system of permanent open spaces in the city. The proposed open space healing garden at the northern portion of the PUD Site will be a relaxing, serene space for patients, visitors, and employees, and will provide connectivity to the medical complexes across Michigan Avenue and the Armed Forces Retirement Home property. In addition, the preservation of the underground Cell 14 on the eastern portion of the PUD Site will provide a large open space above ground for active and passive recreation, as well as providing clear views of the historic elements in the North Service Court. (Ex. 37, 153.) In addition, although the intervening development of the VA Hospital, Children's Hospital, and Washington Hospital Center, already interrupt the connection from the PUD Site to the AFRH, the PUD nevertheless allows for connectivity through the creation of Half Street. The east-west connections to the reservoir site also reinforce the "emerald necklace" of green space within the city.
162. FOMP argued that the proposed development is inconsistent with the NCPC's approved amendment to the Comprehensive Plan that allows some development on the PUD Site. In its written testimony, FOMP quoted NCPC's analysis leading up to the amendment: "we find that ... any structures to be introduced with the District-owned part of McMillan Park should be widely spaced, [should] not exceed the four-story height of the Veterans Hospital, and preferably have lower transitional heights and picturesque rooflines to blend with the immediate landscape and park environs." FOMP asserted that the proposed height, mass, and scale of the proposed development would overwhelm, obscure, dominate, and distract from the features described by NCPC. (Ex. 34.)
163. FOMP raised specific concerns about the proposed height and bulk of the buildings on the PUD Site, alleging that the buildings as proposed would dominate the landscape, including the sand filtration towers on the PUD Site. (Ex. 34.) Specifically, in its written

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testimony, FOMP asserted that the size and scale of the Healthcare Facility and Multi-Family Grocery Building on Parcels 1 and 4 would contribute significantly to the additional harms related to open space loss, environmental degradation, and historic structure demolition. (Ex. 39.)

- 164. In its written testimony, FOMP claimed that the project is inconsistent with Land Use *Policy 1.2.7 - Protecting Assets on Large Sites*, since it will "demolish a park built by one of the founders of American landscape architecture on a site chosen for majestic views of downtown Washington ..." FOMP also asserted that the Application is inconsistent with *PROS 3.3.1: North-Central Open Space Network* or with *MC 2.6.1: Open Space on McMillan Reservoir Sand Filtration Site*. (Ex. 45.)
- 165. The Commission finds that the PUD is not inconsistent with the Comprehensive Plan. The PUD Site is one of the 25 areas of the District designated on the Generalized Policy Map as a Land Use Change Area that anticipates that the existing land use will change to a different one. "They include many of the city's large development opportunity sites, and ... represent much of the city's supply of vacant and underutilized land." (10A DCMR § 223.10.)
- 166. The Commission finds that the Comprehensive Plan Future Land Use Map places the PUD Site in the following three land use categories: (i) Medium Density Residential, (ii) Moderate Density Commercial, and (iii) Parks, Recreation and Open Space. These categories provide suggested corresponding zone districts (although other zone districts may apply), as follows:

	Matter-of-Right Residential FAR	Matter-of-Right Commercial FAR	IZ Bonus	Total FAR Permitted as a Matter-of-Right
Medium-Density Residential				
R-5-B	1.8	n/a	0.36	2.16
R-5-C	3.5	n/a	0.7	4.2
Moderate-Density Commercial				
C-2-A	1.0	1.5	0.5	3.0
C-2-B	2.0	1.5	0.7	4.2
C-3-A	2.5	1.5	0.8	4.8

The density of the total PUD on the net land area is 2.36 FAR, of which 1.29 FAR is office and retail. Those numbers are well within and below the density permitted as a matter-of-right under C-2-A, which is the lowest of the three zones indicated as

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"corresponding" to Moderate Density Commercial. Thus, the 2.36 FAR proposed under the McMillan PUD is not inconsistent with the Future Land Use Map designation.

167. The Commission finds that based on the flexibility afforded by the PUD process, the proposed density can be appropriately distributed across the PUD Site by concentrating development on the northern parcel while leaving other portions, particularly at the south end of the PUD Site, as parks, recreation, and open space, consistent with the Comprehensive Plan designation. The trade-off for providing the substantial amount of open space is the concentration of height and density at the northern portion of the PUD Site. The only building to reach 115 feet is the western-most healthcare facility at the western portion of Parcel 1, between Michigan Avenue, the North Service Court, First Street, and Half Street. This segment of the PUD is the farthest removed from adjacent rowhouse neighborhoods – more than 1,000 feet from the houses on the south side of Channing Street, and more than 500 feet from the houses on the east side of North Capitol Street. This section of the PUD Site also abuts the higher height and density permitted on the Children's Hospital, Washington Hospital Center, and VA Hospital sites. Children's Hospital is built to a height of 127.5 feet.
168. The Commission finds that the proposed cluster development approach to the PUD Site is a critical and essential part of fulfilling the parks, recreation, and open space designation of the Future Land Use Map, while at the same time achieving the other elements of the Comprehensive Plan and the city's strategic economic plan. The Land Use Element of the Comprehensive Plan sets forth policies for protecting and utilizing historic resources as assets on large sites. Large sites are also to be leveraged to provide public benefits such as affordable housing, new parks and open spaces, healthcare and civic facilities, as well as other public facilities. (10A DCMR §§ 305 and 703.13 (*LU-1.2* and *ED-1.1.5*.) The Mid-City Element of the Comprehensive Plan specifically recognizes that development on portions of the PUD Site may be necessary to stabilize the PUD Site, and provides that the desired open space and amenities should consist of moderate to medium density housing, retail, and other compatible uses. (10A DCMR § 2016.9.) The city's strategic economic plan specifically calls for the development of the PUD Site as a medical office hub as a focal point for the city's medical institutions and much-needed expansion space for area hospitals.
169. The Commission finds that the policies, goals, and interpretive guidelines of the Comprehensive Plan all support the conclusion that the proposed zoning for the PUD Site is not inconsistent with the Comprehensive Plan. The policies and goals, which sometimes may be in conflict with one another, must be applied using the interpretive guidelines of the Comprehensive Plan. These guidelines state that the Future Land Use Map is to be "interpreted broadly" and recognize that the densities within any given area on the Future Land Use Map "reflect all contiguous properties on a block – there may be individual buildings that are higher or lower than these ranges within each area." (10A

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DCMR § 226(c.) The guidelines further advise that "the land use category definitions described the general character of development in each area, citing typical building heights (in stories) as appropriate. It should be noted that the granting of density bonuses (for example, through planned unit developments) may result in heights that exceed the typical ranges cited here." (*Id.*)

170. The Commission finds that the PUD Site's landmark status and the design constraints imposed through the Historic Preservation Review Board process also affect the spacing of buildings and utilization of existing improvements both above and below grade. In order to afford the necessary protections set forth in the Historic Preservation Element of the Comprehensive Plan, and the specific considerations for the McMillan planning area under the Mid-City Element, it is essential to decrease and limit the footprint of buildings. Buildings must be placed, as proposed, in locations compatible with other adjacent uses and densities on nearby properties. Healthcare is the most proximate institutional use close to the PUD Site across Michigan Avenue, and will provide a strong market to permit the Applicant to leverage the area for sound economic development. Finally, the Commission finds that NCPC's amendment to the Comprehensive Plan is outdated and irrelevant.
171. In its written submission dated September 15, 2014, FOMP raised an additional issue related to the project's consistency with the Comprehensive Plan, namely, that its height was inconsistent with the Future Land Use Map's designation of the site for (i) Medium Density Residential, (ii) Moderate Density Commercial, and (iii) Parks, Recreation and Open Space. FOMP further argued that NCPC's staff report dated August 25, 2014 supported this conclusion insofar as it stated that the project would interfere with the federal interest because it would interfere with views from the Armed Force Retirement Home, in part because of the high-density zoning proposed for the northern portion of the site. (Ex. 850.)
172. Regarding FOMP's argument that the height was inconsistent with the Future Land Use Map's designation, as stated above, the Commission does not believe that the high-density zoning proposed for the northern end of the site is inconsistent with the Comprehensive Plan as a whole. The high-density zoning and corresponding building heights at the northern end of the site are appropriate given that they cluster the high-intensity uses and largest buildings on the portion of the site adjacent to existing intensive uses with similar building heights, and allow the southern end of the site to remain open space and low-density residential uses.
173. The Commission is not persuaded by FOMP's argument based on the staff report because NCPC staff subsequently changed its position in a subsequent letter dated September 15, 2014. (Ex. 856B.) In its September 15th letter, NCPC staff stated that because the

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Applicant redesigned the healthcare building to reduce its height and shift some of the bulk to the west, it had no objection to the proposed building heights.

Other Contested Issues

174. Opponents to the project testified that the PUD is inconsistent with the 2002 recommendations for the McMillan Sand Filtration Site prepared by OP and the Department of Housing and Community Development ("DHCD"). Many of those recommendations were, in fact, included in the present proposal in some form. The Commission further notes, however, that additional studies were conducted since that time, including structural and historic preservation, which helped inform the present plan. Finally, the 2006 Comprehensive Plan provides the legal guidance for the Commission on this project.
175. Persons testified that the Applicant did not adequately investigate the environmental impacts of the proposed redevelopment and that the Applicant failed to put any agency reports, public health studies, or environmental reviews on the record. Persons asserted that the PUD would increase pollution, noise, waste, emissions, carbon footprint, municipal water use, electric and gas use, and sewer needs. Environmental studies are best conducted by the District Department the Environment, however, and will be part of the building permit process. (*See Foggy Bottom Association v. District of Columbia Zoning Comm'n*, 878 A.2d 1160 (D.C. 2009).)
176. Opponents also testified that the construction of the project would cause adverse effects related to construction noise, traffic, and other related effects. Review of construction related effects are not part of the Commission's review of PUDs, which are limited to the zoning related impacts of a project. Mitigation of construction related impacts are covered by the District's building codes and will be part of the building permit process. The Commission nonetheless encourages the Applicant to enter into a construction management agreement or agreements with neighboring community groups to mitigate the effect of construction of the project on neighbors.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose

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- development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
 4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
 5. The PUD, as approved by the Commission, complies with the applicable height, bulk and density standards of the Zoning Regulations under the proposed C-3-C and CR Zone Districts for the PUD Site. The uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
 6. The Application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
 7. The Applicant's request for flexibility from the Zoning Regulations is not inconsistent with the Comprehensive Plan. Moreover, the project's benefits and amenities are reasonable tradeoffs for the requested development flexibility.
 8. Approval of this PUD is appropriate because the proposed development is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the PUD Site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
 9. The Commission is required under § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1021; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's recommendation. In this case, on June 17, 2014, ANC 5E voted 4-0-3 to support the project, with two members absent and one seat vacant. The PUD Site also borders ANC 1B and ANC 5A, and thus their views are also entitled to great weight. On May 1, 2014, ANC 1B voted 8-0-1 to defer to and participate in the process established by ANC 5E. On January 29, 2014, ANC 5A voted 7-0-0 to support the PUD application.
 10. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to

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give great weight to OP's recommendations. For the reasons stated above, the Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.

11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 *et seq.*).

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the Application for preliminary review and approval of a first-stage PUD, consolidated PUD, and a related map amendment to zone the north portion of the PUD Site (Parcel 1) to the C-3-C Zone District, for a depth of 277 feet as measured from the middle of the curb at Michigan Avenue, N.W., and the remainder of the PUD Site to the CR Zone District. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below:

A. FIRST-STAGE PUD DEVELOPMENT PARAMETERS

1. Architectural Plans: The PUD shall be developed in accordance with the Master Plan (Volume 1) and the PUD and Consolidated Stage Two (Volume 2) prepared by EEK Perkins Eastman Architects, dated April 11, 2014, marked as Exhibits 32A1A1-32A1A26 and 32A2A1-32A2A72 (hereinafter Exhibit 32A), and supplemented by drawings submitted on June 23, 2014, marked as Exhibits 832A1-832A3 (hereinafter "Ex. 832A") in the record, and the drawings submitted on August 25, 2014, marked as Exhibit 849A1-849A2 (hereinafter "Exhibit 849A") (the "Plans"); as modified by the guidelines, conditions, and standards herein;
2. Project Uses and Density: The PUD shall be a mixed-use development devoted to residential, retail, service, institutional, community, and medical and related office uses, as shown on the approved Master Plan. The PUD shall have a maximum overall density of 1.92 FAR (2.36 FAR excluding the private rights of way), and a combined gross floor area of approximately 2,070,753 square feet;
3. Building Heights: The maximum building height of the Healthcare Facility on Parcel 1, to be located in the C-3-C Zone District, shall not exceed 115 feet. The maximum building height on Parcel 2, to be located in the CR Zone District, shall be 110 feet. The maximum building height on Parcel 3, to be located in the CR Zone District, shall be 110 feet. The maximum building height on Parcel 4, to be located in the CR District, shall be 77 feet. The maximum building height on Parcel 5, located in the CR Zone District, shall be 48 feet. The maximum

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building height on Parcel 6, located in the CR Zone District, shall be 26 feet. Parcel 7 shall be improved with the existing historic silos (sand bins) and regulator houses; and

4. *Design and Public Art Guidelines:* The Applicant shall implement and follow the Master Plan Design Guidelines prepared by EEK Perkins Eastman Architects marked as Exhibit 17C to the record; and the Cultural DC Public Art Master Plan as marked as Exhibit 17D10 to the record.

B. CONSOLIDATED PUD DEVELOPMENT PARAMETERS

1. *Parcel 1:* Parcel 1 shall be developed as a Healthcare Facility with approximately 835,000 to 860,000 square feet of space devoted to medical offices, related healthcare uses, and retail. The Parcel 1 building shall have a maximum FAR of 4.08 (or approximately 5.52 FAR exclusive of private rights-of-way and Cell 14), and a maximum building height of 115 feet. Parcel 1 shall be developed as a single building for zoning purposes, with the above-grade connection located at the main level of the building along the North Service Court. Approximately 1,900 vehicle parking spaces shall be provided in a below-grade garage. Approximately 200 bike parking or storage spaces shall be provided in the garage. Loading shall be provided as shown on the drawings;
2. *Parcel 4:* Parcel 4 shall be developed as a mixed-use residential/grocery building consisting of approximately 305,847 square feet of gross floor area, or a maximum density of 3.21 FAR. Approximately 55,567 square feet of gross floor area shall be devoted to a grocery store use (inclusive of loading) and approximately 258,235 square feet of gross floor area shall be devoted to multi-family residential uses (inclusive of loading), which equates to approximately 196 market rate units and 85 affordable units for senior citizens (55 years of age or older) whose household income is between 50% and 60% of the AMI. The condition pertaining to this affordable housing component is set forth in Condition C.6 below. The maximum height of the building shall be 77 feet, as measured from North Capitol Street, N.W. Approximately 329 vehicle parking spaces shall be provided in a below-grade garage, with 154 spaces devoted to the retail uses and 175 spaces devoted to the residential uses. Approximately 100 bike parking or storage spaces shall be provided in the garage. Loading shall be provided as shown on the drawings Submitted August 25, 2014, marked as Exhibit 849A in the record;
3. *Parcel 5:* Parcel 5 shall be developed with 146 row dwellings, consisting of approximately 350,000 square feet of gross floor area, or a maximum density of 1.42 FAR. The row dwellings shall have a maximum height of 48 feet, which

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equates to four stories. Each row dwelling shall provide a minimum of one parking space. The affordable housing conditions applicable to this parcel are set forth in the Condition C.6 below;

4. Parcel 6: Parcel 6, which includes the South Service Court, shall be developed as a Park including a 6.2- acre open space with a community center, as shown on the drawings prepared by EEK Perkins Eastman Architects dated April 11, 2014, marked as Exhibit 32A to the record, and as supplemented by drawings submitted on June 23, 2014, marked as Exhibit 832A in the record. The community center shall be constructed to a maximum height of 26 feet and contain approximately 17,500 square feet of gross floor area, or a density of approximately .07 FAR. The community center shall include gallery space with exhibits on the history of the McMillan site, a 25-meter swimming pool, a multipurpose community meeting room with a catering kitchen, outdoor gathering space, fitness studio, and locker and shower facilities. This amenity shall be open to the public and provide a user-friendly and convenient space for public gatherings and community events. The multipurpose community meeting room shall include moveable partitions to create smaller and larger spaces for gathering. Parcel 6 shall have 21 dedicated parking spaces and a dedicated loading area located in the South Service Court;
5. Parcel 7: Parcel 7 shall include the North Service Court with preserved historic silos and regulator houses, two-way circulation for all modes, and pedestrian facilities, as described in Condition C.4;
6. The Applicant shall have the flexibility with the design of the PUD in the following areas:
 - a. To provide a range in the number of residential units on Parcel 4 of plus or minus 10% from the number depicted on the plans dated April 11, 2014, marked as Exhibit 32A, and supplemented by drawings submitted on June 23, 2014, marked as Exhibit 832A in the record;
 - b. From the roof structure set back requirements, consistent with the roof plans submitted as part of the plans dated April 11, 2014, marked as Exhibit 32A, and supplemented by drawings submitted on June 23, 2014, marked as Exhibit 832A in the record, and drawings submitted August 25, 2014, marked as Exhibit 849A of the record;
 - c. From the loading requirements, consistent with the loading diagrams submitted in Exhibit 699B, and as modified by Exhibit 832A, and drawings submitted August 25, 2014, marked as Exhibit 849A of the record;

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- d. From the rear yard depth requirements, consistent with the plans dated April 11, 2014, marked as Exhibit 32A, and supplemented by drawings submitted on May 13, 2014, marked as Exhibit 699A in the record;
- e. From the rear yard requirements for all of the Rowhouses except Building 9 and 19, consisted with the submitted plans;
- f. From the open court width requirements at Building;
- g. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not substantially change the exterior configuration of the buildings;
- h. To vary the location and configuration of the affordable units on Parcels 2 and 4. Except for the affordable senior units on Parcel 4, the proportion of studio, efficiency, and one-bedroom affordable units to all affordable units shall not exceed the proportion of market-rate studio, efficiency, and one-bedroom units to all market rate units with a mixed-income building. The affordable units shall be of a size equal to the market-rate units, provided that the affordable units may be the smallest size of each market-rate type and have no luxury-scaled unit counterpart;
- i. To vary the garage layout, the number, location, and arrangement of the parking spaces on each of the Parcels, provided that the total number of parking spaces is not reduced below the minimum level required by the Commission;
- j. To vary the layout of the loading facilities on Parcel 1, provided that the dimensions and number of loading facilities are not reduced;
- k. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, location, orientation, and quantity of the fins, or any other changes to comply with the District of Columbia Building Code, the recommendations of the D.C. Historic Preservation Review Board or the Mayor's Agent for Historic

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Preservation, or that are otherwise necessary to obtain a final building permit;

- l. To vary the final design of retail frontages, including locations of doors, design of show windows and size of retail units, to accommodate the needs of specific retail tenants;
 - m. To vary the location and size of signs on the buildings, as long as they conform to the sign guidelines for the PUD;
 - n. To vary the location, attributes and general design of the public spaces and streetscapes incorporated in the PUD to comply with the requirements of the approval by DDOT's Public Space Division;
 - o. To vary the final selection of plantings and beds within the range and types as proposed, based on availability at the time of installation during the appropriate planting season for the material selected, without reducing the quality of plantings or the layout or arrangement; and
 - p. If any retail areas are leased by a restaurant or food service user, flexibility to vary the location and design of the ground floor components of the building(s) in order to comply with any applicable District of Columbia laws and regulations, including the D.C. Department of Health, that are otherwise necessary for licensing and operation of any restaurant use; and
7. The Applicant shall have the option to construct the project in phases, as shown on the plans, as follows:
- a. Phase I consists of Parcels 1, 4, 5, 6, and 7, which include the Olmstead Walk and the internal roadways; and
 - b. Phase II consists of Parcels 2 and 3.

The deadline for filing applications for building permits and to construct the phases is set forth in Condition E.2.

C. Public Benefits

1. Urban Design, Architecture, and Site Planning: The PUD shall be developed in accordance with the Master Plan prepared by EEK Perkins Eastman Architects dated April 11, 2014, marked as Exhibit 32A, and supplemented by drawings submitted on June 23, 2014, marked as Exhibit 832A in the record, and the

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drawings submitted on August 25, 2014, marked as Exhibit 849A; as modified by the guidelines, conditions and standards herein. Prior to the issuance of a Certificate of Occupancy for the Healthcare Facility on Parcel 1, the Applicant shall obtain a building permit for all the necessary public infrastructure to support the development of Parcels 1, 4, 5, 6, and 7, including all project site work; all streets, alleys, sidewalks, and bike paths; historic and commemorative signage throughout the PUD site to create a walking museum of preserved buildings and views; and all related utilities;

2. Parks, Open Space, and Landscaping: Prior to the issuance of a Certificate of Occupancy for the Healthcare Facility on Parcel 1, the Applicant shall obtain a building permit to construct the Community Center, and approximately 500,000 square feet of public open space comprised of the South Park, the North and South Service Courts, the healing gardens, and preserved Cell 14. The South Park shall include covered seating areas with at least four durable, high quality picnic tables and benches, an amphitheater adjacent to the Community Center, a children's playground, a "spray-ground," an outdoor adult fitness area, a pond and open lawns for casual sports, all as shown on the drawings (pp. 33-35) and marked as Exhibit 32A210-32A2A12. The PUD shall provide all related streetscape improvements and street furniture, including lighting, benches, trash receptacles, and bicycle racks;
3. Design Guidelines; Public Art Guidelines: The Applicant shall implement and follow the Master Plan Design Guidelines prepared by EEK Perkins Eastman Architects marked as Exhibit 17C to the record; and the Cultural DC Public Art Master Plan as marked as Exhibit 17D10 to the record;
4. Historic Preservation: The Applicant shall obtain a building permit within three years of the effective date of this Order to retain and rehabilitate and renovate the North and South Service Courts, including all 20 sand storage bins, all four regulator houses, at least one sand washer, 11 filter bed portals and extended portions of the service court walls, and the preservation of Cells 14 and 28, all in accordance with the plans. The Applicant shall also obtain a building permit within three years of the effective date of this Order to re-establish the Olmsted Walk around the perimeter of the site, as shown on the plans, and this shall be accessible to persons with disabilities and include benches along the walk. The preservation work shall be completed prior to the issuance of the certificate of occupancy for the community center on Parcel 6. The Applicant shall seek permission from the U.S. Army Corps of Engineer or other responsible government agency to obtain the historic McMillan Fountain, formerly located on portion of the McMillan Reservoir west of First Street and, if permission is granted, to install it on the PUD Site;

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5. Housing: The PUD shall provide approximately 924,583 square feet of gross floor area devoted to residential uses, or approximately 674 units of new housing in single-family and apartment houses, for both rental and ownership opportunities;
6. Affordable Housing: A portion of the total square feet of gross floor area devoted to housing shall be set aside for affordable housing, as follows: On Parcel 4, a minimum of 67,018 square feet of gross floor area of the total new housing provided, or approximately 85 units, shall be set aside as senior housing (55 years of age or older) for households earning 50% to 60% of AMI. An additional 25 units, or approximately 21,341 square feet of total gross floor area devoted to housing, shall be set aside on Parcel 2 for household earning 80% of the AMI. Finally, 22 of the single-family rowhouses on Parcel 5 shall be set as affordable housing. Nine of the affordable rowhouses will be made available to households earning no more than 50% of the AMI and the remaining affordable rowhouses will be made available to households earning no more than 80% of the AMI. The affordable housing units shall be constructed prior to or concurrently with the market-rate units on a given parcel, except that if the development is phased, the affordable units shall be constructed at a pace that is proportional with the construction of the market-rate units. All affordable units will remain subject to the applicable rental or price controls for so long as the project is in existence;⁷
7. CBE Participation: Prior to the issuance of a building permit, the Applicant shall execute a CBE Agreement with the Department of Small and Local Business Development (“DSLBD”) to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the PUD. Business opportunities will be posted on the DSLBD website, and the Applicant shall give opportunities to CBE businesses for smaller contracts, such as catering, trash collection, and delivery service. The Applicant shall continue to work cooperatively with DSLBD, its contractors and with the Business Development Councils and other local community organizations to maximize opportunities for CBE firms throughout the process. The PUD shall also include 20% equity sponsor participation by a CBE;
8. Training and Employment Opportunities: During construction of the project, the Applicant shall abide by the terms of the executed First Source Employment

⁷ As noted the Applicant intends to seek an exemption from the Inclusionary Zoning (“IZ”) regulations set forth in Chapter 26 of this Title. If the exemption is not granted, the Applicant shall nevertheless abide by the requirements of this condition, unless the IZ regulations impose more restrictive standards.

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Agreement with the District Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the PUD project. To the extent permitted by law, first preference for employment opportunities shall be given to Wards 1 and 5 residents. The Applicant and its contractor, once selected, shall coordinate training, job fairs and apprenticeship opportunities with construction trade organizations or with healthcare facility and other organizations to maximize participation by District residents in the training and apprenticeship opportunities in the PUD;

9. Project Association: Prior to the issuance of the first certificate of occupancy for the PUD, the Applicant shall establish a project association or business improvement district for the PUD that will be responsible for the maintenance and improvements of the private roadways, alleys, bicycle paths, historic walks, sidewalks, parks, historic resources, streetscapes, street furniture and fixtures, and signage within the PUD boundaries. Additionally, the project association will contribute to funding for programming and staging events within the PUD for the benefit of the public;
10. Environmental Benefits: The master plan for the overall development for the PUD Site shall be evaluated for LEED-Neighborhood Development and shall be certified at least LEED-Gold or its equivalent. Each project shall be LEED-Silver or Green Communities compliant, depending on its commercial or residential designation. Upon completion, the overall PUD Site shall achieve, at minimum, the applicable provisions of the Green Construction Code of the 2013 Construction Code of the District of Columbia. The Applicant shall put forth its best efforts to achieve a LEED-Silver rating or higher for the buildings on Parcels, 1, 4, 5, and 6, but the Applicant shall not be required to obtain the certification from the U.S. Green Building Council;
11. Uses of Special Benefit to the Community and City: The Applicant shall provide the following community benefits. The certificates of occupancy described in subparagraph (a) and subparagraphs (c) through (h) shall not be issued unless the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided:
 - a. Prior to the issuance of the first Certificate of Occupancy for the Healthcare Facility on Parcel 1, the Applicant shall initiate, and show evidence to the Zoning Administrator in accordance with § 2403.6 of the Zoning Regulations of annual payments of \$140,000 each over a five-year period (\$700,000 total) to the Community Foundation of the National Capital Region ("CFNCR") to support workforce development initiatives to improve low-income workers' skills, credentials, career prospects,

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earnings, and job placement, particularly in key local industries and occupations. Additionally, prior to settlement on the sale of the first townhouse on Parcel 5, the Applicant shall initiate annual payments of \$60,000 each over a five-year period (\$300,000 total) to the CFNCR to support scholarships for higher education, training or job-related certification encouraging "legacy" career paths such as civil engineering, landscape architecture, or on-site jobs in the medical field, with a preference for Ward 1 and 5 residents to the extent permitted by law;

- b. Prior to settlement on the sale of the first townhouse on Parcel 5, the Applicant shall initiate, and show evidence to the Zoning Administrator in accordance with § 2403.6 of the Zoning Regulations of annual payments of \$25,000 each over a five-year period (\$125,000 total) to the D.C. Education Fund to be used to improve science, technology, engineering, and math ("STEM") teacher professional development and instruction, as well as student learning and achievement, particularly at Dunbar High School, McKinley Technical High School, and Langley Educational Campus;
- c. Prior to the issuance of the first Certificate of Occupancy for the building on Parcel 4 and prior to the first settlement on the sale of a house on Parcel 5, the Applicant shall initiate, and show evidence to the Zoning Administrator in accordance with § 2403.6 of the Zoning Regulations of annual payments of \$50,000 over a 10-year period (\$500,000 total) to the Partnership, as defined by finding of fact 75, to hire high-school age residents and senior residents to provide guided tours of the McMillan site highlighting the preserved historic resources;
- d. Prior to the issuance of the first Certificate of Occupancy for the building on Parcel 4 and prior to the first settlement on the sale of a house on Parcel 5, the Applicant shall initiate, and show evidence to the Zoning Administrator in accordance with § 2403.6 of the Zoning Regulations of annual payments of \$75,000 over a 10-year period (\$750,000 total) to the Partnership operating budget to create a community market, outdoor cafe, and space for art installations between the South Service Court and South Park, and to activate the South Service Court and existing elements, such as regulator houses for small business incubators, silos as hanging gardens, water features and observation points;
- e. Prior to the issuance of the first Certificate of Occupancy for the building on Parcel 4, the Applicant shall show evidence to the Zoning Administrator in accordance with § 2403.6 of the Zoning Regulations of

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payment of \$225,000 to the Partnership to facilitate business start-ups by awarding grants or in-kind resources to small, local retail/service businesses looking to locate and operate on site to try out their retail/service concepts. A "local" business is a retailer/service provider that is either a CBE or a business headquartered in the District of Columbia; a "small" business is a retailer/service provider owning or operating fewer than eight retail/service outlets in the aggregate at the time such retailer/service provider enters into a lease at the PUD (inclusive of such outlet at the PUD);

- f. Prior to the issuance of the first Certificate of Occupancy for the building on Parcel 4 and prior to the first settlement on the sale of a house on Parcel 5, the Applicant shall provide evidence to the Zoning Administrator in accordance with § 2403.6 of the Zoning Regulations, that it has initiated payments to a contractor or otherwise will incur costs in the amount of \$500,000 over a five-year period for fabricating, installing, repairing and restoring tree box fence enclosures; planting trees and ground cover plants, and installing certain neighborhood signage in coordination with the Bates, Bloomingdale, Eckington, Edgewood, Hanover Area, and Stronghold Civic Associations;
 - g. Prior to the issuance of the Certificate of Occupancy for the Community Center, the Applicant shall use best efforts to provide free WiFi for public use in the community center and park; and
 - h. Prior to the issuance of the first Certificate of Occupancy for the mixed-use building on Parcel 4, the Applicant shall initiate annual payments in the amount of \$30,000 each over a five-year period (\$150,000 total) to North Capitol Main Street, Inc. for storefront improvements located on North Capitol Street, N.E. and N.W., between Channing Street and New York Avenue.
12. The Applicant will provide a total of approximately 97,770 square feet of gross floor area devoted to retail and service uses on the PUD Site. The retail space will include a full service grocery store.

D. Transportation Mitigation Measures

1. Transportation Features: The PUD Site shall be a multi-modal transit hub that accommodates transit services, such as the Metrobus, Circulator Bus, and the future Streetcar, and provides simple connections to Capital Bikeshare stations. The Applicant shall provide 80 Bikeshare docks on the PUD Site. The Applicant

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shall provide short- and long-term bicycle storage and changing facilities, and on- and off-street parking facilities, as shown on the Plans. The Applicant shall also do the following:

- a. Prior to the issuance of the building permit for the Healthcare Facility on Parcel 1, the Applicant shall coordinate with DDOT and nearby institutions to provide a detailed final Transit Implementation Plan. The Final Transit Implementation Plan shall include the following:
 - i. Recommended improvements to nearby bus routes to better serve the PUD Site and the neighbors, including instituting rush hour express bus service;
 - ii. Recommended acceleration of planning and development of the planned Brookland-Columbia Heights Streetcar;
 - iii. The provision of an interim shuttle service to the Brookland Metrorail Station prior to the District's implementation of a Circulator Bus route and streetcar line that would serve the PUD Site, without regard to cost; and
 - iv. The Applicant's commitment to incentivize on-site residents and retail tenants to use public transit, such as providing space for a Transit Store, supplementing employee SmarTrip cards, and providing car-sharing and Capital Bikeshare memberships;
- b. For the life of the Project, the Applicant shall implement the loading and curbside management plan, as set forth in Exhibit 832F3 to the record;
- c. For the life of the Project, the Applicant shall abide by the Transportation Performance Plan dated August 25, 2014, submitted to the record as Exhibit 849B, and updated by Exhibit 862. The Applicant shall have the flexibility to modify the Transportation Performance Plan if approved by DDOT in writing;
- d. For the life of the Project, the Applicant shall implement the transportation infrastructure improvements recommended by Gorove/Slade Associates and DDOT; and
- e. For the life of the Project, the Applicant shall provide the electric car charging stations stated in Exhibit 849B. The car charging stations on Parcel 1 shall be completed prior to the issuance of a Certificate of

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Occupancy for Parcel 1. The car charging station on Parcel 4 shall be completed prior to the Certificate of Occupancy for Parcel 4. The car charging station on Parcel 6 shall be completed prior to the Certificate of Occupancy for Parcel 6.

E. Miscellaneous

1. The Zoning Regulations Division of Department of Consumer and Regulatory Affairs (“DCRA”) shall not issue any building permits for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, DCRA. Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning;
2. The Consolidated PUD shall be valid for a period of two (2) years from the effective date of Z.C. Order No. 13-14. Within such time, an application must be filed for a building permit for the construction of Phase I of the project (described in B.7 above) as specified in 11 DCMR § 2409.1. Construction of Phase I of the project must commence within three (3) years of the effective date of this Order. Applicant shall not be required to file an application for a building permit for the park on Parcel 6 or the improvements to Cell 14 on Parcel 1 until six months prior to the date that D.C. Water intends to vacate that particular portion of the Phase I PUD site. Construction of the park on Parcel 6 or the improvements to Cell 14 must commence within one (1) year after the building permit is issued for that portion of the Phase I PUD site;
3. The first-stage PUD shall be valid for a period of two years after the effective date of this Order during which time the Applicant shall file a stage-two PUD application for Phase II of the PUD. The Applicant shall provide the Commission with an update of its implementation of the Transit Implementation Plan, and its compliance with the Community Benefits Chart and Payment Schedule (Ex. 849C), with each second-stage PUD application.
4. 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,

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sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On September 29, 2014, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Marcie I. Cohen, not having participated, not voting).

On November 10, 2014, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; Marcie I. Cohen, not having participated, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*, that is on April 17, 2015.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-18**

Z.C. Case No. 13-18

WBG Wheeler Road, LLC

**(Consolidated PUD & Related Map Amendment @ Square 5925, Lots 820 & 821)
January 26, 2015**

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on May 29, 2014, to consider an application from WBG Wheeler Road, LLC ("Applicant"), as owner of Lots 820 and 821 in Square 5925 for the consolidated review and approval of a planned unit development ("PUD") and a related zoning map amendment to rezone the property from the C-1 to the C-2-B Zone District. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

The Application, Parties, and Hearing

1. On December 30, 2013, the Applicant filed an application with the Commission for the consolidated review and approval of a PUD and a related zoning map amendment regarding Lots 820 and 821 in Square 5925 (the "Property") seeking to rezone the Property from the C-1 Zone District to the C-3-A Zone District. On February 21, 2014, the Applicant submitted an amended application and updated architectural plans (Exhibit ["Ex. "] 10), seeking to rezone the Property from the C-1 Zone District to the C-2-B Zone District.
2. The Property is situated in Ward 8 and has a combined land area of approximately 32,092 square feet. The Property is located at the intersection of Wheeler Road and Barnaby Street, S.E., in the Washington Highlands neighborhood. The Property includes approximately 210 feet of linear frontage along Wheeler Road, S.E. and 139 feet of linear frontage along Barnaby Street, S.E. Square 5925 is located in the southeast quadrant of the District and is bounded roughly by Wahler Place to the north, Wheeler Road to the east, Barnaby Street, S.E. to the south and 9th Street to the west. Fifteen-foot building restriction lines are located along both Wheeler Road, S.E. and Barnaby Street, S.E. (Ex. 9.)
3. At its public meeting held on March 10, 2014, the Commission voted to schedule a public hearing on the application.
4. On March 26, 2014, the Applicant submitted a Pre-hearing Statement. (Ex. 13.) The Pre-hearing Statement included updated Architectural Plans and Elevation sheets, and additional materials required pursuant to § 3013 of the Zoning Regulations.

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5. On May 9, 2014, the Applicant submitted a Supplemental Pre-hearing Statement and updated Architectural Plans and Elevations, as well as a Transportation Impact Study and letters of support. (Ex. 20.)
6. On May 12, 2014, the Applicant filed a Final Transportation Impact Study. (Ex. 21.) On May 19th and 20th, the Applicant filed expert resumes, outlines of testimonies, a revised penthouse plan, and a letter from the Zoning Administrator. (Ex. 24, 26.)
7. After proper notice, the Commission held a public hearing on the application on May 29, 2014.
8. The parties to the case were the Applicant and Advisory Neighborhood Commission ("ANC") 8E, the ANC within which the Property is located.
9. Four principal witnesses testified on the Applicant's behalf at the public hearing. Dinesh Sharma testified on behalf of the Applicant. Sas Gharai testified on behalf of SGA Companies, Inc., and Erwin Andres testified on behalf of Gorove/Slade Associates, Inc. Based upon their professional experience, as evidenced by the resumes submitted for the record and their prior testimony before the Commission, Mr. Gharai was qualified by the Commission as an expert in architecture and Mr. Andres was qualified by the Commission as an expert in transportation planning and analysis. Brenda Richardson also testified as a witness in support of the project during the Applicant's presentation.
10. Wanda Yates and Trayon White both testified as persons in support of the project.
11. The Office of Planning ("OP") testified at the public hearing in support of the project.
12. At the hearing, the Applicant submitted updated plan sheets which included revisions to the plans submitted previously and a copy of the Applicant's PowerPoint presentation. (Ex. 31, 28.)
13. ANC 8E Chair, Anthony Muhammad, filed a letter in support. (Ex. 2I.) The ANC 8E Chair indicated in the letter that the project would be a catalyst for this area and would revitalize the Wheeler Road section of Congress Heights. ANC 8E did not submit a written report prior to the hearing. As discussed further below, several written reports were submitted by ANC 8E, Commissioner Muhammad, and Karlene Armstead, Single Member District Commissioner for ANC 8E06 after the hearing. The reports submitted by ANC 8E and Commissioner Muhammad opposed the project. Ms. Armstead's report was in support.

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14. Councilmember Marion Barry submitted a letter in support of the project. (Ex. 2J.) Councilmember Barry indicated in the letter that the project encourages homeownership and meets the ward's need by providing value and economic growth for the community and would be a signature project in Congress Heights for Ward 8.
15. Several organizations submitted letters in support of the project, including: Congress Heights Main Streets, Avanti Real Estate Services, Lewis Real Estate Services, Ida Mae Campbell Foundation, Mary's Excellent Cleaning Services, Ward 8 Workforce Development Council, and the United Planning Organization (Ex. 20D, 20E.)
16. At its public hearing held on May 29, 2014, the Commission took proposed action to approve the proposed PUD and requested zoning map amendment, and left the record open to receive additional specified information from the Applicant and OP to address several concerns it had about the project.

Post-Hearing Submissions and Actions

17. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Home Rule Act. (Ex. 30A.) NCPC did not submit a response within the review period established by the Home Rule Act.
18. On June 5, 2014, the Applicant submitted its list of proffered public benefits and amenities and draft conditions, as required by 11 DCMR § 2403.16. (Ex. 32.)
19. On June 9, 2014, the Applicant submitted a post-hearing submission that addressed the Commission's requests made at the close of the hearing. The post-hearing submission included a post-hearing statement, revised architectural plans, and supporting materials from Gorove/Slade. (Ex. 33.)
20. On June 16, 2014, the Applicant submitted a draft order. (Ex.35.)
21. On June 24, 2014 the Applicant submitted its final list of proffered public benefits and amenities and draft conditions, as required by 11 DCMR § 2403.20. (Ex. 16.)
22. At its June 30, 2014 public meeting, the Commission considered the post-hearing filings. The Commission concluded the Applicant's and OP's responses did not adequately address its concerns. The Commission therefore deferred final action to allow the Applicant and OP another chance to address the concerns the Commission expressed at the conclusion of the hearing.

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23. On September 15, 2014, the Applicant submitted its second post-hearing submission attaching revised plans, supplemental trash pickup analysis, a career fair flyer, and a draft Community Benefits Agreement (“CBA”). (Ex. 40.)
24. On September 22, 2014, ANC 8E submitted a report in opposition to the project. (Ex. 42.) The letter stated that ANC 8E voted to oppose the project in a 6-0 vote. The letter did not state whether the matter was considered at a properly noticed public meeting, whether the meeting was open to the public, or the number of members that constitute a quorum.
25. On September 24, 2014, the Applicant submitted a letter stating that the draft CBA attached to its September 15th submission was being negotiated as a private agreement between the Applicant and the ANC, and stating that it was not altering its statement of the proffered public benefits and amenities submitted on June 24, 2014, which did not include the CBA. (Ex. 43.)
26. On September 26, 2014, Karlene Armstead, Single Member ANC District Commissioner for ANC 8E06 submitted a request to re-open the record and submit a letter in support of the project. (Ex. 44, 45.) Her letter stated that she was sending the letter on her own behalf. Her letter further stated that the ANC did not vote on or authorize the ANC’s submission dated September 22, 2014.
27. On September 26, 2014, ANC 8E Chairman Anthony Muhammad submitted a letter, dated September 25, 2014, that questioned the veracity of the contents of Ms. Armstead’s letter. (Ex. 47.) The letter did not comment on the substance of the application before the Commission.
28. On September 26, 2014, Sandra Seegars submitted a request to re-open the record and submit a letter stating her support for the positions stated in ANC 8E’s report in opposition to the project. (Ex. 46, 48.)
29. On September 26, 2014, Schyla Pondexter-Moore submitted a request to re-open the record. (Ex. 49.) The Commission Chairman denied this request.
30. At its September 29, 2014 public meeting, the Commission considered the post-hearing submissions. The Commission noted that the ANC’s September 22nd report did not meet the requirements of the Zoning Regulations, 11 DCMR § 3012.5, that require ANC reports to state that the ANC vote occurred at a properly noticed meeting with a quorum. The Commission therefore indicated that it would defer action to allow the ANC to submit a revised report that satisfied these requirements, and that it hoped that the parties would use the additional time to resolve the other issues expressed in the ANC’s post-hearing submissions.

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31. On October 8, 2014, ANC 8E submitted a second report and attached a resolution in opposition to this project. (Ex. 50.) The resolution states that it was approved at ANC 8E's July meeting. Neither the meeting minutes, nor the attached resolution, state that the matter was considered at a properly noticed public meeting.
32. At its October 20, 2014 public meeting, the Commission considered the additional post-hearing submission made by ANC 8E. The Commission noted that the ANC's second report did not conform with the requirements of 11 DCMR § 3012.5, again deferred action to permit the ANC to submit a revised report that complied with the applicable Zoning Regulations, and left the record open for a revised ANC report and any responses by the parties. The Commission also suggested that the Applicant attempt additional outreach to resolve the issues expressed in the ANC's resolution.
33. On November 12, 2014, the Applicant submitted a letter detailing its community outreach efforts. (Ex. 51.)
34. On November 12, 2014, ANC 8E submitted a third report. (Ex. 52.) The cover letter attached to the report indicated that the matter was considered at a properly noticed meeting with a quorum present, and that a majority of those present voted to adopt the report. The report states that the ANC opposed the application, and listed several issues and concerns as forming the basis for that opposition.
35. On November 13, 2014, Sandra Seegars filed a motion to re-open the record to receive a second report from her on the application. (Ex. 53.) The Commission Chairman denied this request.
36. On November 19, 2014, the Applicant filed a response to ANC 8E's November 12th report. (Ex. 54.) The letter responds to each of the issues and concerns stated in ANC 8E's November 12th report.
37. At its December 8, 2014 public meeting, the Commission considered the additional filings by the Applicant and ANC 8E. The Commission again deferred taking action on the application and asked the Applicant and ANC 8E to try a final time to attempt to reach an amicable resolution of the issues expressed in the ANC's report, and left the record open to receive reports from ANC 8E and the Applicant.
38. On January 12, 2015, ANC 8E Chairman Anthony Muhammad submitted a letter stating that ANC 8E had a tie vote concerning the project at its January 5, 2015 meeting. (Ex. 56.) The letter contained several other assertions regarding the ANC's ongoing discussions with the Applicant.

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39. On January 19, 2015, the Applicant submitted a letter discussing its community outreach efforts and contesting assertions contained in Mr. Muhammad's January 12, 2015 letter. (Ex. 57.)
40. The Commission took final action to approve the application at its public meeting on January 26, 2015.

The PUD Project

41. The Applicant proposes to build a mixed-use development composed of retail and residential uses. The overall project will have a density of 3.56 floor area ratio ("FAR"), less than the maximum permitted of 6.0 under the C-2-B PUD requirements, and will include approximately 99,205 square feet of residential uses, comprising 85 units and approximately 15,566 square feet of commercial space. The building will be constructed to a maximum height of 83.5 feet with a maximum of seven stories. The project will have an overall lot occupancy of approximately 67.5%, and will include 25 surface parking spaces.

Development under Existing Zoning

42. The Property is currently zoned C-1. The Applicant is seeking to rezone the Property to the C-2-B Zone District as part of this application.
43. The C-1 zoning classification is designed to provide convenient retail and personal service establishment for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development. (11 DCMR §700.1.) C-1 Zone Districts permit some community facilities, housing, and mixed uses, as well as the usual neighborhood shopping and service establishments as a matter-of-right. (11 DCMR § 700.3.)
44. The maximum permitted matter-of-right height in the C-1 Zone District is 40 feet, with a maximum of three stories. (11 DCMR § 770.1.)
45. The maximum permitted matter-of-right density in the C-1 Zone District is 1.0 floor area ratio ("FAR"), all of which may be devoted to either residential or nonresidential uses. (11 DCMR § 771.2.)
46. The maximum percentage of lot occupancy in the C-1 Zone District is 60% for a building devoted to residential use. (11 DCMR § 772.1.) Moreover, pursuant to § 774.1 of the Zoning Regulations, a rear yard with a minimum depth of 20 feet must be provided for each structure in the C-1 Zone District. No side yard is required for most

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structures, but if a side yard is provided it must be a minimum of two inches wide for each foot of height, but not less than six feet. (11 DCMR § 775.5.)

47. Where a court is provided for a building or portion of building devoted to residential uses, at any elevation in the court, the width of the court must be a minimum of four inches per foot of height, measured from the lowest level of the court to that elevation, but not less than 15 feet. (11 DCMR § 776.3.) In the case of a closed court for a building or portion of a building devoted to residential uses, the minimum area must be at least twice the square of the width of court based upon the height of court, but not less than 350 square feet. (11 DCMR § 776.4.)
48. An apartment house or multiple dwelling in the C-1 Zone District is required to provide one parking space for each dwelling unit. (11 DCMR § 2101.1.) The loading requirement for an apartment house or multiple dwelling with 50 or more dwelling units in all zone districts is one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep. (11 DCMR § 2201.1.)
49. Development of the Subject Property under the PUD guidelines for the C-1 Zone District would allow a maximum building height of 40 feet, and a maximum density of 1.0 FAR, all of which may be devoted to residential or nonresidential uses. (11 DCMR §§ 2405.1 and 2405.2.)

Development under Proposed C-2-B Zone District

50. The Applicant proposes to rezone the Property to C-2-B in connection with this application. The C-2-B Zone District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia with high-density residential and mixed uses. (11 DCMR § 720.6.) The C-2-B Zone Districts are located on arterial streets, in uptown centers, and at rapid transit stops. (11 DCMR § 720.7.) The C-2-B Zone District includes the following development requirements:
 - a. A maximum matter-of-right height of 65 feet with no limit on the number of stories (§ 770.1), and a maximum height of 90 feet under the PUD requirements (§ 2405.1);
 - b. A maximum matter-of-right density of 3.5 FAR, all of which may be devoted to residential use, but not more than 1.5 of which may be devoted to nonresidential uses (§ 771.2);

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- c. Under the PUD requirements, a maximum density of 6.0 FAR, all of which may be devoted to residential use, but not more than 2.0 of which may be devoted to nonresidential uses (§ 2405.2);
- d. A maximum lot occupancy of 80% for a building or portion thereof devoted to a residential use (§ 772.1);
- e. A minimum rear yard depth of 15 feet (§ 774.1);
- f. If provided, a side yard at least two inches wide per foot of building height, but not less than six feet (§ 775.5);
- g. If provided, a minimum court width of four inches per foot of height, but not less than 15 feet (§ 776.3) and in the case of a closed court, a minimum area of at least twice the square of the width of court, but not less than 350 square feet (§776.4);
- h. For an apartment house or multiple dwelling, one off-street parking space for each three dwelling units and for a retail or service establishment, one off-street parking space for every 750 square feet in excess of 3000 square feet (§ 2101.1); and
- i. For an apartment house or multiple dwelling with 50 or more dwelling units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery loading space at 20 feet deep; and for a retail or service establishment with 5,000-20,000 square feet, one loading berth at 30 feet deep, one loading platform at 100 square feet, and no service/delivery loading space (§ 2201.1).

Development Incentives and Flexibility

51. The Applicant requested the following areas of flexibility from the Zoning Regulations:
- a. *Flexibility from Loading Requirements.* The Applicant requests relief from the loading requirements. Pursuant to § 2201.1 of the Zoning Regulations, the Applicant is required to provide one loading berth at 55 feet deep; one loading platform at 200 square feet; and one service/delivery space at 20 feet deep for the residential uses in the building; and one loading berth at 30 feet; one loading platform at 100 square feet; and no service/delivery space. However, due to the anticipated needs of the residents and retail tenants, the Applicant is seeking flexibility to provide one loading berth at 55 feet deep, one loading platform at 200 feet, and one service/delivery space at 20 feet deep. The service/delivery

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space will be for residential use and curbside loading would be provided for retail use to eliminate the need for a curb cut off Barnaby Street. The Commission finds that the requested flexibility is in accordance with the Comprehensive Plan's recommendations to consolidate loading areas within new developments and minimize curb cuts on streets to the greatest extent possible. In addition, the loading areas are likely to be used by the residents primarily when they move in or out of the building, and any subsequent use by residents will be generally infrequent and can be restricted to times which pose the least potential conflicts with retail users. Therefore, the Commission finds that flexibility from the loading requirements of § 2201.1 of the Zoning Regulations as described in this paragraph is appropriate in this case;

- b. *Flexibility from the Parking Requirements.* The Applicant is required to provide 43 parking spaces. The Applicant is providing 25 standard spaces. Therefore, flexibility is required from § 2101.1. The Commission finds that the proposed parking is adequate for the Property and will not have any adverse impacts; and
- c. *Additional Areas of Flexibility.* The Applicant also requests flexibility in the following areas:
 - i. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - ii. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;
 - iii. To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit;
 - iv. To remove the Capital Bikeshare facility if Capital Bikeshare is unwilling to provide a location or is commercially unreasonable in its terms;

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- v. To remove the covered bus shelter if DDOT is unwilling to authorize it. If DDOT authorizes the covered bus shelter, to make a minor change to the location of the covered bus shelter if required by DDOT or the Public Space Committee; and
- vi. To make a minor change to the location of the vaults; and to change from street loading to loading through the public alley and reduce the number of parking spaces; if required by DDOT or the Public Space Committee.

Public Benefits and Amenities

52. The Commission finds that the following benefits and amenities will be created as a result of the PUD:
- a. *Urban Design, Architecture, Landscaping, and Open Space.* The building's front façade would be mainly a tan colored brick with sienna colored brick accents, precast trim and painted aluminum windows. The ground-floor retail areas show up to 18-foot ceiling heights and a residential entrance lobby at a height of 15 feet. A significant portion of the residential upper floors are set back from the alley to reduce the massing confronting the residential buildings across the alley. Streetscape improvements around the building's frontage on Wheeler Road and Barnaby Street would take advantage of the 15-foot-wide building restriction line. The currently underutilized property would be developed with a mix of retail uses that are considered neighborhood-serving for the community. The retained retail uses would benefit from the relocation to new contemporary spaces and the additional retail area would accommodate new businesses where none previously existed to create a more vibrant and updated streetscape along Wheeler Road;
 - b. *Transportation Features.* The parking area that currently exists along the building's frontage at Wheeler Road would be eliminated. Instead, 25 residential parking spaces would be accessed through the alley system from either Wheeler Road or Barnaby Street. Adequate on-street parking exists for patrons who may drive to the local businesses. Two bicycle storage areas, one with 30 long-term bicycle parking spaces for residents and one with 10 long-term bicycle parking spaces for retail patrons, would be located on the ground floor and the applicant would discuss with DDOT the possibility of a bike share station in public space outside the building. The applicant intends to install a transit screen in the residential lobby for residents' convenience. Moreover, the Applicant will implement and maintain the Transportation Demand Management ("TDM") measures described in the DDOT Report (Ex. 25), which include:

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- Identify a TDM Leader;
 - Provide 30 long-term bicycle parking spaces on the ground floor of the building and an additional 24 short-term bicycle parking spaces outside the building;
 - Provide a transportation information screen in the lobby that would show real time arrival/availability for nearby buses, trains, carshare, and Bikeshare;
 - Make information available on transportation alternatives and services;
 - Provide an on-site business center;
 - Reserve a location outside the building for a future Capital Bikeshare station; and
 - Provide an enhanced bus shelter adjacent to the site on Barnaby Street;
- c. *Housing and Affordable Housing.* The application indicates that the project would provide all of its 85 units as affordable to households making up to 60% of area median income (“AMI”). This substantially exceeds the amount of affordable housing that would be required under the Inclusionary Zoning requirements of Chapter 26 of the Zoning Regulations. The site plan indicates the location and unit mix of the units. It is commendable that the units would be designed to meet the needs of disabled persons, including Type “A” units, which are fully accessible and Type B units which would be capable of being easily converted to Type “A” units to support persons with disabilities;
- d. *Environmental Benefits.* The building would include two levels of green roof which would function both as an amenity and a stormwater management feature, which currently does not exist on the property. The plan shows 4,511 square feet of pervious pavement in the rear parking area to minimize the runoff from the property into the alley. In addition, landscaping and streetscape improvements would be provided around the Wheeler and Barnaby Road perimeter. The plans provide additional details of these improvements and landscape features. The project includes sustainable design features such that the building would be able to achieve a minimum of 50 points of the Green Communities Criteria; and
- e. *Uses of Special Value.* The Applicant is proposing to provide updated space for neighborhood retailers. The inclusion of a substantial number of affordable, family-sized units in the project is also supported. The applicant has indicated a willingness to partner with a social service provider to provide training and employment opportunities to residents;
53. The Commission finds that the project benefits and amenities as outlined above are reasonable trade-offs for the requested development flexibility.

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Compliance with Guiding Principles of the Comprehensive Plan Amendment Act of 2006
(D.C. Law 16-300, effective March 8, 2007)

54. The Property is designated in the Low Density Commercial land use category on the District of Columbia Comprehensive Plan Future Land Use Map. The Low Density Commercial designation is used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. The C-1 and C-2-A Zone Districts are generally consistent with the Low Density Commercial designation, although other districts may apply.
55. Even though the Future Land Use Map prescribes Low Density Commercial for the site the Commission finds that this is one of the rare instances in which “the application of other zones”, in this case C-2-B, is appropriate. (10A DCMR § 225.8.)
56. The Commission finds that the project advances a number of policy objectives for the site.
- a. The Generalized Policy Map designates the site as a Neighborhood Commercial Center where mixed-use infill development should be encouraged to provide new retail and service uses, and additional housing and job opportunities. (10A DCMR § 223.18.) The project will meet these objectives; and
- b. The project also advances a number of the Comprehensive Plan’s policy objectives for the site, particularly policies in the Land Use Element encouraging mixed-use development including upper-story housing to promote the revival of established commercial centers on the east side of the city, and policies in the Housing Element encouraging the expanding housing supply, and ensuring housing affordability:
- (1) Land Use Element
- The Comprehensive Plan recognizes that District neighborhoods on the east side of the city “lack well-defined centers or have centers that struggle with high vacancies and a limited range of neighborhood-serving businesses,” (10A DCMR § 312.2), and recommends that “[e]stablished centers should be expanded to in areas where the existing range of goods and services is insufficient to meet community needs.” (10A DCMR § 312.6.) In response, the Comprehensive Plan suggests the following:
- Many District neighborhoods, particularly those on the east side of the city, lack well-defined centers or have centers that struggle with high vacancies and a limited range of neighborhood-serving businesses. Greater efforts must be made to attract new retail uses to these areas by improving business conditions, upgrading storefronts and the street environment, and

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improving parking and pedestrian safety and comfort. The location of new public facilities in such locations, and **the development of mixed use projects that include upper story housing, can encourage their revival.** (10A DCMR § 312.2 (emphasis added).)

The project will serve as an anchor for economic and civic development of the Congress Heights and Washington Highlands neighborhoods. The creation of high-quality mixed use development, such as the project, is an important economic generator. The density requested by the map amendment allows the Applicant to provide neighborhood serving retail with residential uses above. Through infill development, the Applicant will reuse vacant land and fill a gap in the urban fabric that is currently detracting from the character of the neighborhood. The project will improve the visual quality of the neighborhood through high quality redevelopment and public space improvements.

(2) Housing Element

The project increases the supply of housing, through a mixed-use project that includes commercial uses below housing, on an under-utilized site located in an existing commercial center, which is supported by the following policies of the Comprehensive Plan's Housing Element:

Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs. (10A DCMR § 503.1.)

Provide suitable regulatory, tax, and financing incentives to meet housing production goals. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for commercial projects that do not include housing. (10A DCMR § 503.3.)

Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-

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term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. (10A DCMR § 503.4.)

Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. (10A DCMR § 503.5.)

In addition, the Project includes 85 residential units, all of which will be affordable to families earning less than 60% of AMI. The project includes 35 units that will be two-bedroom units and 20 that will be three-bedroom units, ensuring that they will be appropriately sized for families. This advances the following policies of the Comprehensive Plan's Housing Element:

Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city. (10A DCMR § 504.6.)

Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in the city over the next 20 years should be affordable to persons earning 80 percent or less of the area wide median income (AMI). Newly produced affordable units should be targeted towards low-income households in proportions roughly equivalent to the proportions shown in Figure 5.2. (10A DCMR § 504.7.)

Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. Density bonuses should be granted in historic districts only when the effect of such increased density does not significantly undermine the character of the neighborhood. (10A DCMR § 504.14.)

Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments. (10A DCMR § 505.6)

57. The Commission further finds that the proposed PUD is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, and building green and healthy communities, as follows:

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- a. *Managing Growth and Change.* The guiding principles of this element are focused on ensuring that the benefits and opportunities of living in the District are equally available to everyone in the city. In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and nonresidential uses. The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. (§ 217.6.) The proposed PUD is fully consistent with each of these goals. Redeveloping the Property into a residential development will further the revitalization of the neighborhood;
- b. *Creating Successful Neighborhoods.* The guiding principles for creating successful neighborhoods include both improving the residential character of neighborhoods and encouraging commercial uses that contribute to the neighborhood's character and make communities more livable. (§§ 218.1 and 218.2.) In addition, the production of new affordable housing is essential to the success of neighborhoods. (§ 218.3.) Another guiding principle for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the plan's elements. (§ 218.8.) The proposed development furthers each of these guiding principles with the construction of affordable housing, as well as commercial uses that will create additional retail and employment opportunities. In addition, as part of the PUD process, the Applicant has worked with the ANC and local community groups to ensure that the development provides a positive impact to the immediate neighborhood;
- c. *Increasing Access to Education and Employment.* The Increasing Access to Education and Employment element includes a number of policy goals focused on increasing economic activity in the District, including increasing access to jobs by District residents (§ 219.1); encouraging a broad spectrum of private and public growth (§ 219.2); supporting land development policies that create job opportunities for District residents with varied job skills (§ 219.6); and increasing the amount of shopping and services for many District neighborhoods (§ 219.9). The project is fully consistent with these goals since the proposed retail area will help to attract new jobs to the District, as well as to this specific neighborhood, and the conference rooms will be offered to community organizations for workforce development training services;
- d. *Connecting the City.* The proposed development will help to implement a number of the guiding principles of this element. The project includes streetscape improvements to provide improved mobility and circulation through the project, as well as the overall neighborhood. (§ 220.2.) In addition, the access points for

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the required parking and loading facilities have been designed to appropriately balance the needs of pedestrians, bicyclists, transit users, autos and delivery trucks as well as the needs of residents and others to move around and through the city; and

- e. *Building Green and Healthy Communities.* The proposed development is fully consistent with the guiding principles of the building green and healthy communities element since the project's proposed landscaping plan will help to increase the District's tree cover, and the proposed development will minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (§§ 221.2 and 221.3.) In addition, the project, which includes Green Communities elements, will also help to facilitate pedestrian and bicycle travel.
58. Even though the proposed C-2-B zoning is more intensive than what is called for in the Future Land Use Map, the project does much to advance the other policies of the Comprehensive Plan cited above, thus, the Commission concludes that it is not inconsistent with the Comprehensive Plan as a whole.

Office of Planning Reports

59. By report dated February 26, 2014, OP stated that it supports the application and that the proposed PUD is not inconsistent with the Comprehensive Plan. Therefore, OP recommended that the Commission schedule a public hearing on the application. (Ex. 11.)
60. By report dated May 19, 2014, OP recommended final approval of the application. (Ex. 23.) OP stated that the proposal would benefit the Congress Heights neighborhood given the level and amount of family-oriented affordable housing provided, the mix of uses, and the provision of neighborhood-serving retail. OP stated that it supports the C-2-B designation for the site, which is not inconsistent with the 2006 Comprehensive Plan's Future Land Use Map and policy objectives that encourage residential infill.
61. By report dated June 16, 2014, OP provided additional support for why the proposed PUD-related map amendment is not inconsistent with the Comprehensive Plan in this particular circumstance. (Ex. 34.)
62. By report dated September 15, 2014, OP responded to the Commission's request for further analysis, concluding that of the Project was not inconsistent with the Comprehensive Plan, despite its seven-story building height.

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DDOT Report

63. The District Department of Transportation (“DDOT”) submitted a memorandum dated May 19, 2014, recommending support of the project provided the Applicant adopt a Loading Management Plan as outlined in the report. (Ex. 25.) DDOT indicated that the Applicant must submit a formal loading zone request to DDOT to determine if the need for loading facilities warrants curbside loading. DDOT also indicated that if the request for curbside loading is denied, the Applicant could apply for DDOT Emergency No Parking signs to establish a temporary loading zone.
64. Based upon the reports and testimony of the Applicant's expert in transportation analysis and planning, the Commission finds that given the minimal number of vehicle trips to be generated by the project, the project can be approved as proposed by the Applicant without creating any objectionable traffic or parking impacts on existing and future roadway users or the adjacent residential community. The Commission further finds that the Applicant's proposed TDM measures include a number of features that will ensure the loading and delivery operations perform well, and that the Applicant has adopted the Loading Management Plan recommended by DDOT. Moreover, the Commission further finds that the Project will have no impact on pedestrians or intersections.

Other Contested Issues

65. The Commission was concerned that the light color of the penthouse/7th level of the building drew unnecessary attention to the top of the building and made it appear larger. In response to Commission comments, the Applicants revised the color scheme of the top level of the building to make it darker and less noticeable. (Ex. 40A, p. 16.1.) The Commission is satisfied that this change addresses its concern.
66. The Commission was also concerned about the safety of those occupying the outdoor space at the top of the building. In response, the Applicant revised the design of the railings at the top of the building to move them further back from the edge of the building and clarify that the height of the railing is 42 inches. (Ex. 40A, p. 14-15.) The Commission is satisfied that these changes addressed its concerns.
67. The Commission requested that the Applicant consider connecting the retail spaces to the loading dock via a rear corridor so it would not be necessary to move trash through the alley. The Applicant responded that it studied ways to provide the rear corridor, but could not do so for a variety of reasons. (Ex. 40.) Instead, the Applicant suggested an alternative trash removal plan that included a second trash room in the building. (Ex. 40B.) The Commission is convinced that both the original trash removal plan, and the Applicant’s suggested alternative, are adequate to serve the needs of the project, and that neither trash plan will create any adverse impacts.

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68. The Commission was also concerned about the comments made by ANC 8E and members of the community which suggested that the Applicant had not done sufficient community outreach. The Commission deferred final action several times to allow the Applicant and community to meet, and hoped that the issues between them would be resolved. Although the Zoning Regulations do not impose a community outreach obligation, the Commission does expect applicants to engage in such conduct and in this case believes that the Applicant has met its expectations. The Commission notes that the Applicant has provided assurances that it will continue to meet with the community as the project continues to progress to completion.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development
4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The uses for this project are appropriate for the Property. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.

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7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable tradeoffs for the requested development flexibility.
8. Approval of this PUD is appropriate because the proposed development is consistent with the present character of the area, and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.

ANC Review and Report:

9. The Commission is required under § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (“ANC Act”)) to give great weight to the affected ANC's recommendation.

There are a number of threshold procedural requirements that an ANC's recommendation must meet in order for it to be given great weight. These procedural rules are particularly important in cases such as this one, where the affected ANC offers multiple reports with conflicting advice.

The ANC Act requires that an affected ANC must consider its advice at a meeting that was properly noticed, and that is open to the public, D.C. Official Code § 1-309.10(d)(1), and that meeting must contain a quorum. (D.C. Official Code § 1-309.11(b)(1).)

The Zoning Regulations require that the ANC's letter indicate when the public meeting to consider the application was held (11 DCMR § 3012.5(b)), whether proper notice of that meeting was given by the ANC (11 DCMR § 3012.5(c)), the number of members of the ANC that constitute a quorum and the number of members present at the meeting (11 DCMR § 3012 v.5(d)), and finally, the vote on the motion to adopt the report. (11 DCMR § 3012.5(g).)

(a) Letters that do not meet the threshold requirements to be given great weight.

There were several letters submitted by representatives of ANC 8E that do not meet these threshold requirements:

- i. The first was the letter submitted on ANC 8E letterhead by Commission Chairman Anthony Muhammad dated May 13, 2013. (Ex. 2I.) The letter did not indicate whether the matter was considered at a properly noticed public meeting, or whether the ANC voted on the matter;

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- ii. The second was a letter submitted by ANC 8E on September 22, 2014. (Ex. 42.) The letter stated that ANC 8E voted to oppose the project in a 6-0 vote. The letter did not state whether the matter was considered at a properly noticed public meeting, whether the meeting was open to the public, or the number of members that constitute a quorum;
- iii. The third was a letter submitted on ANC 8E letterhead dated September 23, 2014. (Ex. 45.) The letter was signed by Single Member District Commissioner Karlene Armstead, who represents ANC Single Member District 8E06. Her letter stated that she was sending the letter on her own behalf. Her letter further stated that ANC did not vote on or authorize the ANC's submission dated September 22, 2014;
- iv. The fourth was a letter submitted on ANC 8E letterhead by Commission Chairman Anthony Muhammad dated September 25, 2014 that questioned the veracity of the contents of Ms. Armstead's letter. (Ex. 47.) The letter did not comment on the substance of the application before the Commission;
- v. The fifth was submitted on October 8, 2014, and comprised of what appear to be the minutes of ANC 8E's public meeting held on October 6, 2014. Attached to the meeting minutes was a resolution in opposition to the application. The resolution states that it was approved at ANC 8E's July meeting. Neither the meeting minutes, nor the attached resolution established whether the matter was considered at a properly noticed public meeting; and
- vi. Finally, a letter was submitted dated January 12, 2015 on ANC 8E letterhead that articulates a number of issues. (Ex. 56.) However, the letter does not indicate the matter was considered at a properly noticed public meeting that was open to the public and/or whether a quorum was present. In addition, the letter states that the ANC's vote on the matter was tied.

The Zoning Commission deferred taking action on the application at its public meetings held on September 29, 2014 and October 20, 2014, to allow ANC 8E to submit a written report that met the procedural threshold requirements discussed above. As discussed in greater detail below, ANC 8E did submit a report dated November 19, 2015, that satisfied the procedural requirements and that the Commission accorded it great weight

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(b) **ANC 8E's report that the Commission considered and gave great weight.**

ANC 8E's report dated November 12, 2014 indicated that it was adopted by a vote of a majority of the ANC members present at a properly noticed meeting at which a quorum was present. The report states that the ANC opposed the application, and listed several issues and concerns as forming the basis for that opposition. The Commission carefully considered the advice and gave it great weight in reaching its decision.

Great weight requires the acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC's concerns. The written rationale for the decision must articulate with precision why the ANC does or does not offer persuasive evidence under the circumstances. In doing so, the Commission must articulate specific findings and conclusions with respect to each issue and concern raised by the ANC. (D.C. Official Code § 1-309.10(d)(3)(A) and (B).)

i. Parking

The report stated that the ANC was concerned about the availability of off-street parking in the area, given that the Applicant was requesting flexibility from the Zoning Regulations to provide 25 off-street spaces when 43 were required for the project.

The Commission believes that the 25 off-street spaces are sufficient to meet expected demand given that the nature of the project, its location relative to nearby public transit options, and the traffic demand management measures that are required by this Order. Further, the Commission was further persuaded by DDOT's finding in its report that the availability of curbside spaces in the vicinity would provide sufficient parking if parking demand exceeded the available on-site parking supply. DDOT concluded that even at the time of day when parking demand peaked, only half of the available spaces in the curbside spaces were taken. Finally, the Commission is convinced the public benefits of this project, particularly the affordable housing provided, justify the requested parking relief.

ii. Loading and Trash

The report stated that ANC 8E was concerned about the project's loading facilities, given that relief was requested to provide less than the required amount of loading facilities. The report further stated that it objected to

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curbside loading; the ANC preferred one trash bin, rather than the two trash areas; and noted an objection to storing trash bins in the alley.

DDOT submitted a report analyzing the project's loading facilities, and concluded stating that it believed the project's loading facilities were adequate to serve the needs of the building. The Commission is persuaded by DDOT's analysis, which was thoughtful and thorough, and is therefore not persuaded by the ANC's advice.

With respect to the Applicant's curbside loading proposal, the Commission notes that it is DDOT, not the Commission, that is responsible for determining whether to approve a curbside loading zone. DDOT stated in its report that it will consider a request to approve a curbside loading zone for the project if it receives one, and that such an approval was not a certainty. DDOT also noted that based on its analysis, the existing alley network is sufficient to serve the loading needs of the project. DDOT finally noted that it was recommending a revised loading management plan that took into account the possibility that the Applicant's proposed loading zone on Barnaby Street would be denied. The Commission incorporated the terms of DDOT's revised loading plan into the conditions of this Order.

Turning to trash, the Commission was convinced by the analysis of the two trash pick-up alternatives submitted with the Applicant's post-hearing submission on September 15, 2014 (Ex. 40B), that the project's trash pick-up facilities (under both alternatives), in concert with the required loading plan, were adequate to prevent any adverse effect related to trash pick-up.

iii. Roof Structure Setback

ANC 8E objected to the proposed roof structure design for a number of reasons, namely, that the Applicant's plans were not sufficiently clear in showing the amount of relief required, that the relief was unjustified, and that its design was unsafe.

The Applicant submitted revised plans after the hearing. The revised plans show roof railings set back further from the edges of the roof, and clearly show the extent to which the roof structure (referred to as the 7th level in the revised plans) is set back from the roof line of the 6th level. The Commission believes that these changes adequately addressed the ANC's concerns.

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The Commission believes that relief required at the top of the building is justified by its public benefits.

iv. Floor Plan

ANC 8E objected to the position of the kitchen relative to the bathrooms, but did not specify to which of the several dwelling unit designs this comment referred to. The Commission does not believe that this advice is persuasive because the layouts submitted by the Applicant show adequate separation between the kitchens and bathrooms.

v. Quality of Design

ANC 8E stated that it believed that the building materials were of insufficient quality. The Commission reviewed the materials submitted by the Applicant and believes that they are of adequate quality to justify approval.

vi. Community Outreach

ANC 8E made a number of allegations regarding the Applicant's community outreach efforts, most notably that the Applicant and ANC were unable to reach an agreement regarding a proposed community benefits agreement that would exist independently of the proffered public benefits of the project that are described in this Order. The Commission evaluated the public benefits proffered by the Applicant and has judged them to be adequate to justify approval of the PUD.

vii. Building Height

ANC 8E stated that the building was too tall, and that its height was not in conformity with the Comprehensive Plan.

The Commission believes that this project is near the upper limit of what would be an acceptable building height, but ultimately concludes that it is an appropriate height given the public benefits of the project. And as discussed above, the Commission concludes the project is not inconsistent with the Comprehensive Plan.

10. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP's recommendations. For the reasons stated above, the

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Commission concurs with OP's recommendation for approval and has given the OP recommendation the great weight it is entitled.

11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for the consolidated review and approval of a planned unit development and a related zoning map amendment to rezone Lots 820 and 821 in Square 5925 from the C-1 Zone District to the C-2-B Zone District subject to the following guidelines, conditions, and standards:

A. PROJECT DEVELOPMENT

1. The PUD shall be developed in accordance with the plans prepared by SGA Companies, Inc., marked as Exhibits 31A and 31B in the record (the "Plans") as modified by Exhibits 33 and 40 and as further modified by the guidelines, conditions, and standards in this Order;
2. The PUD shall have a maximum FAR of 3.56 and a gross floor area of 114,771 square feet;
3. The maximum height of the building shall be 83.5 feet; and
4. The project shall include a minimum of 25 striped off-street surface parking spaces.

B. PUBLIC BENEFITS

1. The project shall include a total of 85 residential units, with a maximum residential gross floor area of approximately 93,395 square feet. Eight percent of the residential gross floor area will be set-aside pursuant to 11 DCMR § 2603 for moderate-income households as those households are defined by 11 DCMR § 2601. All of the remaining residential gross floor area will be reserved for households with a total annual income adjusted for household size equal to 60% or less of the Metropolitan Statistical Area median for 40 years. The Applicant shall make best efforts to obtain financing to permit 16 units to be offered to households earning 30% or of the Metropolitan Statistical Area median for 40 years;

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2. **For so long as the project is in existence**, the project shall offer the conference room and business center, free of charge, at least once a month, for the Opportunities Industrialization Center (OIC) and the United Planning Organization (UPO) to provide services to the residents of the building and the community; and
3. **The Applicant shall submit with its building permit application** a Green Communities checklist confirming that the project includes sustainable design features such that the building would be able to achieve a minimum of 50 points of the Green Communities Criteria.

C. **TRANSPORTATION MEASURES**

1. **For the life of the project**, the Applicant shall implement and maintain the Transportation Demand Management measures described in the DDOT Report (Exhibit 25), which includes:
 - (a) Identify a TDM Leader;
 - (b) Provide 30 long-term bicycle parking spaces on the ground floor of the building and an additional 24 short-term bicycle parking spaces outside the building;
 - (c) Provide a transportation information screen in the lobby that would show real time arrival/availability for nearby buses, trains, carshare, and Bikeshare;
 - (d) Make information available on transportation alternatives and services;
 - (e) Provide an on-site business center;
 - (f) Reserve a location outside the building for a future Capital Bikeshare station; and
 - (g) Provide an enhanced bus shelter adjacent to the site on Barnaby Street; and
2. **For the life of the project**, the Applicant shall implement and maintain a Loading Management Plan consisting of the following elements:
 - (a) Designate a loading management coordinator to coordinate all loading and trash activities for the building;

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- (b) Require all residential tenants to notify the loading coordinator before moving in or out;
- (c) Limit delivery trucks to no greater than 30 feet in length. In the rare instance when larger truck deliveries are unavoidable, deliveries will be scheduled between the hours of 10:00 a.m. and 3:00 p.m. and 8:00 p.m. and 6:00 a.m.;
- (d) Tenants requiring a moving truck must provide the loading coordinator the following information: time and date that the truck is anticipated to arrive, size of the truck being used, and name of the moving service, if applicable; and
- (e) All tenants and retailers will be provided with information regarding loading restrictions, rules, and suggested truck routes at lease signing.

D. MISCELLANEOUS

1. The Applicant is granted flexibility from the loading requirements (§ 2201.1) and parking requirements (§ 2101.1), consistent with the approved Plans and as discussed in the Development Incentives and Flexibility section of this Order;
2. The Applicant shall also have flexibility with the design of the PUD in the following areas:
 - (a) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - (b) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;
 - (c) To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or

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any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit;

- (d) To remove the Capital Bikeshare facility if Capital Bikeshare is unwilling to provide a location or is commercially unreasonable in its terms. If a Capital Bikeshare station is provided, to make a minor change to the location of the Capital Bikeshare station if required by DDOT or the Public Space Committee;
 - (e) To remove the covered bus shelter if DDOT is unwilling to authorize it. If DDOT authorizes the covered bus shelter, to make a minor change to the location of the covered bus shelter if required by DDOT or the Public Space Committee; and
 - (f) To make a minor change to the location of the vaults; and to change from street loading to loading through the public alley and reduce the number of parking spaces; if required by DDOT or the Public Space Committee;
3. **Prior to the issuance of the first building permit for the project**, the Applicant shall record a covenant in the land records of the District of Columbia, between the owners and the District of Columbia, that is satisfactory to the Office of the Attorney General and DCRA. Such covenant shall bind the Applicant and all successors in title to construct on and use the Subject Property in accordance with this Order or any amendment thereof by the Zoning Commission. The Applicant shall file a certified copy of the covenant with the Office of Zoning for the case record;
4. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction shall begin within three years of the effective date of this Order; and
5. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 *et seq.*, ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In

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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.

On May 29, 2014, upon the motion of Commissioner Miller, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On January 26, 2015, upon the motion of Commissioner Miller, as seconded by Vice Chairperson Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on April 17, 2015.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 15-09

**(Residents of Lanier Heights and ANC 1C – Map Amendment to Various Lots in
Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589)**

April 9, 2015

THIS CASE IS OF INTEREST TO ANC 1C

On April 7, 2015, the Office of Zoning received a petition from the Residents of Lanier Heights and ANC 1C (together, the “Petitioner”) for approval of a map amendment for the above referenced properties.

The properties that are the subject of this petition include various lots located in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589, which are located on Lanier Place, N.W., Ontario Road, N.W., 18th Street, N.W., Ontario Place, N.W., Argonne Place, N.W., and Adams Mill Road, N.W. The Petitioner seeks to rezone the properties from the R-5-B Zone District to the R-4 Zone District.

The R-4 Zone District permits matter-of-right development of single-family residential uses (including detached, semi-detached, row dwellings, and flats), churches, and public schools with a minimum lot width of 18 feet; a minimum lot area of 1,800 square feet; and a maximum lot occupancy of 60% for row dwellings, churches, and flats; a minimum lot width of 30 feet and a minimum lot area of 3,000 square feet for semi-detached structures; a minimum lot width of 40 feet and a minimum lot area of 4,000 square feet and 40% lot occupancy for all other structures (20% lot occupancy for public recreation and community centers); and a maximum height of three stories/40 feet (60 feet for churches and schools and 45 feet for public recreation and community centers). Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit. Rear yard requirement is 20 feet.

The R-5-B permits matter-of-right moderate development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum lot occupancy of 60% (20% for public recreation and community centers), a maximum density of 1.8 floor area ratio (“FAR”), and a maximum height of 50 feet (90 feet for schools and 45 feet for public recreation and community centers). Rear yard requirements are not less than 15 feet.

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

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