

***District of Columbia*****REGISTER**

HIGHLIGHTS

- DC Council schedules a public hearing on the “Executive's Commitment to the Union Station Redevelopment Project”
- DC Council schedules a public oversight roundtable on the Department of General Services’ Contracting and Procurement Practices for Constructing and Modernizing the District of Columbia Public Schools
- Executive Office of the Mayor establishes the Emancipation and Sesquicentennial Celebration of the Close of the American Civil War Commemorative Commission
- Office of the State Superintendent of Education establishes a state high school diploma
- District Department of the Environment announces funding availability for Completing and Communicating a Comprehensive Energy Plan for the District of Columbia

The May 29, 2015 DC Register has two parts. Refer to Volume 62 - No. 23 - Part 2 to review proposed rulemaking for Title 11 (Zoning) of the District of Columbia Municipal Regulations.

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MAYOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-61

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2015

To approve, on an emergency basis, Delivery Order No. CW33024 under Montgomery County, Maryland Contract No. 1041647 with Morton Salt, Inc. and to authorize payment for the goods received and to be received under the delivery order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Delivery Order No. CW33024 under Montgomery County, Maryland Contract No. 1041647 Approval and Payment Authorization Emergency Act of 2015".

Sec. 2. 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 notwithstanding the requirements of 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 Delivery Order No. CW33024 with Morton Salt, Inc. to supply road deicing salt for the District of Columbia Department of Public Works' Snow Removal and Deicing Program and authorizes payment in the estimated amount of \$2,222,000 for the goods received and to be received under the delivery order.

Sec. 3. Fiscal impact statement.

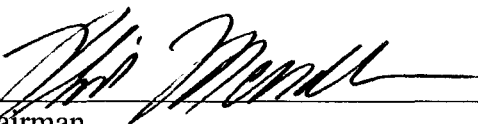
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

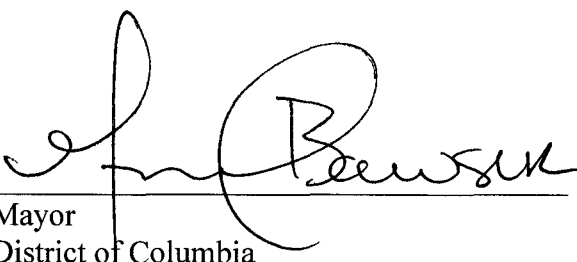
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
May 22, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-62

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 22, 2015

To approve, on an emergency basis, Human Care Agreement No. RM-15-HCA-MHRS-107-AMH-BY4-SC with Anchor Mental Health Association, Inc. for mental health rehabilitation services and to authorize payment for the services received and to be received under the agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Human Care Agreement No. RM-15-HCA-MHRS-107-AMH-BY4-SC Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. 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 notwithstanding the requirements of 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 Human Care Agreement No. RM-15-HCA-MHRS-107-AMH-BY4-SC with Anchor Mental Health Association, Inc. for mental health rehabilitation services to eligible District residents in the not-to-exceed amount of \$1,185,575.00 and authorizes payment for services received and to be received under the agreement from October 1, 2014 through September 30, 2015.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

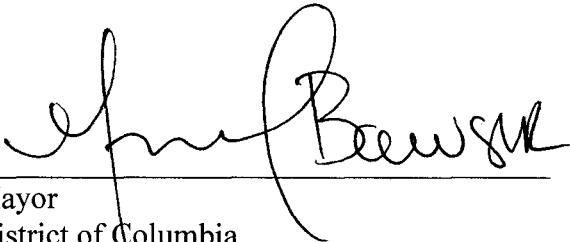
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 22, 2015

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-63

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 22, 2015

To approve, on an emergency basis, Modification No. M0005, the extension of the sole source contract, to Contract No. CW26699 between the Department of Corrections and Unity Health Care, Inc. for comprehensive medical, mental health, pharmacy, and dental services for inmates housed in the Central Detention Facility and the Correctional Treatment Facility and to authorize payment for the services received and to be received under the contract modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification No. M0005 to Sole Source Contract No. CW26699 Approval and Payment Authorization Emergency Act of 2015”.

Sec. 2. 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 notwithstanding the requirements of 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), and section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.46), the Council approves Modification No. M0005 to Contract No. CW26699 with Unity Health Care, Inc. for a period of performance from April 1, 2015, through June 30, 2015, totaling \$5,900,145.00 to provide comprehensive medical, mental health, pharmacy, and dental services to inmates housed at the Central Detention Facility and the Correctional Treatment Facility and authorizes payment for services received and to be received under the contract modification.

Sec. 3. Fiscal impact statement.

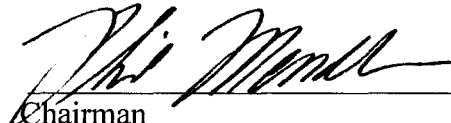
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-64

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2015

To amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to provide an exception to allow a cultivation center to operate in a Retail Priority Area if the applicant had an application pending or approved before the effective date of the law establishing or expanding a Retail Priority Area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Cultivation Center Exception Emergency Amendment Act of 2015".

Sec. 2. Section 7(g-1) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(g-1)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "A cultivation center" and inserting the phrase "Except as provided in paragraph (3) of this subsection, a cultivation center" in its place.

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

"(3) An applicant that had an application for registration to operate a cultivation center pending or approved as of the effective date of a law establishing or expanding a Retail Priority Area that would include within its boundaries the proposed site of the cultivation center shall be permitted to locate the cultivation center at that site in the newly established or newly expanded Retail Priority Area."

Sec. 3. Fiscal impact statement.

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

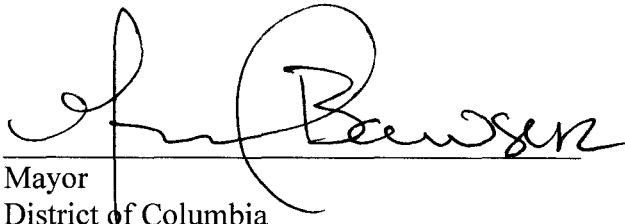
Sec. 4. Effective date.

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-65

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2015

To amend, on an emergency basis, due to congressional review, the Retail Incentive Act of 2014 to modify the boundaries of the Bladensburg Road, N.E., Retail Priority Area; and to amend the H Street, N.E., Retail Priority Area Incentive Act of 2010 to clarify that restaurants whose annual alcohol sales exceed 20% are not eligible for retail development project grants and to clarify the location of businesses that are eligible to receive retail development project grants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “H Street, N.E., Retail Priority Area Clarification Congressional Review Emergency Amendment Act of 2015”.

Sec. 2. Section 4(g) of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73(g)), is amended to read as follows:

“(g) There is established the Bladensburg Road, N.E., Retail Priority Area, which shall consist of the parcels, squares, and lots within the following area: Beginning at the intersection of Holbrook Street, N.E., and Mount Olivet Road, N.E.; thence east on Mount Olivet Road, N.E., to Bladensburg Road, N.E.; thence south on Bladensburg Road, N.E., to 17th Street, N.E.; thence south on 17th Street, N.E., to H Street, N.E.; thence east on H Street, N.E., to 19th Street, N.E.; thence south on 19th Street, N.E., to Benning Road, N.E.; thence east on Benning Road, N.E., to Oklahoma Avenue, N.E.; continuing southwest along Oklahoma Avenue, N.E., to the center line of E Street, N.E.; continuing west on E Street, N.E., to the center line of 21st Street, N.E.; continuing north on 21st Street, N.E., to the center line of Gales Street, N.E.; thence northwest on Gales Street, N.E., to 15th Street, N.E.; thence west on G Street, N.E., to 14th Street, N.E.; thence north on 14th Street, N.E., to Florida Avenue, N.E.; thence west on Florida Avenue, N.E., to Holbrook Street, N.E.; thence north on Holbrook Street, N.E., to the point of beginning.”.

Sec. 3. Section 4 of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.173), is amended as follows:

(a) Subsection (b)(2) is amended by striking the word “restaurants” and inserting the phrase “restaurants whose annual alcohol sales exceed 20%” in its place.

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

“(2) Frontage on a commercial corridor within the H Street, N.E., Retail Priority Area;”.

Sec. 4. The H Street, N.E., Real Priority Area Incentive Temporary Amendment Act of 2014, enacted on November 10, 2014 (D.C. Act 20-475; 61 DCR 12121), is repealed.

Sec. 5. Applicability.

This act shall apply as of April 22, 2015.

Sec. 6. 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. 7. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-66

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2105

To amend, on an emergency basis, due to congressional review, the Minimum Wage Act Revision Act of 1992 to exempt an employer from keeping precise time records for bona fide executive, administrative, and professional, as well as certain other, employees; to require an employer or a temporary staffing firm to provide notice regarding payment to an employee in a second language if the Mayor has made available a translation of the sample notice template in that second language and the employer knows that second language to be the employee's primary language or the employee requests notice in that second language; and to require the Mayor to make available, in any language required for a vital document under the Language Access Act of 2004, a translation of the sample template to be used by an employer or a temporary staffing firm when providing notice to an employee regarding payment; and to amend section 2 of An Act To provide for the payment and collection of wages in the District of Columbia to continue to exempt an employer from paying wages to bona fide executive, administrative, and professional employees at least twice during each calendar month; provided, that the employer pays wages to such employees at least once per month.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Theft Prevention Clarification Congressional Review Emergency Amendment Act of 2015".

Sec. 2. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1008 *et seq.*), is amended as follows:

(a) Section 9 (D.C. Official Code § 32-1008) is amended as follows:

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

"(D) The precise time worked each day and each workweek by each employee, except for employees who are exempt from the minimum wage and overtime requirements under section 5(a); and"

(2) Subsection (c) is amended by striking the phrase "shall furnish to each employee at the time of hiring a written notice, both in English and in the employee's primary language, containing the following information:" and inserting the phrase "shall furnish to each employee at the time of hiring a written notice in English in the form made available by the

ENROLLED ORIGINAL

Mayor pursuant to subsection (e) of this section. If, pursuant to subsection (e) of this section, the Mayor has made available a translation of the sample template in a second language that is known by the employer to be the employee's primary language or that the employee requests, the employer also shall furnish written notice to the employee in that second language. The notice shall contain the following information:" in its place.

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

"(e) The Mayor shall make available for employers a sample template of the notice required by subsection (c) of this section within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 62 DCR 3603). The Mayor also shall make available for employers a translation of the sample template in any language required for vital documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933)."

(b) Section 9a is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase "containing the information required by section 9(c)" and inserting the phrase "containing the information required by section 9(c) and in the form of the sample template made available by the Mayor pursuant to section 9(e). The notice shall be provided in English and if, pursuant to section 9(e), the Mayor has made available a translation of the sample template in a second language that is known by the employer to be the employee's primary language or that the employee requests, the employer also shall furnish written notice to that employee in that second language." in its place.

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

"(b)(1) When a temporary staffing firm assigns an employee to perform work at, or provide services for another organization, the temporary staffing firm shall furnish the employee a written notice in English, in the form of the sample template made available by the Mayor pursuant to subsection (c) of this section, of:

"(A) The specific designated payday for the particular assignment;

"(B) The actual rate of pay for the assignment and the benefits, if any, to be provided;

"(C) The overtime rate of pay the employee will receive or, if applicable, inform the employee that the position is exempt from additional overtime compensation and the basis for the overtime exemption;

"(D) The location and name of the client employer and the temporary staffing firm;

"(E) The anticipated length of the assignment;

"(F) Whether training or safety equipment is required and who is obligated to provide and pay for the equipment;

"(G) The legal entity responsible for workers' compensation, should the employee be injured on the job; and

"(H) Information about how to contact the designated enforcement agency for concerns about safety, wage and hour, or discrimination.

"(2) If, pursuant to subsection (c) of this section, the Mayor has made available a translation of the sample template in a second language that is known by the employer to be the employee's primary language or that the employee requests, the employer also shall furnish written notice to that employee in the second language."

ENROLLED ORIGINAL

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

“(c) The Mayor shall make available for temporary staffing firms a sample template of the notice required by subsection (b) of this section within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, enacted on September 19, 2014 (D.C. Act 20-426; 61 DCR 10157). The Mayor also shall make available for employers a translation of the sample template in any language required for vital documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933).”.

Sec. 3. Section 2 of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat 976; D.C. Official Code § 32-1302), is amended by striking the phrase “Every employer shall pay all wages earned to his employees at least twice during each calendar month, on regular paydays designated in advance by the employer;” and inserting the phrase “Every employer shall pay all wages earned to his employees on regular paydays designated in advance by the employer and at least twice during each calendar month, except that all bona fide administrative, executive, and professional employees (those employees employed in a bona fide administrative, executive, or professional capacity, as defined in 7 DCMR § 999.1) shall be paid at least once per month;” in its place.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-67

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2015

To prohibit employers from testing potential employees for marijuana use during the hiring process, unless otherwise required by law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition of Pre-Employment Marijuana Testing Act of 2015".

Sec. 2. Restriction on pre-employment marijuana testing.

(a) An employer may only test a prospective employee for marijuana use after a conditional offer of employment has been extended, unless otherwise required by law.

(b) Nothing in this act shall be construed to:

- (1) Affect employee compliance with employer workplace drug policies;
- (2) Require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or at any time during employment;
- (3) Interfere with federal employment contracts; or
- (4) Prevent the employer from denying a position based on a positive test for marijuana.

(c) For the purposes of this section, the term:

(1) "Employer" shall have the same meaning as provided in section 2(6) of the District of Columbia Occupational Safety and Health Act of 1988, effective March 16, 1989 (D.C. Law 7-186; D.C. Official Code § 32-1101(6)).

(2) "Prospective employee" means any individual applying for employment with an employer.

Sec. 3. Reporting.

Within 6 months after the effective date of this act, the Mayor shall:

- (1) Establish a public information campaign aimed at educating the public on the impact of marijuana use and abuse;
- (2) Report to the Council the type, frequency, provider, and school grade level of health-education programs in public schools related to substance abuse, including programs designed to address alcohol, tobacco, and marijuana use; and

ENROLLED ORIGINAL

(3) Evaluate the effectiveness of the District government’s treatment programs regarding the use and abuse of marijuana.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-68

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2015

To amend the Washington Convention Center Authority Act of 1994 to delete obsolete provisions, to clarify that the President of the Hotel Association of Washington, D.C. shall serve as an ex-officio voting member of the Board of Directors, and to repeal the establishment of the Washington Convention Center Advisory Committee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Events DC Technical Clarification Amendment Act of 2015".

Sec. 2. Title II of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.01 *et seq.*), is amended as follows:

(a) Section 205 (D.C. Official Code § 10-1202.05) is amended as follows:

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

(A) Paragraph (1) is amended to read as follows:

"(1) The Authority shall be governed by a Board of Directors ("Board"), which shall be comprised of 12 members, including the 9 members appointed pursuant to paragraph (2) of this subsection ("public Board members") and the following individuals, each of whom shall serve as an ex-officio voting member:

"(A) The Chief Financial Officer of the District of Columbia;

"(B) The President of the Hotel Association of Washington, D.C.; and

"(C) An individual designated by the Mayor."

(B) Paragraph (5) is repealed.

(2) Subsection (b)(1) is amended to read as follows:

"(b)(1) All public Board member terms shall be 4-year terms."

(3) Subsection (g) is amended by striking the phrase "Each Board member" and inserting the phrase "Each public Board member" in its place.

(4) Subsection (j) is amended by striking the word "Six" and inserting the word "Seven" in its place.

(b) Section 218 (D.C. Official Code § 10-1202.18) is repealed.

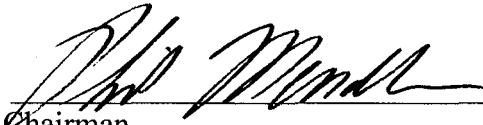
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Sec. 3. Fiscal impact statement.

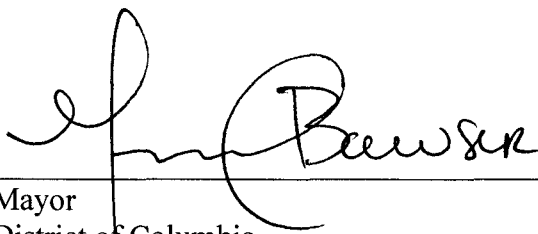
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-69

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2015

To amend, on a temporary basis, the Workforce Job Development Grant-Making Authority Act of 2012 to continue the legal authority for the Director of the Department of Employment Services to issue grants from funds appropriated to or received by the Department of Employment Services for workforce job development purposes by repealing a sunset provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Workforce Job Development Grant-Making Reauthorization Temporary Amendment Act of 2015”.

Sec. 2. Section 3 of the Workforce Job Development Grant-Making Authority Act of 2012, effective April 23, 2013 (D.C. Law 19-269; D.C. Official Code § 1-328.05, note), is repealed.

Sec. 3. Fiscal impact statement.

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

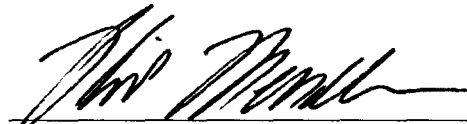
Sec. 4. Effective date.

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


ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-70

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2015

To amend, on a temporary basis, the Soccer Stadium Development Act of 2014 to add a new definition, clarify findings, make technical and clarifying changes regarding the transmission of documents to the Council for approval, allow for the negotiation of enhanced performance, and make other technical and conforming changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Soccer Stadium Development Technical Clarification Temporary Amendment Act of 2015".

Sec. 2. The Soccer Stadium Development Act of 2014, effective March 11, 2015 (D.C. Law 20-233; to be codified at D.C. Official Code § 10-1651.01 *et seq.*), is amended as follows:

(a) Section 101 (to be codified at D.C. Official Code § 10-1651.01) is amended to read as follows:

"Sec. 101. Definitions.

"For the purposes of this title, the term:

"(1) "Northwest portion of Lot 24 in Square 665" means the northwest portion of Lot 24 in Square 665 as described in the letter of intent between the District and Potomac Electric Power Company dated December 27, 2013.

"(2) "Soccer stadium site" means the real property described as Squares 603S, 605, 607, 661, and 661N, and the northwest portion of Lot 24 in Square 665, and all public alleys and streets to be closed within these squares."

(b) Section 102 (to be codified at D.C. Official Code § 10-1651.02) is amended as follows:

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

"(1A) The acquisition of land for, construction of, and operation of a new stadium for D.C. United in itself serves a public purpose, in particular because the stadium will promote the recreation, entertainment, and enjoyment of the public."

(2) Paragraph (2) is amended by striking the phrase "Without the development" and inserting the phrase "In addition, without the development" in its place.

(c) Section 103 (to be codified at D.C. Official Code § 10-161.03) is amended as follows:

(1) Subsection (a)(2) is amended as follows:

(A) Strike the phrase "shall acquire" and insert the phrase "is authorized

ENROLLED ORIGINAL

to acquire” in its place.

(B) Strike the phrase “as described in the letter of intent between the District and Potomac Electric Power Company (“PEPCO”) dated December 27, 2013”.

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

“(d) The Mayor shall transmit to the Council any agreement to acquire any portion of Squares 605, 607, or 661, or the northwest portion of Lot 24 in Square 665 that requires the approval of the Council 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), not later than 30 days before the effective date of the agreement. Any such agreement shall be exempt from section 202(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(c)).”.

(3) Subsection (e) is amended by striking the phrase “as described in the letter of intent between the District and PEPCO dated December 27, 2013”.

(d) Section 104 (to be codified at D.C. Official Code § 10-1651.04) is amended as follows:

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

“(a) Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Mayor may enter into a ground lease (“revised ground lease”) between the District of Columbia and DC Stadium LLC; provided, that :

“(1) The revised ground lease amends the ground lease between the District of Columbia and DC Stadium LLC, dated May 23, 2014 (“original ground lease”) to:

“(A) Not contain any provision to abate District Sales tax;

“(B) Include the labor peace provisions set forth in subsection (c) of this section; and

“(C) Contain modifications to conform the terms of the original ground lease to the provisions of this act;

“(2) The Mayor transmits the revised ground lease to the Council for its review not later than 30 days before the effective date of the revised ground lease;

“(3) The Mayor transmits simultaneously to the Council for its review 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), a revised development agreement (“revised development agreement”) that amends the development agreement between the District of Columbia and DC Stadium LLC, dated May 23, 2014 (“original development agreement”), for the development of the soccer stadium site and that:

“(A) Extends the date by which the District shall acquire control of the soccer stadium site to September 30, 2015;

“(B) Extends the dates by which the District shall close streets and alleys, acquire fee title, demolish existing structures, perform infrastructure work (including all District obligations under article V of the original development agreement), and perform environmental remediation work (including all District obligations under article VI of the original development agreement), as such actions are described in articles III, IV, V, and VI of the original

ENROLLED ORIGINAL

development agreement and may be described or referenced in other provisions of the original development agreement, each by 6 months;

“(C) Sets a date by which DC Stadium LLC shall complete the construction of a soccer stadium at the soccer stadium site;

“(D) Extends other dates as negotiated between the District and DC Stadium, LLC;

“(E) Amends section 5.9 of the original development agreement to read as follows: “Land Contribution. Within 30 days of the District’s acquisition of either Lot 7 or Lot 802 in Square 605, the Stadium Developer shall pay to the District, or its designee, Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to offset Land acquisition costs, unless the District acquires either Lot 7 or Lot 802 in Square 605 by the use of eminent domain and the aggregate price paid by the District for Lot 7 and Lot 802 is less than \$25,148,760.”;

“(F) Amends section 9.1(c) of the original development agreement to read as follows: “Designated Entertainment Area. The District shall grant to the Developer ‘signage rights’ with respect to the Land, such signage rights to be those rights described in the proposed Chapter 8 of Title 13 of the District of Columbia Municipal Regulations published in the DC Register on August 17, 2012.”;

“(G) Provides that no fees, proffers, or deposits shall be borne or waived by the District pursuant to section 7.6 of the original development agreement before October 1, 2015.”; and

“(H) Includes the labor peace provisions set forth in subsection (c) of this section.; and

“(4) The Council does not adopt a resolution of disapproval pertaining to the ground lease within 30 days beginning on the day on which the ground lease is submitted to the Council, excluding days of Council recess.”.

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

“(b)(1) The revised ground lease and the revised development agreement each may provide an enhanced “Performance Assurance” without increasing the District's financial obligations.

“(2) The revised development agreement shall be exempt from section 202(c) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(c)).”.

(3) Subsection (c) is amended by striking the phrase “DC Stadium, LLC and the District shall agree” and inserting the phrase “The District is authorized to agree” in its place.

(e) Section 107(b) (to be codified at D.C. Official Code § 10-1651.07(b)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “September 4, 2014;” and inserting the phrase “December 15, 2014;” in its place.

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

“(2A) Any payment made by D.C. United to the District government pursuant to the revised ground lease;”.

ENROLLED ORIGINAL

(f) Section 108 (to be codified at D.C. Official Code § 10-1651.08) is amended as follows:

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

“(a) The Mayor shall implement the Convention Center – Southwest Waterfront corridor as described in the “DC Circulator 2014 Transit Development Plan Update” dated September 2014.”.

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

“(c) The Mayor shall make capital improvements of at least \$250,000 to the Randall Recreation Center in Ward 6.”.

(3) Subsection (d) is amended by striking the phrase “provide ongoing operations and programming funding for” and inserting the phrase “operate and provide programmed activities for” in its place.

(4) A new subsection (e) is added to read as follows:

“(e) The Mayor is authorized to negotiate other community benefit commitments from D.C. United and its affiliated entities, including those that promote youth soccer, education, employment opportunities, and job training programs.”.

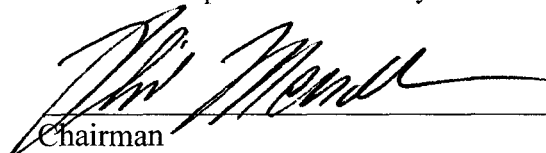
Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

(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
May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-71

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 2015

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1998 to increase the number of living marijuana plants that a cultivation center can possess at any time.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Marijuana Supply Shortage Temporary Amendment Act of 2015”.

Sec. 2. Section 7(e)(2) of the Legalization of Marijuana for Medical Treatment Initiative of 1998, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.06(e)(2)), is amended by striking the number “500” and inserting the number “1000” in its place.

Sec. 3. Fiscal impact statement.

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

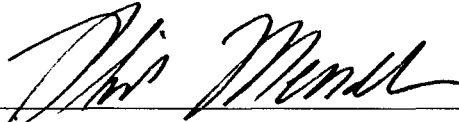
Sec. 4. Effective date.

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

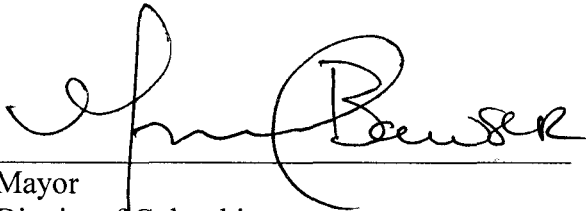
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-72

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 23, 2015

To exempt, on a temporary basis, Jubilee Maycroft, LLC from the notice requirements of the Tenant Opportunity to Purchase Act of 1980 with respect to the real property located at 1474 Columbia Road, N.W., also known as The Maycroft.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Jubilee Maycroft TOPA Notice Exemption Temporary Act of 2015".

Sec. 2. (a) The transfer of an interest, pursuant to section 402(c)(2)(H) of the Tenant Opportunity to Purchase Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3404.02(c)(2)(H)) ("TOPA"), in Jubilee Maycroft, LLC, which owns Lots 2010 - 2072 in Square 2669, located at 1474 Columbia Road, N.W., also known as The Maycroft ("Property"), from Jubilee Housing, Inc. to one or more entities controlled directly or indirectly by Jubilee Housing, Inc. shall be exempt from the notice requirements of section 402(d) of TOPA with respect to the Property.

(b) No tenant or tenant organization shall have a right to challenge, under sections 503 or 503a of TOPA, the application of section 402(c)(2)(H) of TOPA to the transfer of interests in Jubilee Maycroft, LLC.

Sec. 3. Fiscal impact statement.

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

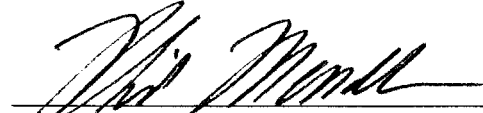
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 22, 2015

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-73

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 26, 2015

To amend, on an emergency basis, the Youth Employment Act for 1979 to authorize the Mayor to provide employment or work readiness training for no fewer than 10,000 and no more than 21,000 youth participants 14 to 24 years of age.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Youth Employment and Work Readiness Training Emergency Amendment Act of 2015".

Sec. 2. Section 2 of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241), is amended as follows:

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

(1) Subparagraphs (A) and (A-i) are amended to read as follows:

"(A)(i) A summer youth jobs program to provide for the employment or training each summer of not fewer than 10,000 or more than 21,000 youth 14 to 24 years of age on the date of enrollment in the program, including no more than 1000 youth 22 to 24 years of age.

"(ii) Youth ages 14 to 15 years at the date of enrollment shall receive an hourly work readiness training rate of not less than \$5.25.

"(iii) Youth ages 16 to 24 years at the date of enrollment shall be compensated at an hourly rate of \$8.25 for 16 to 21 year olds and \$9.25 for 22 to 24 year olds.

"(A-i) Registration for the summer youth jobs program shall occur on or before the last day of January and shall conclude by the last day of April of each year."

(2) Subparagraph (B) is amended by striking the phrase "but shall not be less than 20 nor more than 25 hours" and inserting the phrase "but shall not be fewer than 20 hours or more than 40 hours" in its place.

(3) Subparagraph (C) is amended to read as follows:

"(C) Employment may include an appropriate number of supervisory positions at an hourly wage of \$9.25 to \$13. Supervisory positions shall not be subject to the requirements under this paragraph regarding the number of hours and weeks of employment."

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

ENROLLED ORIGINAL

“(g)(1)The Department of Employment Services shall collect, and publish on its website, aggregated information on the participants of the summer youth jobs program, including statistics on:

- “(A) The demographics of participants;
- “(B) Participants’ activities in the program; and
- “(C) Participants’ employment following the end of the program.

“(2) The information required by paragraph (1) of this subsection shall be published by November 30, 2015.


“(3) It is the sense of the Council that the Department of Employment Services shall consult with the Council on revising the existing evaluation requirement for the summer youth jobs program to focus on program outcomes and program effectiveness.”.

Sec. 3. Fiscal impact statement.

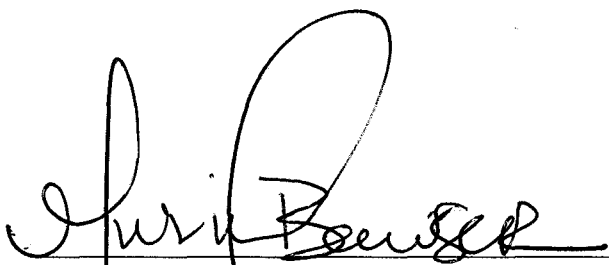
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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



 Chairman
 Council of the District of Columbia



 Mayor
 District of Columbia
 Approved
 May 26, 2015

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

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

B21-206 Film DC Economic Incentive Amendment Act of 2015

Intro. 5-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business, Consumer, and Regulatory Affairs

PROPOSED RESOLUTION

PR21-155 Other Laboratory and X-Ray Services Medicaid State Plan Approval
Resolution of 2015

Intro. 5-21-15 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH AND HUMAN SERVICES ANNOUNCES A PUBLIC
HEARING**

ON

**BILL 21-075, THE "GRANDPARENT CAREGIVERS PROGRAM RELATIVE
SUBSIDY TRANSFER AMENDMENT ACT OF 2015"**

**WEDNESDAY, JUNE 24, 2015
11:00 A.M., ROOM 412, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health and Human Services, announces a public hearing on Bill 21-075, the "Grandparent Caregivers Program Relative Subsidy Transfer Amendment Act of 2015." The hearing will take place at 11:00 a.m. on Wednesday, June 24, 2015 in Room 412 of the John A. Wilson Building.

The purpose of this bill is to amend the Grandparent Caregivers Pilot Program Establishment Act of 2005 to allow the Grandparent Caregivers Program subsidy to be transferred to a relative caregiver when a grandparent is no longer able to care for the child. The Grandparent Caregivers Program supports low income District grandparents who are raising their grandchildren by providing them with financial assistance to care for their grandchild.

Those who wish to testify should contact Malcolm Cameron, Legislative Analyst to the Committee on Health and Human Services, at 202-741-0909 or via e-mail at mcameron@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Monday, June 22, 2015. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to mcameron@dccouncil.us or mailed to Malcolm Cameron at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Wednesday, July 8, 2015.

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

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 HEARING ON:

Bill 21-86, the “Naval Lodge Building, Inc. Real Property Tax Exemption Act of 2015”

Wednesday, June 17, 2015

10:00 a.m.

Room 120 - 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 hearing to be held on Wednesday, June 17, 2015 at 10:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 21-86, the “Naval Lodge Building, Inc. Real Property Tax Exemption Act of 2015” would amend Title 47 of the District of Columbia Official Code to exempt from real property Taxes and assessments the property owned by the Naval Lodge Building, Inc., and located at 330 Pennsylvania Avenue, S.E.

The Committee invites the public to testify at the hearing. 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 10:00 a.m. on Tuesday, June 16, 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 HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004

CANCELLED

COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH AND HUMAN SERVICES ANNOUNCES A PUBLIC
HEARING

ON

BILL 21-125, THE “CLINICAL RIGHT TO TRY ACT OF 2015”

**TUESDAY, JUNE 9, 2015
12:00 P.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health and Human Services, announces a public hearing on Bill 21-125, the “Clinical Right to Try Act of 2015.” The hearing will take place at 12:00 p.m. on Tuesday, June 9, 2015 in Room 500 of the John A. Wilson Building. **This hearing has been cancelled.**

The purpose of this bill is to give patients with an advanced illness access to investigational products that have not been approved by the federal Food and Drug Administration that other patients have access to when they participate in clinical trials. It allows a manufacturer to provide an investigational drug, biological product, or device for a fee or free of charge to eligible patients. Hospitals and health care facilities may also make these investigational drugs available if procedures have been adopted and are in place to do so. The legislation authorizes health insurance providers and the District government to provide coverage for the cost of investigational drugs. The legislation also provides protection against liability except in cases of gross negligence or willful misconduct.

Those who wish to testify should contact Malcolm Cameron, Legislative Analyst to the Committee on Health and Human Services, at 202-741-0909 or via e-mail at mcameron@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Friday, June 5, 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 5, 2015, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to mcameron@dccouncil.us or mailed to Malcolm Cameron at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Tuesday, June 23, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004

CANCELLED

COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH AND HUMAN SERVICES ANNOUNCES A PUBLIC
HEARING

ON

BILL 21-171, THE "HEALTH CARE DECISIONS ACT OF 2015"

**THURSDAY, JUNE 11, 2015
12:00 P.M., ROOM 412, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health and Human Services, announces a public hearing on Bill 21-171, the "Health Care Decisions Act of 2015." The hearing will take place at 12:00 p.m. on Thursday, June 11, 2015 in Room 412 of the John A. Wilson Building. **This hearing has been cancelled.**

The purpose of this bill is to create a Medical Orders for Scopes of Treatment Form (MOST) to document patients' wishes for medical intervention. The bill also outlines who is authorized to give consent to a MOST. It requires that the Department of Health (DOH) establish a MOST Advisory Committee. It requires that the MOST form be designed to provide information regarding the patient's care and medical condition. The MOST form must be kept in a prominent manner in a patient's records in paper and electronic form.

Those who wish to testify should contact Malcolm Cameron, Legislative Analyst to the Committee on Health and Human Services, at 202-741-0909 or via e-mail at mcameron@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Tuesday, June 9, 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 Tuesday, June 9, 2015, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

For those unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements can be emailed to mcameron@dccouncil.us or mailed to Malcolm Cameron at the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 115, Washington, D.C., 20004. The record will close at 5:00 p.m. on Thursday, June 25, 2015.

**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

Executive's Commitment to the Union Station Redevelopment Project

on

**Wednesday, June 17, 2015
9:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on the Executive's commitment to the Union Station Redevelopment Project. The hearing will be held at 9:00 a.m. on Wednesday, June 17, 2015 in Hearing Room 412 of the John A. Wilson Building.

The Union Station redevelopment project will dramatically expand all modes at the station including a tripling of Amtrak and commuter rail passenger capacity. A partnership between the Union Station Redevelopment Corporation, Amtrak, and Akridge, the project will also include a 3-million square-foot mixed use development built atop reconstructed rail yards and new concourses north of the existing historic Station. In addition to its significant economic impact potential, the project is expected to substantially benefit the District as a transportation hub enhancing mobility within the District and throughout the region. The purpose of this hearing is to receive testimony from Executive Branch agencies, in particular the District Department of Transportation and the Deputy Mayor for Planning and Economic Development, regarding the Executive's commitment to this project. Key to the station's expansion is replacement of the H Street bridge over the railroad tracks. Originally expected to be completed in 2017, the Executive did not propose adequate capital funding either last year or this, and is suggesting a 2020 completion date. This, in turn, would delay the entire project by three years. The Committee is also interested in hearing testimony regarding the project from stakeholders and interested members of the public.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or email Cynthia LeFevre, Legislative Counsel, at clefevre@dccouncil.us, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Monday, June 15, 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 June 15, 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.

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 Wednesday, July 1, 2015.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
COMMITTEE ON EDUCATION

NOTICE OF JOINT PUBLIC OVERSIGHT ROUNDTABLE ON

**The Department of General Services Contracting and Procurement Practices
for Constructing and Modernizing District of Columbia Public Schools**

Monday, June 22, 2015
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, June 22, 2015, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment; and Councilmember David Grosso, Chairperson of the Committee on Education, will hold a joint public oversight roundtable to discuss the Department of General Services (“DGS”) contracting and procurement practices for building and modernizing schools owned by District of Columbia Public Schools (“DCPS”). The roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the roundtable is to discuss how DGS contracts for the construction and modernization of DCPS schools; how DGS determines costs associated with constructing, modernizing, and maintaining DCPS schools; and how DGS works with both DCPS and community members when contracting, constructing, and maintaining a DCPS school.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 3, 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. 21-58: Request to reprogram \$1,000,000 of Capital funds budget authority and allotment from the Department of General Services (DGS) to the reverse Pay-As-You-Go (Paygo) Capital Project and subsequently to the Local funds budget of DGS was filed in the Office of the Secretary on May 20, 2015. This reprogramming will fund the cost of moving demountable classrooms from the Powell Elementary School to Leckie Elementary School and Truesdell Elementary School to accommodate increased student enrollment at both locations.

RECEIVED: 14 day review begins May 21, 2015

Reprog. 21-59: Request to reprogram \$918,000 of Fiscal Year 2015 Local funds budget authority within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on May 21, 2015. This reprogramming will ensure that DDOT is able to provide funding for pavement marking activities throughout the District.

RECEIVED: 14 day review begins May 22, 2015

Reprog. 21-60: Request to reprogram \$218,600 of Capital funds budget authority and allotment from the District of Columbia Public Schools (DCPS) to the Reverse Pay-As-You-Go (Paygo) capital project and subsequently to the Local funds budget of DCPS was filed in the Office of the Secretary on May 21, 2015. The reprogramming will support the cost of audio visual equipment at the Duke Ellington High School.

RECEIVED: 14 day review begins May 22, 2015

Reprog. 21-61: Request to reprogram \$850,000 of Fiscal Year 2015 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on May 21, 2015. This reprogramming is needed to enable DGS to provide security services for tenants at 2235 Shannon Place.

RECEIVED: 14 day review begins May 22, 2015

Reprog. 21-62: Request to reprogram \$666,667 of Capital funds budget authority and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on May 22, 2015. This reprogramming is needed to fulfill priority requests for improvements in the three Performance Parking Zones (Columbia Heights, H Street, and the Ballpark area).

RECEIVED: 14 day review begins May 26, 2015

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 29, 2015
Petition Date: July 13, 2015
Hearing Date: July 27, 2015
Protest Hearing Date: October 7, 2015

License No.: ABRA-099123
Licensee: Ima Pizza Store 11, LLC
Trade Name: & Pizza
License Class: Retailer’s Class “C” Restaurant
Address: 405 8th Street, S.E.
Contact: Paul Pascal: 202-544-2200

WARD 6 ANC 6B SMD 6B03

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 October 7, 2015 at 1:30 pm.

NATURE OF OPERATION

A restaurant that will prepare and sell pizza with prepared pizzeria food products. Recorded music. Total number of seats is 41 and the total occupancy load is 46.

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

Sunday through Wednesday 10 am – 11 pm, Thursday 10 am- 12 am, Friday through Saturday 10 am-2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: May 22, 2015
**Petition Date: July 6, 2015
Hearing Date: July 20, 2015
Protest Date: September 30, 2015

License No.: ABRA-098427
Licensee: Brick Lane DC, Inc.
Trade Name: Brick Lane Restaurant
License Class: Retailer’s Class “C” Restaurant
Address: 1636 17th Street, N.W.
Contact: Elalami Ikhlar: (202) 247-0526

WARD 2

ANC 2B

SMD 2B03

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 **September 30, 2015 at 1:30 pm.

NATURE OF OPERATION

New restaurant with sidewalk café and a total occupancy load of 100.

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

Sunday through Thursday 10 am – 1:30 am, Friday & Saturday 10 am – 2: 30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: May 22, 2015
**Petition Date: June 6, 2015
Hearing Date: July 20, 2015
Protest Date: September 30, 2015

License No.: ABRA-098427
Licensee: Brick Lane DC, Inc.
Trade Name: Brick Lane Restaurant
License Class: Retailer’s Class “C” Restaurant
Address: 1636 17th Street, N.W.
Contact: Elalami Ikhlar: (202) 247-0526

WARD 2

ANC 2B

SMD 2B03

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 **September 16, 2015 at 1:30 pm.

NATURE OF OPERATION

New restaurant with sidewalk café and a total occupancy load of 100.

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

Sunday through Thursday 10 am – 1:30 am, Friday & Saturday 10 am – 2: 30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

CORRECTION**

Posting Date: April 24, 2015
Petition Date: June 8, 2015
Roll Call Hearing Date: June 22, 2015
Protest Hearing Date: August 12, 2015

License No.: ABRA-098368
Licensee: Southeast Restaurant Group, LLC
Trade Name: DCity Smokehouse
License Class: Retailer's Class "C" Tavern
Address: 1700 2nd Street, N.W.
Contact: M. Hines: 202-733-1919

WARD 5

ANC 5E

SMD 5E06

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

Tavern with eat-in dining and alcohol. Total occupancy load of 83. Sidewalk Café with seating for 48. Entertainment Endorsement.

HOURS OF OPERATION

Sunday through Thursday 10am-1am, Friday and Saturday 10am-2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11am-12am, Friday and Saturday 11am-1am

HOURS OF LIVE ENTERTAINMENT

Friday through Sunday 5pm-9pm, Monday through Thursday 5pm-8pm

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

Sunday through Thursday 11am-10pm, Friday and Saturday 11am-12am**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 29, 2015
Petition Date: July 13, 2015
Hearing Date: July 27, 2015
Protest Hearing Date: October 7, 2015

License No.: ABRA-099056
Licensee: Hill Country DC, LLC
Trade Name: Hill Country Homestand
License Class: Retailer’s Class “C” Tavern
Address: 1244 South Capitol Street, S.E.
Contact: Stephen O’Brien: 202-625-7700

WARD 6

ANC 6D

SMD 6D02

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 October 7, 2015 at 1:30 pm.

NATURE OF OPERATION

The operation will be a seasonal, unique branded outdoor experience featuring Hill Country's award-winning Texas-style barbecue and ice cold beverages in a relaxing backdrop directly across N Street from Nationals Park. No nude performances. Total Occupancy Load of 499. 144 Total Seats. Summer Garden with 249 seats.

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

Sunday through Saturday 11:30 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 29, 2015
Petition Date: July 13, 2015
Hearing Date: July 27, 2015
Protest Date: October 7, 2015

License No.: ABRA-099158
Licensee: 400 E Street SW, LLC
Trade Name: Hyatt Place Washington DC/National Mall
License Class: Retailer's Class "C" Hotel
Address: 400 E Street, S.W.
Contact: Michael Fonseca, Esq.: 202-625-7700

WARD 6

ANC 6D

SMD 6D01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on October 7, 2015.

NATURE OF OPERATION

Select-service hotel with 214 rooms, a restaurant seating approximately 150, two summer gardens, rooftop with a Total Occupancy Load of 108, and terrace adjacent to restaurant with a Total Occupancy Load of 46. Live entertainment presented occasionally.

HOURS OF OPERATION

Sunday through Saturday 24 hours

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE SUMMER GARDENS

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

HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: May 22, 2015
Petition Date: July 6, 2015
Hearing Date: July 20, 2015**

License No.: ABRA-000927
Licensee: Chowder House Inc.
Trade Name: Mr. Smith's of Georgetown
License Class: Retailer's Class "C" Tavern
Address: 3205 K Street, N.W.
Contact: Ernesto Carrasco: 202-333-3104

WARD 2

ANC 2E

SMD 2E05

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 piano player performances.

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

Sunday 10 am – 2 am, Monday through Thursday 11:30 am – 2 am, Friday 11:30 am – 3 am, Saturday 10 am – 3 am

PROPOSED HOURS OF LIVE ENTERTAINMENT BEGINNING AFTER 6:00 PM

Monday through Thursday 9 pm – 1:30 am, Friday & Sunday 8 pm – 2:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: May 22, 2015
Petition Date: July 6, 2015
Hearing Date: June 20, 2015**

License No.: ABRA-000927
Licensee: Chowder House Inc.
Trade Name: Mr. Smith's of Georgetown
License Class: Retailer's Class "C" Tavern
Address: 3205 K Street, N.W.
Contact: Ernesto Carrasco: 202-333-3104

WARD 2

ANC 2E

SMD 2E05

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 piano player performances.

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

Sunday 10 am – 2 am, Monday through Thursday 11:30 am – 2 am, Friday 11:30 am – 3 am, Saturday 10 am – 3 am

PROPOSED HOURS OF LIVE ENTERTAINMENT BEGINNING AFTER 6:00 PM

Monday through Thursday 9 pm – 1:30 am, Friday & Sunday 8 pm – 2:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 29, 2015
Petition Date: July 13, 2015
Roll Call Hearing Date: July 27, 2015
Protest Hearing Date: October 7, 2015

License No.: ABRA-098268
Licensee: TNT LLC
Trade Name: Olivia's
License Class: Retailer's Class "C" Restaurant
Address: 1120 19th Street, N.W.
Contact: Tri M. Nguyen: 202-775-3777

WARD 2

ANC 2B

SMD 2B06

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 October 7, 2015 at 1:30 pm.

NATURE OF OPERATION

New restaurant serving typical diner food during breakfast, lunch, dinner and late evening. Total Occupancy Load of 130 and Sidewalk Café with seating for 32.

HOURS OF OPERATION

Sunday through Saturday 7am-7am (24-hour operations)

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 10am-2am, Monday through Thursday 8am-2am, Friday and Saturday 8am-3am

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

Sunday through Saturday 10am-10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 29, 2015
Petition Date: July 13, 2015
Hearing Date: July 27, 2015
Protest Hearing: October 7, 2015

License No.: ABRA-098781
Licensee: Pizza Studio Growth Partners 1, LLC
Trade Name: Pizza Studio
License Class: Retailer's Class "D" Restaurant
Address: 1333 New Hampshire Avenue, N.W.
Contact: Scott Black: 703 297-6436

WARD 2 ANC 2B SMD 2B06

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30PM on October 7, 2015.

NATURE OF OPERATION

New restaurant serving pizza. Customers can make their own pizza. Total occupancy load is 141.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am - 11 pm, Friday and Saturday 11 am - 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: May 22, 2015
 Petition Date: July 6, 2015
 Roll Call Hearing Date: July 20, 2015
 Protest Hearing Date: September 30, 2015

License No.: ABRA-098182**
 Licensee: NYPA, LLC
 Trade Name: Reliable Tavern & Hardware
 License Class: Retailer’s Class “C” Tavern
 Address: 3655 Georgia Avenue, N.W.
 Contact: C. Webb: 202-277-7461

WARD 1

ANC 1A

SMD 1A08

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 September 30, 2015 at 1:30 pm.

NATURE OF OPERATION

A neighborhood tavern with a warm atmosphere serving quality food, and drinks. Various activities, including comedy, trivia, and sports on television will be offered. Entertainment Endorsement. Total Occupancy Load of 109, inside seating for 99.

HOURS OF OPERATION

Sunday 11am-2am, Monday through Thursday 4pm-2am, Friday 4pm-3am, Saturday 11am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday 11am-1:45am, Monday through Thursday 4pm-1:45am, Friday 4pm-2:45am, Saturday 11am-2:45am

HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 6pm-11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION**

Posting Date: May 22, 2015
Petition Date: July 6, 2015
Hearing Date: July 20, 2015
Protest Hearing Date: September 30, 2015

License No.: ABRA-098888
Licensee: Suns Cinema Inc.
Trade Name: Suns Cinema
License Class: Retailer's Class "C" Tavern
Address: 3107 Mt. Pleasant Street, N.W.
Contact: Andrew Kline: 202-686-7600

WARD 1 ANC 1D SMD 1D04

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 September 30, 2015 at 1:30 pm.

****NATURE OF OPERATION**

A movie theatre serving popcorn and prepared foods. No entertainment. No nude performances. No dancing. Total Occupancy Load of 99. 42 Total Seats. Summer Garden with 10 seats.

HOURS OF OPERATION

Sunday through Thursday 8am – 12am, Friday & Saturday 8am – 2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 12pm – 12am, Friday & Saturday 12pm – 2am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 12pm - 12am, Friday & Saturday 12pm – 2 am

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

Sunday through Saturday 10am – 12am

HOURS OF LIVE ENTERTAINMENT FOR SUMMER GARDEN

Sunday through Saturday 6pm - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 29, 2015
Petition Date: July 13, 2015
Hearing Date: July 27, 2015
Protest Date: October 7, 2015

License No.: ABRA-098996
Licensee: A. Montero Food, LLC
Trade Name: Taqueria Habanero
License Class: Retailer’s Class “C” Restaurant
Address: 3710 14th Street, N.W.
Contact: Ana De Leon: (202) 246-7601

WARD 4

ANC 4C

SMD 4C04

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 October 7, 2015 at 4:30 pm.

NATURE OF OPERATION

New, family-oriented restaurant serving Mexican food with a Total Occupancy Load of 33.

HOURS OF OPERATION

Sunday through Thursday 6 am – 2 am, Friday & Saturday 6 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 10 am – 2 am, Friday & Saturday 10 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 29, 2015
 Petition Date: July 13, 2015
 Roll Call Hearing Date: July 27, 2015
 Protest Hearing Date: October 7, 2015

License No.: ABRA-098591
 Licensee: Sommpicks, LLC
 Trade Name: To Be Determined
 License Class: Retailer’s Class “A” Online Sales
 Address: 4221 Connecticut Avenue, N.W.
 Contact: Tom Kerr & Linda Gago-Seco: 415-237-6398 & 415-237-6393

WARD 3

ANC 3F

SMD 3F02

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 October 7, 2015 at 4:30 pm.

NATURE OF OPERATION

A Class “A” retailer offering online sales of beer, wine, and spirits.

HOURS OF OPERATION

Sunday through Saturday 10am-7pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 10am-5pm

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

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

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

<u>Property</u>	<u>Case Number</u>	<u>Scheduled Hearing Date</u>
Tilden Hall 3945 Connecticut Avenue NW	15-11	June 2015
Control Point Virginia Tower 2 nd Street and Virginia Avenue SW	15-12	July 2015
3020 Albemarle Street NW	15-14	July 2015
Scheele-Brown Farmhouse 2207 Foxhall Road NW	13-22	July 2015
Palisades Playground and Field House 5200 Sherier Place NW	15-13	September 2015
Kelsey Temple Church of God in Christ 1435-1437 Park Road NW	15-05	September 2015
Lincoln Playground Field House 555 L Street SE	15-02	September 2015
Rock Creek Valley Historic District Reservations 308A, 339, 356, 402, 432, 433, 435, 545, 563, 630 and 635	14-19	October 2015
Lunch Room and Oyster Shucking Shed 1100 Maine Avenue SW	12-03	October 2015
Recorder of Deeds Building 515 D Street NW	11-19	October 2015
District of Columbia Municipal Center 300 Indiana Avenue/301 C Street NW	14-02	October 2015
GSA Regional Office Building 301 (315) 7 th Street SW (801 D Street SW)	14-11	November 2015
St. James Mutual Homes Square 547, Lot 23	15-10	November 2015

Charles W. Gilmore Residence 451 Park Road NW	15-09	December 2015
E Street Complex 2430 E Street/2301 Constitution Avenue NW	14-03	January 2016
Old Naval Observatory Historic District 2300 E Street NW, Reservation 4	11-21	January 2016
The Denrike Building 1010 Vermont Avenue NW	10-16	February 2016
Southern Railway Building 1500 K Street NW	11-05	February 2016
B.F. Saul Building 925 15 th Street NW	11-03	March 2016
Davidson Building 927 15 th Street/1432 K Street NW	14-14	March 2016
Interstate Building 1317 F Street NW	14-15	April 2016
INTELSAT Headquarters Building 3400 International Drive/4000 Connecticut Avenue NW	14-06	April 2016
C&P Telephone Cleveland Emerson Exchange 4268 Wisconsin Avenue NW	09-06	May 2016
Union Station amendment (interior and boundary) 50 Massachusetts Avenue NE	12-08	May 2016
Williams-Addison House amendment 1645 31 st Street NW	07-38	June 2016
Kennedy-Warren Apartments amendment 3131-3133 Connecticut Avenue NW	09-03	June 2016
1007, 1009, 1011, 1015 and 1017 K Street NW	09-02	July 2016
Western Bus Garage 5230 Wisconsin Avenue NW	06-03	July 2016
Dunblane 4340 Nebraska Avenue NW	08-11	September 2016
U Street Historic District expansion Most of Square 441	08-12	September 2016

Suter Properties 511 and 521 G Street NW	09-01	September 2016
Brookland Bowling Alley 3726 10 th Street NE	09-08	October 2016
Sheridan Theater and Park 'n' Shop 6201 (6201-6221) Georgia Avenue NW	07-01	October 2016
Downtown Historic District expansion Parts of Squares 404, 405, 428, 453, 454 and 486	13-08	November 2016
Barney Circle Historic District Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	08-01	December 2016
Barney Circle Historic District amendment Squares 1092, 1092-S, 1092-W and most of Squares 1077 and 1091-S	10-19	December 2016

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

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JULY 21, 2015
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD SIX

19035 **Application of 1325 D Street, LLC**, pursuant to 11 DCMR §§ 3103.2 and
ANC-6B 3104.1, for variances from the lot occupancy requirements under § 403.2, the lot
width requirements under § 2604.3, and the limitation on the number of principal
buildings allowed on a single record lot requirements under § 3202.3, and a
special exception from the lot width requirements under § 2604.3, to construct 30
one-family attached and semi-detached dwellings and flats in the R-4 District at
premises 1325 D Street S.E. (Square 1042, Lot 827).

WARD SEVEN

19046 **Application of Kamyar Khodabandeh**, pursuant to 11 DCMR § 3104.1 for
ANC-7B a special exception under § 223, not meeting the side yard requirements under §
405.9, and the non-conforming structure requirements under § 2001.3, to retain a
previously-constructed second story addition to an existing detached one-family
dwelling in the R-4 District at premises 1511 28th Street S.E. (Square 5581, Lot
27).

WARD SIX

19047 **Appeal of Michael Cushman**, pursuant to 11 DCMR §§ 3100 and 3101, from
ANC-6A a March 10, 2015 decision by the Zoning Administrator, Department of
Consumer and Regulatory Affairs, to issue Certificate of Occupancy No.
CO1501450, to permit an existing non-public garage on an alley lot containing
seven spaces and four additional open spaces (11 spaces total) in the R-4 District
at premises 20 14th Street N.E. (Square 1035, Lot 810).

WARD TWO

19049 **Appeal of Caesar Junker, et al.**, pursuant to 11 DCMR §§ 3100 and 3101,
ANC-2E from an October 12, 2014 decision by the Zoning Administrator, Department of
Consumer and Regulatory Affairs, to issue Building Permit No. B1400387, to
convert an assembly use into a retail/office/residential use containing four units
and a small second story carriage house in the C-2-A/R-3 District at premises
1351 Wisconsin Avenue N.W. (Square 1243, Lot 811).

WARD FIVE

BZA PUBLIC HEARING NOTICE

JULY 21, 2015

PAGE NO. 2

19051 **Application of Richard Gbolahan**, pursuant to 11 DCMR § 3103.2, for a
ANC-5D variance from the lot area and width requirements under § 401, to allow the
 construction of a new three-story, one-family dwelling in the R-4 District at
 premises 1609 Levis Street N.E. (Square 4074, Lot 804).

WARD THREE

19052 **Application of Josh Green**, pursuant to 11 DCMR § 3104.1 for a special
ANC-3C exception under § 223, not meeting the lot occupancy requirements under § 403,
 to construct a deck with staircase to an existing one-family dwelling in the R-3
 District at premises 2905 28th Street N.W. (Square 2106, Lot 89).

PLEASE NOTE:

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

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

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

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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****AND****ZONING COMMISSION ORDER NO. 14-20****Z.C. Case No. 14-20****(Map Amendment to Rezone a Portion of Square 1070)****May 11, 2015**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of adoption of the following amendment to the Zoning Map. A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 3, 2015, at 62 DCR 3975. The amendment shall become effective upon the publication of this notice in the *D.C. Register*.

Description of Amendment

The amendment would rezone Lots 38, 39, 73-76, 80-86, and 94 on Square 1070 from C-2-A to the R-4 Zone District.

Procedures Leading to Adoption of Amendment

On October 16, 2014, Advisory Neighborhood Commission (ANC) 6A submitted a letter to the Commission that served as a petition requesting a map amendment to rezone the northwest portion of Square 1070 from the C-2-A Zone District to the R-4 Zone District. At a regularly scheduled and properly noticed meeting on April 10, 2014, ANC 6A, with a quorum present, voted 7-0-0 to request the proposed map amendment. Square 1070 is in Northeast, D.C. and is bounded by East Capitol Street to the south, 15th Street to the west, A Street to the north, and 16th Street to the east. In its petition, the ANC stated that the eastern half of Square 1070 is zoned R-4 and that the square is composed primarily of two (2)-story row houses. The ANC further stated that C-2-A zoning designation allows for matter-of-right construction of buildings that are incongruent with the scale and architecture of the surrounding homes. Additionally, the ANC stated that the proposed map amendment would be consistent with the 2006 Comprehensive Plan, which indicates Square 1070 for low- to moderate-density residential development.

On November 28, 2014, the Office of Planning (OP) submitted a Setdown Report. OP stated that the proposed map amendment would not be inconsistent with the Comprehensive Plan and, accordingly, recommended that the petition be set down for a public hearing. OP noted that there was a pending application for a building permit (B1307755) for a multi-residential development on Lot 94 in Square 1070 under the C-2-A regulations. OP stated that, under § 3202.5 of the Zoning Regulations, the permit application would continue to be processed under the C-2-A provisions unless and until a Notice of Final Rulemaking effectuates a rezoning.

At a properly noticed public meeting on December 8, 2014, the Commission voted in favor of setting down the proposed amendment as a rulemaking case. A Notice of Public Hearing was published in the January 23, 2015 edition of the *D.C. Register* at 62 DCR 1119.

On March 9, 2015, OP submitted a report reiterating its support for the proposed amendments and readdressing the pending building permit application for Lot 94 in Square 1070. OP stated that, as of February 24, 2015, discussions were ongoing between the owner of Lot 94 and the Zoning Administrator of the Department of Consumer and Regulatory Affairs (DCRA) regarding necessary revisions to the property owner's development plans. Per the Commission's request, OP also included in its report a table of the density regulations of various zoning districts, indicating how the development project would be affected under each district.

At its March 19, 2015 public hearing, the Commission heard testimony from Mr. Todd Sperry, on behalf of ANC 6A, in support of the petition, as well as accepting Mr. Sperry's written testimony. The Commission also heard testimony in opposition from Mr. Taiwo Demuren, the sole officer of 57th Street Mews, Inc., which is the owner of Lot 94 in Square 1070. Along with his testimony, Mr. Demuren submitted a letter in opposition to the proposed amendment. OP indicated that it stood by its prior report and continued to believe the petition is not inconsistent with the Comprehensive Plan.

At the end of the March 19, 2015 public hearing, the Commission voted to take proposed action on the amendment thereby authorizing the publication of a Notice of Proposed Rulemaking and a referral of the proposed amendment to the National Capital Planning Commission (NCPC). The Commission left the record open to receive any statement DCRA might provide regarding the status of Mr. Demuren's application for a building permit.

On March 23, 2015, the Commission received a letter dated March 20, 2014 from DCRA to Mr. Toye Bello, the agent for the owner of Lot 94. The letter stated that it was clarifying DCRA's earlier letter (March 12, 2015) to Mr. Bello, which rejected the building permit application for the development Mr. Demuren planned for Lot 94 because the plans supporting the application were stamped by an engineer whose license had been revoked. As a result, the DCRA letter stated, any construction at the site would require a new building permit application, and any such construction would have to comply with the Zoning Regulations applicable at the date of the application.

The Commission notes that this last statement is somewhat incomplete, since the Zoning Regulations provide that any "construction authorized by a permit may be carried to completion pursuant to the provisions of this title *in effect on the date that the permit is issued.*" (11 DCMR § 3202.4 (emphasis added).)

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 3, 2015 at 62 DCR 3975. No comments were received.

In a letter dated April 3, 2015, the Executive Director of NCPC informed the Commission that, through a delegated action dated March 27, 2015, he found that the proposed map amendment is not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

On May 11, 2015, the Commission held a public meeting on the proposed amendment at which time it adopted the proposed map amendment.

The Zoning Map is proposed to be amended as follows:

Rezone from C-2-A to R-4 Lots 38, 39, 73-76, 80-86, and 94 on Square 1070.

On March 19, 2015, upon the motion of Commissioner Turnbull, as seconded by Commissioner May, the Zoning Commission **APPROVED** the petition at the close of its public hearing 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 May 11, 2015, 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 **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 29, 2015.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Corrections (Director), pursuant to Sections 2 and 4 of the District of Columbia Work Release Act, effective November 10, 1966 (Pub. Law 89-803; D.C. Official Code §§ 24-241.01, 241.03) (2012 Repl.), hereby gives notice of intent to amend Chapter 5 (Correctional Institutions) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Director has been delegated the authority and responsibility to grant work release privileges to inmates in appropriate circumstances. To carry out this responsibility the Director proposes to interpret the term “work release” to include, but not require, electronic monitoring. This interpretation constitutes the making of a “rule” as defined in Section 3(6)(A) of the District of Columbia Administrative Procedures Act (DCAPA), approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(6)(A) (2012 Repl.)) and such rulemaking requires public notice and comment as required by Section 6(a) of the DCAPA.

Chapter 5, CORRECTIONAL INSTITUTIONS, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended to include a new Section 533, WORK RELEASE, to read as follows:

533 WORK RELEASE

- 533.1 The work release program administered by the Department of Corrections shall consist of confinement of inmates in either Community Correctional Centers with or without electronic monitoring or in private residences with electronic monitoring.
- 533.2 The Director of the Department of Corrections shall state in writing the terms and conditions under which a person granted work release privileges may be released from actual custody at the place of confinement during the time necessary to proceed to the person’s place of employment or other authorized places, perform specified activities, and return to a place of confinement designated by the Director of the Department of Corrections.
- 533.3 In order to be eligible for work release, inmates must pass a medical clearance and have no other pending commitments, writs, holds, detainers or warrants.
- 533.4 For purposes of this chapter, the following terms shall have the meaning ascribed:
- (1) “Community Correctional Centers” – Residential facilities where inmates are placed to begin the process of reintegration into society and that allow work release and return to detention while still providing security, monitoring, and support.

- (2) “Electronic Monitoring” – Use of an ankle bracelet transmitter tracking (Global Positioning System – GPS) device to account for the location of an individual at all times, for the purpose of verifying compliance with all terms of the individual’s work release privileges including arrival at and departure from authorized locations and activities, and all other program requirements.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the General Counsel, Department of Corrections, 2000 14th Street, NW, 7th Floor, Washington, D.C. 20009. Copies of these rules may be obtained at the address stated above.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF EMERGENCY RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in the Mayor's Order 2014-196, dated August 12, 2014 and Sections 3(b)(7) and (11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176, D.C. Official Code §§ 38-2602(b)(7) and (11) (2012 Repl. & 2014 Supp.)), and with the advice and approval of the State Board of Education (SBOE) pursuant to Section 403(a)(3) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(3) (2012 Repl. & 2014 Supp.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 2202 (Graduation: General Policy) of Chapter 22 (Grades, Promotion, and Graduation) of Title 5 (Education), Subtitle E (Original Title 5) of the District of Columbia Municipal Regulations (DCMR).

The Office of the State Superintendent of Education (OSSE), pursuant to Mayor's Order 2014-196, dated August 12, 2014, manages Hospitality High School, which includes any and all actions authorized to be performed in direct management of the school, such as executing and delivering "any other document, contract, agreement, statement or instrument required by or incidental to the management of Hospitality High School." However, Mayor's Order 2014-196 did not explicitly provide authority to issue diplomas and the current regulations do not provide the state education agency, OSSE, with explicit authority to grant or confer diplomas. Therefore, this emergency rulemaking is necessary to ensure that the students graduating from Hospitality High School receive a diploma in a way that recognizes the current governance structure of the school, and without any questions of legitimacy.

This emergency rulemaking is necessitated by the immediate need to ensure that the OSSE will be authorized to confer, sign and seal diplomas for students graduating from Hospitality High School in June 2015. The emergency rulemaking therefore adds a subsection to Title 5-E DCMR § 2202 establishing a state high school diploma that will be provided to District of Columbia students attending and completing the graduation requirements set forth in Title 5-E DCMR § 2203 (Graduation: Academic Requirements) at a school managed by the state education agency, OSSE.

The rules were adopted on May 29, 2015 and became effective on that date. The rules will remain in effect for up to one hundred twenty (120) days, expiring on September 26, 2015.

Chapter 22, GRADES, PROMOTION, AND GRADUATION, of Title 5, EDUCATION, Subtitle E, ORIGINAL TITLE 5, is amended as follows:

Section 2202, GRADUATION: GENERAL POLICY, adds Subsection 2202.10 to read as follows:

2202 GRADUATION: GENERAL POLICY

...

2202.10 A student enrolled in a school managed by the state education agency, the Office of the State Superintendent of Education (OSSE), who has successfully completed the requirements set forth in Title 5-E DCMR § 2203 (Graduation: Academic Requirements) shall be eligible for a high school diploma from OSSE. The diploma of a student graduating from a school operated by the State shall bear the signature of the State Superintendent of Education and the seal of OSSE.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2015-138
May 21, 2015

SUBJECT: Appointment – Secretary of the District of Columbia


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat.790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to the Secretary of the District of Columbia Lauren Vaughan Confirmation Resolution of 2015, effective May 5, 2015, Res. 21-0093, it is hereby **ORDERED** that:

1. **LAUREN C. VAUGHAN** is appointed Secretary of the District of Columbia and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2014-351, dated December 31, 2014.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc*, to May 5, 2015.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

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

Mayor's Order 2015-139

May 21, 2015

SUBJECT: Establishment – District of Columbia Emancipation and Sesquicentennial Celebration of the Close of the American Civil War Commemorative Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), (11) (2014 Repl.), it is hereby **ORDERED** that:

I. ESTABLISHMENT

There is established a District of Columbia Emancipation and Sesquicentennial Celebration of the Close of the American Civil War Commemorative Commission (hereinafter referred to as the “**Commission**”) in the Executive Branch of the Government of the District of Columbia.

II. PURPOSE

The Commission shall advise the Mayor on (i) programs, projects, activities, and forums to celebrate and commemorate April 16th as a public legal holiday in District of Columbia that recognizes the District of Columbia Compensated Emancipation Act (“**Act**”), approved by Congress and signed by President Abraham Lincoln on April 16, 1862 to abolish slavery in the District of Columbia; and (ii) strategies to garner support, local participation and establish the District’s response to the Sesquicentennial Close of the end of the American Civil War which saved the Nation and set all enslaved Americans “Forever Free”.

III. FUNCTIONS

The Commission shall:

- A. Commemorate the emancipation of more than 3,100 formerly enslaved persons in the District of Columbia as the first freed, through legislation passed by the Thirty-Seventh Congress that approved the District of Columbia Compensated Emancipation Act, which abolished slavery in the District of Columbia on April 16, 1862;

- B. Develop and implement plans, programs, projects, and activities to celebrate the commemorative history, culture, heritage, customs, and traditions that highlight the struggle to overcome the institution of slavery, and to profile the African-American experience in the struggle for freedom, justice, and equality;
- C. Commemorate historical events in the District of Columbia that highlight the Sesquicentennial celebration of the close of the American Civil War;
- D. Coordinate and plan major events leading up to the Grand Review on May 17, 2015. These events will be educational, and are designed to honor those who gave their last full measure for what this nation is and can be;
- E. Undertake other duties as are assigned by the Mayor; and,
- F. Submit a report to the Mayor through the Secretary of the District of Columbia on the events, activities, and accomplishments of the Commission.

IV. APPOINTMENTS

- A. The Commission shall have a maximum of twenty-five (25) members. The members shall be appointed by the Mayor and shall serve until December 31, 2015.
- B. Members of the Commission shall be residents of the District, or shall have some resident business, educational, social or cultural nexus to the District.

VI. COMPENSATION

Members of the Commission shall serve without compensation.

VII. ORGANIZATION

- A. The Commission may establish subcommittees as needed. Subcommittees may include individuals who are not members of the Commission, provided that each subcommittee is chaired by a member of the Commission.
- B. Meetings of the Commission shall be scheduled at the discretion of the Chairperson.
- C. The Commission may establish its own by-laws and rules of procedure, subject to the approval of the Chairperson, or her designee.

VIII. ADMINISTRATION

- A. The Office of the Secretary of the District of Columbia and the Office of Public Records shall provide administrative support for the Commission. The commemorative undertakings of the Commission shall be considered activities associated with the celebration of Emancipation Day.

B. Each department, agency, instrumentality, or independent agency of the District shall cooperate with the Commission and provide any information, in a timely manner, which the Commission requests to carry out the provisions of this Order.

IX. SUNSET

The Commission shall sunset on December 31, 2015.

X. SUPERSESION


This Order shall supersede Mayor's Order 2015-126, dated May 4, 2015.

XI. EFFECTIVE DATE

This Order shall be effective *nunc pro tunc* to May 4, 2015.



MURIEL E. BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, JUNE 3, 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

Show Cause Hearing (Status) 9:30 AM
Case # 15-251-00032; Inner Circle 1413, LLC, t/a Tattoo, 1413 K Street NW
License #75156, Retailer CN, ANC 2F
Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Sale to
Minor Violation

Show Cause Hearing (Status) 9:30 AM
Case # 14-CMP-00706; Neighborhood Restaurant Group XV, LLC, t/a Red
Apron Butchery/The Partisan, 709 D Street NW, License #90742, Retailer CR
ANC 2C
Failed to Take Steps Necessary to Ensure Property is Free of Litter

Show Cause Hearing (Status) 9:30 AM
Case # 15-CMP-00024; 2446 RU, LLC, t/a Roofers Union, 2442 18th Street
NW, License #93592, Retailer CT, ANC 1C
Provided Entertainment Without an Entertainment Endorsement

Show Cause Hearing (Status) 9:30 AM
Case # 15-CMP-00004; Hak, LLC, t/a Midtown, 1219 Connecticut Ave NW
License #72087, Retailer CN, ANC 2B
Defaced Suspension Placards

Show Cause Hearing (Status) 9:30 AM
Case # 15-251-00007; 2817 Corporation t/a Chuck & Bill Bison Lounge, 2718
Georgia Ave NW, License #14759, Retailer CT, ANC 1B
Failed or Refused to Allow MPD to Enter Without Delay, Violation of
Settlement Agreement

Board's Calendar
June 3, 2015

9:30 AM

Show Cause Hearing (Status)

Case # 15-AUD-00032; Ska Luna Corporation, t/a Casbah Café/Ledo Pizza Restaurant, 1721 Wisconsin Ave NW, License #74333, Retailer CR, ANC 2E
Failed to Maintain Books and Records (Two Counts), Failed to Qualify as a Restaurant

Fact Finding Hearing*

9:30 AM

Temporary License Application, Event: Barbeque Cooking Contest, Dates of Event: June 27-28, 2015, Applicant: Allen M. Tubis
Neighborhood: Pennsylvania Ave NW, between 9th and 14th Streets
20,000 attendees

Contested Fact Finding Hearing*

10:00 AM

Toran Investment Group, Inc., t/a Risky Ventures, 1824 Columbia Road NW
License #97484, Retailer CR, ANC 1C
Contested Hearing As to Whether the Applicant Qualifies for a License

Fact Finding Hearing*

11:00 AM

Ferrol, Inc., t/a Todito Grocery; 1813 Columbia Road NW, License #60011
Retailer B, ANC 1C
Request to Extend Safekeeping

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

Show Cause Hearing*

1:30 PM

Case # 14-AUD-00105; Tekleab H Habtu, t/a Kokeb Ethiopian Restaurant
3013 Georgia Ave NW, License #89933, Retailer CR, ANC 1A
Failed to Maintain Books and Records (Two Counts)

Show Cause Hearing*

2:30 PM

Case # 14-CMP-00594; Goodlife 1207, LLC, t/a Irish Whiskey, 1207 19th Street NW, License #87685, Retailer CT, ANC 2B
Failed to Take Steps Necessary to Ensure Property is Free of Litter

Show Cause Hearing*

3:30 PM

Case # 14-CMP-00785; CSBT, Inc., t/a Town House Tavern Restaurant, 1637 R Street NW, License #24682, Retailer CR, ANC 2B
No ABC Manager on Duty

Board's Calendar
June 3, 2015

4:30 PM

Show Cause Hearing*

Case # 14-CMP-00462; Hak, LLC, t/a Midtown, 1219 Connecticut Ave NW
License #72087, Retailer CN, ANC 2B

**Failed to Take Steps Necessary to Ensure Property is Free of Litter,
Violation of 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
INVESTIGATIVE AGENDA

WEDNESDAY, JUNE 3, 2015
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On June 3, 2015 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#14-CC-00159 The Pug/Toki Underground, 1234 H ST NE Retailer C Tavern, License#: ABRA-073166

2. Case#15-CC-00008 Los Cuates Restaurant, 1564 WISCONSIN AVE NW Retailer C Restaurant, License#:ABRA-079261

3. Case#15-CC-00007 Michigan Liquors, 3934 12TH ST NE Retailer A Retail - Liquor Store, License#: ABRA-023640

4. Case#15-CMP-00278 Smith & Wollensky, 1112 19TH ST NW Retailer C Restaurant, License#: ABRA-060001

5. Case#15-CMP-00277 Capitol Fine Wine & Spirits, 415 H ST NE Retailer A Retail - Liquor Store, License#:ABRA-082981

6. Case#15-CC-00015 Pete's New Haven Style Apizza, 4940 WISCONSIN AVE NW Retailer D Restaurant, License#:ABRA-083794

7. Case#15-CC-00013 Shake Shack, 1216 18TH ST NW Retailer D Restaurant, License#: ABRA-086070

8. Case#15-CMP-00281 Shake Shack, 1216 18TH ST NW Retailer D Restaurant, License#: ABRA-086070

9. Case#15-CMP-00211 Kokeb Ethiopian Restaurant, 3013 GEORGIA AVE NW Retailer C Restaurant, License#: ABRA-089933

10. Case#15-CC-00019 SPAR LIQUOR, 3916 SOUTH CAPITOL ST SE Retailer A Retail - Liquor Store, License#:ABRA-092450

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, JUNE 3, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Recommendations on the “Proposed Rules in Board’s Technical Amendment Rulemaking 2015,” dated May 11, 2015, submitted by Roger Moffat, Chairperson, ANC 6D.*

2. Review of ANC 2B Resolution for the West Dupont Liquor License Moratorium Zone, dated May 18, 2015, submitted by Noah Smith, Chairperson, ANC 2B.*

3. Review of Letter of Concern Regarding Shooting at Josephine, dated May 20, 2015, submitted by ANC 2F. *Josephine*, 1008 Vermont Avenue, N.W., Retailer CT, License No.: 076906.*

*** 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, JUNE 3, 2015 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to Extend Safekeeping Status of License – Fourth Request. ANC 2F. SMD 2F05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *The Roberts Law Group, PLLC*, 1029 Vermont Avenue NW, Retailer CN, License No. 083728.

2. Review Request to Extend Safekeeping Status of License – Third Request. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *To Be Determined*, 1206 Wisconsin Avenue NW, Retailer CT, License No. 095913.

3. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday-Saturday 9am to 10pm. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday-Saturday 9am to 12am. ANC 7F. SMD 7F01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Malcolm Liquors*, 3845 Minnesota Avenue NE, Retailer A Liquor Store, License No. 094779.

4. Review Request for Change of Hours. *Approved Hours of Operation*: Sunday 9am to 8pm, Monday-Friday 8am to 10pm, Saturday 9am to 9pm. *Approved Hours of Alcoholic Beverage Sales and Consumption*: Sunday 9am to 8pm, Monday-Friday 9am to 10pm, Saturday 9am to 9pm. *Proposed Hours of Alcoholic Beverage Sales and Consumption*: Sunday 9am to 8pm, Monday-Friday 8am to 10pm, Saturday 9am to 9pm. ANC 5B. SMD 5B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Brookland Market*, 3736 10th Street NE, Retailer A Liquor Store, License No. 088495.

5. Review Application for Sidewalk Café Endorsement. ANC 5E. SMD 5E07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Aroi Thai Cuisine*, 1832 1st Street NW, Retailer CR, License No. 090174.
-

6. Review Application for Manager's License. *Duan T. Cobbs*-ABRA 098917.
-

7. Review Application for Manager's License. *Jose L. Ramirez*-ABRA 096572.
-

***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.**

CHILDREN'S GUILD DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Installation of Security System**

The CG DC PCS seeks qualified vendors/contractors to submit proposals for a building security system. This system includes, door access control, digitally recorded CCTV security cameras, burglar alarm with motion sensors, and AIPphone exterior intercom/camera. For deadlines, specifications and other bid requirements pertaining to the RFP visit <http://www.childrensguild.org/rfp/>.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 2A08, 3D07 and 3F02

Petition Circulation Period: **Monday, June 1, 2015 thru Monday, June 22, 2015**

Petition Challenge Period: **Thursday, June 25, 2015 thru Wednesday, July 1, 2015**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

DISTRICT DEPARTMENT OF THE ENVIRONMENT
BROWNFIELD REVITALIZATION VOLUNTARY CLEANUP PROGRAM

**NOTICE OF FILING OF A REQUEST FOR A
CERTIFICATE OF COMPLETION/NO FURTHER ACTION LETTER**

3500 - 3518 Connecticut Avenue, NW

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312, D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program in the District Department of the Environment (DDOE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Site Completion Report and a request for a Certificate of Completion to support a Voluntary Cleanup Program (VCP) application. The applicant for real properties addressed as 3500 - 3518 Connecticut Avenue, NW, Case No. VCP 2014-0026, is Grosvenor Urban Retail, L.P. 1701 Pennsylvania, NW, Suite 1050 Washington, DC 20006.

The application identified sources of indoor air and sub-slab associated with chlorinated organic solvents. The applicant has performed two rounds of vapor phase sampling and evaluated contaminant concentrations in comparison with EPA Vapor Intrusion Screening Levels (VISLs) in compliance with the VCP protocol. The property will continue to consist of commercial establishments. Based on the cleanup oversight and review of the site completion report, the Voluntary Cleanup Program has determined the issuance of a No Further Action (NFA) letter is warranted.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC 3C) for the area in which the property is located. The Site Completion Report is available for public review at the following location:

Voluntary Cleanup Program
District Department of the Environment (DDOE)
1200 First Street, NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Site Completion Report and related documents for a charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2600.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty one (21) days from the date of this publication. DDOE is required to consider all public comments it receives before acting on the application, the cleanup action plan, a certificate of completion, or a letter of no further action. Please refer to Case No. VCP 2014-0026 in all correspondence regarding this notice.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

**GRANT FOR
Completing and Communicating a Comprehensive Energy Plan
for the District of Columbia**

The District Department of the Environment (“DDOE”) is seeking eligible entities, as defined below, to assist DDOE and other District policymakers with completing a Comprehensive Energy Plan (“CEP”) that specifies policies, programs, and technologies that will be necessary to address the District’s goals and priorities, and should identify barriers that would prevent their adoption. The amount available for the project in this RFA is approximately \$150,000.00. This amount is subject to continuing availability of funding and approval by the appropriate agencies.

An informational presentation/conference call and opportunity for questions and answers will be held on Monday, June 8, 2015 from 11:00 am to 12:00 pm at DDOE headquarters located at 1200 First Street, NE, 5th Floor, Washington, DC 20002. The call in number is 1-877-730-3868, and the conference code is 7706597.

Beginning 5/29/2015, the full text of the Request for Applications (“RFA”) will be available online at DDOE’s website. It will also be available for pickup. A person may obtain a copy of this RFA by any of the following means:

Download from DDOE’s website, www.ddoe.dc.gov. Select “Resources” tab. Cursor over the pull-down list; select “Grants and Funding;” then, on the new page, cursor down to the announcement for this RFA. Click on “Read More,” then download and related information from the “attachments” section.

Email a request to 2015CEP_DDOERFA.grants@dc.gov with “Request copy of RFA 2015-1511-EA” in the subject line;

Pick up a copy in person from the DDOE reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. Call Lance Loncke at (202) 671-3306 to make an appointment and mention this RFA by name; or

Write DDOE at 1200 First Street NE, 5th Floor, Washington, DC 20002, “Attn: Lance Loncke RE:2015-1511-EA” on the outside of the letter.

The deadline for application submissions is 6/30/2015, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to 2015CEP_DDOERFA.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;

-Universities/educational institutions; and

-Private Enterprises.

For additional information regarding this RFA, please contact DDOE as instructed in the RFA document, at 2015CEP_DDOERFA.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, Washington, D.C., intends to issue two air quality permits (#6249-R1 and #6250-R1) to AT&T Corp. to amend and renew permits for the operation of two (2) identical 1,600 kWe emergency generator sets with 2,145 hp engines and to permit a switch from kerosene to ultra-low sulfur diesel as the units' only fuel, at the AT&T Corp. property located at 725 13th Street NW, Washington DC 20005. The contact person for the facility is Debra Moran at (415) 778-1312.

Two applications were submitted to request to amend two previously issued permits (6249-A1 and 6250-A1) that were issued on February 28, 2011. The request was to allow a switch from kerosene to ultra-low sulfur diesel as allowable fuel for the engines. Below are the expected differences in the emission for each of the two units resulting from the fuel switch and establishment of a related limit on the allowable hours of operation of the units.

Pollutants	Former Potential-to Emit with Kerosene (tons/year)	New Potential-to Emit with Diesel (tons/year)	Difference (tons/year)
Total Particulate Matter (PM Total)	0.4	0.26	0.14 (decrease)
Oxides of Sulfur (SO _x)	2.1	0.01	2.09 (decrease)
Oxides of Nitrogen (NO _x)	8.21	8.75	-0.54 (increase)
Volatile Organic Compounds (VOC)	0.4	0.26	0.14 (decrease)
Carbon Monoxide (CO)	2.8	2.01	0.79 (decrease)

The permit applications and supporting documentation, along with the draft permits 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 June 29, 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 air quality permit #6553-R1 to the Smithsonian Institution, National Zoological Park to operate one (1) 25 kWe emergency generator set with a 51.5 hp propane fired engine at 3001 Connecticut Avenue NW, Washington, DC. The contact person for the facility is John Michael Bixler, Deputy Director of Facilities Management, at (202) 633-2573.

The proposed emission limits are as follows:

- a. Emissions from the unit shall not exceed those in the following table: [40 CFR 60.4233(d) and 40 CFR 60, Subpart JJJJ, Table 1]

Pollutant Emission Limits (g/hp-hr)	
HC+NO _x	CO
10	387

- 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 emissions from the emergency generator set, assuming 500 hours of operation per year, are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.86
Oxides of Nitrogen (NO _x)	0.23
Total Particulate Matter (PM Total)	0.0177
Oxides of Sulfur (SO _x)	0.0000596
Volatile Organic Compounds (VOCs)	0.0357

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 June 29, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, 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 #6992 to the District of Columbia Department of General Services to operate one 625 kWe diesel-fired emergency generator set with a 838 bhp diesel-fired engine, located at the D.C. General Health Campus at 1900 Massachusetts Avenue SE, Washington, DC. The contact person for the facility is Ricardo Eley, Health and Safety Manager, at (202) 698-5678.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Generator Model Number	Permit No.
Building 7	1900 Massachusetts Ave. SE Washington, DC 20003	625 kWe (838 hp)	574RSL4036	6992

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. 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 emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	1.1523
Oxides of Nitrogen (NO _x)	5.0280
Total Particulate Matter , PM (Total)	0.1467
Volatile Organic Compounds (VOCs)	0.1477
Sulfur Dioxide (SO _x)	0.0025

The application to operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, 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 #6993 to the District of Columbia Department of General Services to operate one 750 kWe Onan diesel-fired emergency generator set with a 1,006 bhp diesel-fired engine, located at the D.C. General Health Campus at 1900 Massachusetts Avenue SE, Washington, DC. The contact person for the facility is Ricardo Eley, Health and Safety Manager, at (202) 698-5678.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Generator Model Number	Permit No.
ACCC Building	1900 Massachusetts Ave. SE Washington, DC 20003	750 kW (1,006 hp)	DFJA-39133G	6993

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. 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 emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	1.3833
Oxides of Nitrogen (NO _x)	6.0360
Total Particulate Matter , PM (Total)	0.1761
Volatile Organic Compounds (VOCs)	0.1773
Sulfur Dioxide (SO _x)	0.0031

The application to operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

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Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
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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 #6994 to the District of Columbia Department of General Services to operate one Kohler 51 kW diesel-fired emergency generator set with a 80 bhp diesel-fired engine, located at the D.C. General Health Campus at 1900 Massachusetts Avenue SE, Washington, DC. The contact person for the facility is Ricardo Eley, Health and Safety Manager, at (202) 698-5678.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Generator Model Number	Permit No.
Building 12	1900 Massachusetts Ave. SE Washington, DC 20003	51 kW (80 hp)	50 REOZJD	6994

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. 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 emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.1336
Oxides of Nitrogen (NO _x)	0.62
Total Particulate Matter , PM (Total)	0.044
Volatile Organic Compounds (VOCs)	0.0494
Sulfur Dioxide (SO _x)	0.041

The application to operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

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Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
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DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2015

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, 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 #6995 to the District of Columbia Department of General Services to operate one Cummins 250 kWe emergency generator set with a 380 bhp diesel-fired engine, located at the D.C. General Health Campus at 1900 Massachusetts Avenue SE, Washington, DC. The contact person for the facility is Ricardo Eley, Health and Safety Manager, at (202) 698-5678.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Generator Model Number	Permit No.
Building 14	1900 Massachusetts Ave. SE Washington, DC 20003	250 kW (380hp)	DFAC-5588720	6995

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. 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 emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.6346
Oxides of Nitrogen (NO _x)	2.945
Total Particulate Matter , PM (Total)	0.209
Volatile Organic Compounds (VOCs)	0.23465
Sulfur Dioxide (SO _x)	0.19475

The application to operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available

between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

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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 #6996 to District of Columbia Department of General Services to operate one Onan 750 kW emergency generator set with a 1,006 bhp diesel-fired engine, located at the D.C. General Health Campus at 1900 Massachusetts Avenue SE, Washington, DC. The contact person for the facility is Ricardo Eley, Health and Safety Manager, at (202) 698-5678.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Generator Model Number	Permit No.
OME Building	1900 Massachusetts Ave. SE Washington, DC 20003	750 kW (1006 hp)	DFJA-39133G	6996

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. 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 emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	1.38325
Oxides of Nitrogen (NO _x)	6.036
Total Particulate Matter , PM (Total)	0.17605
Volatile Organic Compounds (VOCs)	0.1773075
Sulfur Dioxide (SO _x)	0.00305

The application to operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after June 29, 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 #6997 to District of Columbia Department of General Services to operate one Kato 600 kW emergency generator set with an 805 bhp diesel-fired engine, located at the DC Jail Penthouse, 1900 Massachusetts Avenue SE, Washington, DC. The contact person for the facility is Ricardo Eley, Health and Safety Manager, at (202) 698-5678.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Generator Model Number	Permit No.
DC Jail Penthouse	1900 Massachusetts Ave. SE Washington, DC 20003	600 kW (805 hp)	540 SR-9D	6997

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. 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 emissions from the emergency generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	1.1069
Oxides of Nitrogen (NO _x)	6.036
Total Particulate Matter , PM (Total)	4.830
Volatile Organic Compounds (VOCs)	0.1419
Sulfur Dioxide (SO _x)	0.00244

The application to operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after June 29, 2015 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF A PUBLIC OUTREACH MEETING****Mold Assessment and Remediation
Certification and Licensure Regulations**

Notice is hereby given that a public outreach meeting will be held on June 30, 2015, at 5:00 p.m. in Room 555 at 1200 First Street, N.E., 5th Floor, in Washington, D.C. The District Department of the Environment (the Department) has proposed regulations to structure the licensure and certification of mold assessment and remediation professionals. These regulations were published in the DC Register on April 3, 2015 for a 30 day comment period. The Department will host a public outreach meeting to allow concerned residents to provide additional feedback on the draft regulations on June 30, 2015. This public outreach meeting will provide interested parties an opportunity to comment on the proposed regulations in an informal setting.

The proposed rulemaking is available for public review during normal business hours at the offices of the District Department of the Environment (DDOE), 1200 First Street, NE, Washington, D.C. 20002, and on-line at <http://ddoe.dc.gov>. As the public comment period has closed, no additional written or email comments will be accepted. For more information or to find out if the public outreach meeting has been canceled, contact Mr. Keith Keemer at 202-535-2999 or by email at keith.keemer@dc.gov.

DEPARTMENT OF FORENSIC SCIENCES**NOTICE OF PUBLIC MEETING**

On June 16, 2015 the Department of Forensic Sciences will be hosting the Science Advisory Board Meeting WebEx at the Consolidated Forensic Laboratory, 401 E Street SW, Washington, DC 20024. The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202.727.8267. Mr. Thomas can also be reached at Herbert.Thomas@dc.gov.

DC Department of Forensic Sciences Science Advisory Board Meeting**16 JUNE 2015¹**

9:00 – 9:15 Roll Call
9:15 – 9:20 Review of Minutes
9:20 – 9:30 Approval of Minutes from Last Meeting
9:30 – 10:30 Report on Audit Response
10:30 - 11:00 Reports on progress and performance
11:00 – 11:30 Administrative updates
11:30 – 11:45 Scheduling
11:45 – 12:15 Closing and adjournment

¹ Draft Schedule some changes may occur before the June 16, 2015 Meeting

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Occupational Therapy, Audiology, Physical Therapy, & Assistive Technology Services**

KIPP DC is soliciting proposals from qualified general contracting firms for occupational therapy, audiology, physical therapy, and assistive technology services. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. All proposals should be uploaded to the website no later than 5:00 P.M., EST, on June 12, 2015. Questions can be addressed to dana.lourie@kippdc.org.

Print Management Services

KIPP DC is soliciting proposals from qualified vendors for print management services. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. All proposals should be uploaded to the website no later than 5:00 P.M., EST, on June 12, 2015. Questions can be addressed to nathan.schwartz@kippdc.org.

MONUMENT ACADEMY PUBLIC CHARTER SCHOOL WASHINGTON, DC**REQUEST FOR PROPOSALS****BUNK BEDS**

Monument Academy Public Charter School invites all interested and qualified companies to submit proposals to procure, deliver and install middle school age bunk beds for the 2015-2016 school year.

The RFP with bidding requirements and supporting documentation can be obtained by emailing Joseph.Dickerson@monumentacademydc.org.

Proposals are due no later than 5:00pm on 6/5/15.

FOOD SERVICES

Monument Academy Public Charter School invites all interested and qualified companies to submit proposals to provide Food services for the 2015-2016 school year. The RFP with bidding requirements and supporting documentation can be obtained by emailing Joseph.Dickerson@monumentacademydc.org.

Proposals are due no later than 5:00pm on 6/5/15.

MIDDLE SCHOOL MENTAL HEALTH AND THERAPEUTIC SERVICES

Monument Academy Public Charter School invites all interested and qualified companies to submit proposals to provide mental health, therapeutic, consulting and professional development services for students and staff for the 2015-2016 school year.

The RFP with bidding requirements and supporting documentation can be obtained by emailing Joseph.Dickerson@monumentacademydc.org.

Proposals are due no later than 5:00pm on 6/5/15.

MID-DAY YOUTH PROGRAMMING SERVICES

Monument Academy Public Charter School invites all interested and qualified companies to submit proposals to provide mid-day youth programming services for the 2015-2016 school year.

The RFP with bidding requirements and supporting documentation can be obtained by emailing Joseph.Dickerson@monumentacademydc.org.

Proposals are due no later than 5:00pm on 6/5/15.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

MEETING NOTICE AND AGENDA

**Walter Reed Local Redevelopment Authority and
Community Advisory Committee**

Pursuant to D.C. Official Code § 10-1906, the Walter Reed Local Redevelopment Authority and Community Advisory Committee will hold a public meeting at the following time and location:

**Wednesday June 10, 2015
6:30pm – 8:00pm**

**Fort Stevens Recreation Center
Multipurpose Room #150
1327 Van Buren Street, N.W., D.C. 20012**

MEETING AGENDA

- I. Opening Remarks
- II. LRA Project Overview and Update
- III. Zoning Update
- IV. NOI User Plans
- V. Highway Plan Amendment Update
- VI. Master Development Team overview and update
- VII. Questions

For questions, please contact Martine Combal, Walter Reed Local Redevelopment Authority Director at 202-727-6365 or martine.combal@dc.gov.

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF APPROVED CHARTER PETITIONS**

The District of Columbia Public Charter School Board (“PCSB”) hereby gives notice that on May 18, 2015, it approved the following three petitions to establish public charter schools in the District of Columbia: Breakthrough Montessori, Washington Leadership Academy, and Goodwill Excel Center. All three petitions were approved with conditions that must be addressed before the schools open in 2016. You may view the petitions and conditions at PCSB’s website: <http://www.dcpsb.org/pcsb-approves-three-out-six-dc-public-charter-school-applications> or contact Mikayla Lytton at 202-328-2660 or mlytton@dcpsb.org with any questions.

WASHINGTON LATIN PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Issued: May 29, 2015

The Washington Latin Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for each of the 10 services listed below.

Business Services:

1. Technology consulting – support the school’s technology needs with installation, maintenance, repair, and professional development
2. Accounting services – accounting consulting services
3. Auditing services – DCPCSB approved auditor to perform annual audit and OBM Circular A-133 Audit for the School and its QALICB.
4. Educational recruiting services – assist with the school’s recruiting needs

Insurance Services:

5. Employee Benefits – provide health and life insurance for 85+ employees
6. Business Insurance – business insurance coverage for public charter school

School Services

7. Cleaning services with the implementation of green cleaning program – daily cleaning services after school for school’s newly renovated 64,000 sf facility
8. Bus service – daily round trip bus service from three DC locations to the school in morning and afternoon; and additional services as needed
9. International travel lead – expertise in educational student travel for the school year 2015-2016.
10. Tutoring, OT, Audiology and PT services – provide services to students with an individualized educational program

Questions and proposals may be e-mailed to gizurieta@latinpcs.org with the subject line in the type of service. Deadline for submissions is **12pm (noon) June 9, 2015**. Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. No phone calls please.

E-mail is the preferred method for responding but you can also mail (must arrive by deadline) proposals and supporting documents to the following address:

Washington Latin Public Charter School
Attn: Finance Office
5200 2nd Street NW
Washington, DC 20011

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on May 28, 2015 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|-----------------------------------|------------------------------|
| 1. | Call to Order | Chairman |
| 2. | April 2015 Financial Report | Director of Finance & Budget |
| 3. | Agenda for June Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

D.C. Board of Zoning Adjustment

**Chairman's Motion and Follow-up Announcement for Closed Meetings for
Legal Advice and Deliberating but Not Voting**

Month of *JUNE* 2015 Roll Call Vote

“In accordance with Section 405(c) of the Open Meetings Act, D.C. Official Code Section 2-575(c), I move that the Board of Zoning Adjustment hold closed meetings on the Mondays

of:

- June 8th;
- June 15th;
- June 22th; and
- June 29th.

These meetings start at 4:00 p.m. and are held for the purpose of obtaining legal advice from our counsel and deliberating upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting. Those cases are identified on the Board's public hearing agendas for:

- June 9th;
- June 16th;
- June 23rd;and
- June 30th.

A closed meeting for these purposes is permitted by Sections 405(b)(4) and (b)(13) of the Act.

Is there a second?

(Once Seconded): Will the Secretary please take a roll call vote on the motion?

(As it appears the Motion has passed): I request that the Office of Zoning provide notice of these closed meetings in accordance with the Act.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18794 of Newton St Development 3 LLC, pursuant to 11 DCMR § 3103.2, for variance relief from the requirements regarding lot area (§ 401.3), nonconforming structures (§ 2001.3), and parking (§ 2101.1) to allow the Applicant to renovate and convert a vacant nonconforming corner building to a multiunit dwelling in an R-4 District at premises 1740 New Jersey Avenue, N.W. (Lot 9, Square 508N).¹

HEARING DATES: September 16, 2014 and October 28, 2014
DECISION DATE: October 28, 2014

DECISION AND ORDER

On April 30, 2014, Newton St Development 3 LLC (the "Applicant"), the owner of 1740 New Jersey Avenue, N.W. (Lot 9, Square 508N), filed a self-certified application with the Board of Zoning Adjustment (the "Board") for zoning relief. The Board held public hearings on the application on September 16, 2014 and October 28, 2014.

PRELIMINARY MATTERS

Self-Certification. The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3114.2.

Notice of Public Hearing. Pursuant to 11 DCMR § 3113.1, notice of the hearing was sent to the Applicant, all individuals and entities owning property within 200 feet of the Property, Advisory Neighborhood Commission ("ANC") 6E, and the Office of Planning ("OP"). The Applicant posted placards at the subject property regarding the application and public hearing and timely submitted an affidavit to the Board to this effect.

The Applicant's Case. The Applicant was represented by Meridith H. Moldenhauer, Esq., of Griffin, Murphy, Moldenhauer & Wiggins, LLP. Jimmy Edgerton, Nick Hodges, and David Bloom testified on behalf of the Applicant.

ANC 6E. The Property is located within the area served by ANC 6E, which is automatically a party to this application. ANC 6E filed a letter and resolution, dated September 12, 2014 indicating that ANC 6E, at its regularly scheduled meeting on September 2, 2014, which was properly advertised and where a quorum was present, voted 5-2-0, in support of the application. (See ANC Report at Exhibit 32.)

¹ The Initial Application requested eight residential units but the Applicant subsequently modified the application and architectural plans. While the degree of relief was decreased, the areas of relief identified remained the same.

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Office of Planning (OP) Report. OP submitted a report dated August 29, 2014, recommending denial of the Application. OP stated that although it supports renovation of the building, the renovation and the addition proposed go “well beyond the development intensity anticipated in an R-4 zone” particularly on a small lot. Although OP concluded that the lack of alley access made it practically difficult to locate parking on the property, it found no other exceptional conditions existed. However, the OP report did not consider the dilapidated nature of the property due to significant water damage nor the fact that it had been vacant for at least five years. OP also did not analyze whether a matter of right project was economically feasible. As to the third prong of the variance test, OP concluded that a variance from the lot area requirement would impair the zone plan and the public good. OP noted that granting relief from the requirement that there be 900 square feet of land area for each unit would result in 210 square feet of land area per unit. According to OP this “would intensify the density of the lot beyond that anticipated by the R-4 provisions for conversions of existing structures to apartment buildings.” (See OP Report at Exhibit 28.)

District Department of Transportation (“DDOT”) Report. By memorandum dated July 8, 2014, DDOT indicated no objection to the application emphasizing that the project will have no adverse impact on the travel conditions of the District’s transportation network.

Party in Opposition. There were no Parties in opposition.

Persons in Opposition. There were no persons in opposition.

Persons in Support. No persons in support testified but the Applicant submitted 20 letters in support of the Application.

FINDINGS OF FACT**The Subject Property and Surrounding Area**

1. The Property is located at 1740 New Jersey Avenue, N.W., at the intersection of Rhode Island Avenue, New Jersey Avenue, and S Street, N.W.
2. Square 508N is located in the northwest quadrant of the District and is bounded on the north by S Street, N.W., on the east by New Jersey Avenue, N.W., on the south by Rhode Island Avenue, N.W., and on the west by 5th Street, N.W.
3. The Property contains approximately 1,685 square feet of land area and is located in Northwest Washington, DC.
4. The Property has approximately 32 feet of frontage along S Street, N.W., 43 feet of frontage along New Jersey Avenue, N.W., and 31 feet of frontage along Rhode Island Avenue, N.W.

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5. The Property is in the R-4 District.
6. The R-4 District “is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.” (11 DCMR § 330.1.)
7. The Property is presently improved with a vacant two-story corner building.
8. The Property is not located within any historic District, and the existing building on the Property is not listed on the D.C. Inventory of Historic Sites.
9. The Property is located approximately three blocks from the Shaw Metro Station.

The Applicant’s Project

10. The Applicant proposes to convert the Property from a vacant, two-story residence to a three-story plus cellar residential structure with six residential units. The current footprint of the structure will be left unchanged.
11. The development will also include covered and secure bicycle parking spaces.
12. The Applicant has provided a Parking Demand Mitigation Plan.

Zoning Relief RequestedLot area (§ 401.3)

13. The conversion of a building or structure to an apartment house in the R-4 District is permitted, but requires a minimum of 900 square feet of lot area per apartment unit. (11 DCMR § 401.3.)
14. The lot area is 1,685 square feet.
15. Conversion of the structure to a six-unit apartment therefore requires relief from the lot area requirement.

Nonconforming Structures (§ 2001.3) as to Lot Occupancy (§ 403.1)

16. The Property currently has a lot occupancy of 100%.
17. While the footprint of the structure, and lot occupancy on the first and second story, will remain unchanged, the addition to the third story with a lot occupancy of 100% requires relief from the nonconforming structure requirements (§ 2001.3) as to lot occupancy (§ 401.3). (11 DCMR § 2001.3.)

Parking (§ 2101.1)

18. Apartment use in the R-4 District requires one parking space for every three dwelling units.

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19. The project, at six units, requires two parking spaces.

Exceptional Circumstance

20. The Property is a multi-sided lot with street frontage on three streets. The Property fronts on a complex intersection made up of three large arterial streets including Rhode Island Avenue, N.W., New Jersey Avenue, N.W., and S Street, N.W.
21. The Property is zoned R-4 but is within close proximity to large commercial zones along Rhode Island Avenue and Florida Avenue, N.W.
22. The existing structure has three entryways, one on each of the three sides with street frontage, and a large internal stairway.
23. The existing structure has several nonconforming aspects, including lot area less than 1,800 square feet, 100% lot occupancy, and a nonconforming court.
24. The existing structure has been vacant for at least five years and has suffered from substantial water damage. The dilapidation of the existing structure is also due, in part, to the extended vacancy and deferred maintenance at the Property.
25. The exceptional history of the Property and extended vacancy is due, in part, to a conflict among heirs and complicated title issues that delayed closing.

Practical Difficulty

26. The Applicant has provided evidence into the record demonstrating that the proposed number of units are required to allow for renovation of the structure while remaining economically feasible.
27. The Applicant is working around an existing stairwell location, which naturally divides the structure into the manner proposed by the Applicant. The creation of fewer units would result in awkward layouts as well as inefficient ingress and egress into the units due to the preexisting three entrances. Larger units would be less appropriate at the location considering the proximity to a complex, commercial intersection.
28. The Property, at 100% lot occupancy, cannot accommodate off-street parking without demolition of a substantial portion of the existing structure. Furthermore, there are no curb cuts on the lot to allow access for vehicles onto the Property.

CONCLUSIONS OF LAW*Standard of Review*

The Board is authorized under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-631.07(g)(3), to grant variance relief where, "by reason of exceptional narrowness, shallowness,

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or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property," the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that 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. (*See* 11 DCMR § 3103.2.)

The District of Columbia Court of Appeals has held that "an exceptional or extraordinary situation or condition" may encompass the buildings on a property, not merely the land itself, and may arise due to a "confluence of factors." *See Clerics of St. Viator v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291 (D.C. 1974); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990). The Court of Appeals has repeatedly held that "economic use of property may be properly considered as a factor in deciding the question of what constitutes an unnecessary burden or practical difficulty in area variance cases." *Tyler, et. al. v. District of Columbia Bd. of Zoning Adjustment*, 606 A.2d 1362 (D.C. 1992)(internal citations removed)(*Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1171 (D.C. 1990)(Reiterating in the context of an area variance that "increased expense and inconvenience to applicants for a variance are among the proper factors for BZA's consideration.")).

The Applicant is seeking a variance from the zoning regulations regarding lot area (§ 401.3), nonconforming structures (§ 2001.3), and parking (§ 2101.1). As discussed below, the Board concludes that the Applicant has met its burden of proof for the requested area variances in this case.

Exceptional Circumstance

The Board concludes that based on a confluence of factors an exceptional circumstance exists at the Property. The Property is affected by an exceptional situation and condition as a result of a confluence of several factors. The Property is a multi-sided lot with street frontage on three streets. The Property fronts on a complex intersection made up of three large arterial streets including Rhode Island Avenue, N.W., New Jersey Avenue, N.W., and S Street, N.W. The Property is zoned R-4 but is within close proximity to large commercial zones along Rhode Island Avenue and Florida Avenue, N.W. The existing structure has three entryways, one on each of the three sides with street frontage, and a large internal stairway. The existing structure has several nonconforming aspects, including lot area less than 1,800 square feet, 100% lot occupancy, and a nonconforming court. The existing structure, exposed on three sides, has suffered from substantial water damage. The dilapidation of the existing structure is also due, in part, to the extended vacancy and deferred maintenance at the Property. The history of the Property, including an extended period of vacancy and complicated title issues delaying closing, is also exceptional.

BZA APPLICATION NO. 18794**PAGE NO. 6***Practical Difficulty*

The Board concludes that the confluence of these exceptional and extraordinary conditions creates practical difficulties for the Applicant in complying with the requirements regarding lot area, nonconforming structure requirements with respect to lot occupancy, and parking.

Lot area (§ 401.3)

The lot area requirement cannot be met as a result of the exceptional circumstances at the Property. The creation of fewer units would result in awkward layouts as well as inefficient ingress and egress into the units due to the preexisting three entrances. Furthermore, significant renovation is required to resolve issues such as water damage, excessive property damage, and roof repair. There are also additional costs, no matter the number of units, as a result of the required closing of two existing curb cuts in public spaces unknown to the Applicant until meeting with DDOT. In addition to the location of the Property on a complex and pedestrian-unfriendly corner, the substantial renovations required would make it impractical to either rehabilitate the home to a single-family home or provide fewer units. As a result of the extensive renovations required, a six-unit structure is required for the project to be financially feasible, which the Applicant demonstrated by providing detailed financial information on the proposed project as well as various alternatives. In light of the evidence presented by the Applicant, the Board concludes that the Applicant has demonstrated the need for variance relief to allow six apartment units at the Property.

Nonconforming Structures (§ 2001.3) as to Lot Occupancy (§ 403.1)

The 100% lot occupancy on a third story is necessary to allow a financially feasible project with street frontage on three sides of the Property. The Applicant has demonstrated that a third story is necessary and that a third story, at 60% lot occupancy, would be structurally inefficient and aesthetically awkward as a result of the frontage along three streets.

Parking (§ 2101.1)

The Board concludes that compliance with the parking requirement would result in a practical difficulty. As a result of the 100% lot occupancy, there is no space to put the required parking spaces on the Property without demolishing a significant portion of the structure. Furthermore, there is no curb cut and DDOT indicated in their report that it is unlikely that a curb cut would be permitted. (See DDOT Report at Exhibit 27.)

No Detriment to the Public Good or Zone Plan

The Board concludes that there will be no substantial detriment to the public good and no substantial impairment to the intent, purpose, and integrity of the zone plan by approving the project as proposed.

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The proposed project renovates a vacant, single-family home, a portion of which was previously used as a doctor's office, as a residential structure. Furthermore, the footprint of the existing structure will be left unchanged. In addition, the proposed project adequately balances the zoning regulations' goals of ensuring adequate space for residents, providing a diverse and adequate housing stock, and permitting property owners to create marketable units. The Property is located on a prominent corner and serves as a gateway into the Shaw neighborhood. The height and massing of the proposed project are compatible with the location of the Property at the intersection of three wide avenues including Florida Avenue, New Jersey Avenue, and Rhode Island Avenue. The proposed project, though not in a historic district, uses high quality materials and thoughtful design to both match the defining architectural features of the existing building and compliment the character of the surrounding properties.

The Board further concludes that parking relief can be granted without detriment to the public good. Due to the accessibility of the Property, including an extremely high walkscore as well as access to two metro stations, several bus routes, carsharing and bikesharing options, variance relief for three spaces will not have a substantial impact. The Applicant will implement the Parking Demand Mitigation ("PDM") measures to promote the use of non-automotive transportation. Furthermore, the availability of a variety of transportation options, particularly carsharing and proximity to the Metro, as well as demographic changes in Shaw, reduces the need for residents to own a vehicle.

The Board is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC, which in this case is ANC 6E. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. In this case, ANC 6E stated its support for the application and for the reasons stated above the Board concurs with the ANC's advice.

The Board is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, (D.C. Law 8-163; D.C. Official Code § 6-623.04) to give great weight to OP recommendations. OP found exceptional conditions and practical difficulty to support the parking variance and found no harm to the zone plan or public good would result. The Board finds this advice to be persuasive.

However, contrary to OP's view, the Board is persuaded that the Applicant has demonstrated that exceptional conditions on the property result in a practical difficulty in complying with the restrictions on lot occupancy and the expansion of a nonconforming structure. Unfortunately, OP did not consider the dilapidated nature of the building or its unusual internal configuration in concluding that no exceptional conditions existed. Further, OP did not analyze whether the confluence of exceptional conditions made matter of right construction economically infeasible, as proven by the Applicant.

As to OP's concern that the lot area relief will substantially impair the zone plan and the public good, the Board is not persuaded that the additional intensity of use resulting from this grant will

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have this effect. First, the Board notes that the property is at the very edge of an R-4 zone and in essence juts into an adjacent C-2-A district where greater density is permitted. The property is bounded on the east by New Jersey Avenue, N.W. and on the south by Rhode Island Avenue, N.W. both of which are major commercial thoroughfares. The Board must judge the impact of a variance in the context in which the property is located and it is in this context that the Board is confident that no impairment to the zone plan will result. As to the public good, because OP did not consider the economic feasibility of matter of right development, it did not consider the stark choice presented, which is to either have the project proceed as proposed by the Applicant or have the property remain vacant for the foreseeable future. The Board concludes that permitting the development of the property will have a positive impact on the public good and therefore finds OP's conclusion to the contrary unpersuasive.

CONCLUSION

Based upon the record before the Board, and having given great weight to the ANC, OP, and DDOT reports filed in this case, the Board concludes that the Applicant has met the burden of proof for variance relief pursuant to 11 DCMR § 3103.2 from the zoning regulations regarding lot area (§ 401.3), nonconforming structures (§ 2001.3), and parking (§ 2101.1) to allow the Applicant to renovate and convert a vacant nonconforming corner building to a multiunit dwelling in the R-4 District at premises 1740 New Jersey Avenue, N.W. (Lot 9, Square 508N).

Accordingly, it is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE REVISED PLANS AT EXHIBIT 34 Tabs A, B, D, and E, and SUBJECT** to the following **CONDITIONS**:

1. The Applicant shall include in its residential leases a provision that prohibits tenants from obtaining a Residential Parking Permit ("RPP") or Visitor Parking Pass ("VPP") at the building approved by this BZA Order from the D.C Department of Motor Vehicles for the life of the project.
2. The Applicant shall record a covenant against the Property among the Land Records of the District of Columbia prohibiting any lessee or owner of the Property from obtaining an RPP or VPP at the building approved by this BZA Order for the life of the project.
3. If rented as an apartment, the Applicant shall, for a period of five years, provide the first occupant of each residential unit a \$100 car sharing membership, or a \$150 Capital Bikeshare membership, or a \$200 *Smart Trip* card. If sold as condominium units, the Applicant shall provide the first owners with the incentives mentioned herein and the Condominium Declaration and Bylaws shall contain, in their operating budget, a pro rata allocation to offer all new purchasers the incentives mentioned herein for five years from transfer of control of the Condominium from the declarant to the Condominium Board.
4. The Applicant shall provide seven covered and secure bicycle spaces in the building.

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5. The Applicant shall use reasonable efforts to lease four parking spaces from a nearby parking garage and make them available to residents at the Property.
6. The Applicant shall work with DDOT to close existing curbcuts, which provides additional public street parking space on Rhode Island Ave as well as additional space for parking on S Street, N.W.
7. The Applicant shall work with DDOT to provide space for a Capital Bikeshare Dock if and when a Capital Bikeshare Dock can be installed.

VOTE: **4-0-1** (Marnique Y. Heath, Lloyd J. Jordan, Jeffrey L. Hinkle, and Peter G. May to Approve; S. Kathryn Allen not present, not voting.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: May 18, 2015

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. 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.

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PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18935 of Sonja Sweek, as amended¹, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, to allow the construction of a two-story garage in the R-4 District, at premises 515 7th Street, S.E. (Square 877, Lot 853).

HEARING DATES: March 10, 2015 and April 28, 2015

DECISION DATE: April 28, 2015

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated October 22, 2014, from the Zoning Administrator, certifying the relief required for the original application. (Exhibit 7.) The Applicant amended the application verbally at the public hearing on April 28, 2015, to request a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, to allow the construction of a two-story garage in the R-4 District and that is the relief that the Board granted.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 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 written report in support of the application, dated February 12, 2015, indicating that at a regularly scheduled and duly noticed public meeting held on February 10, 2015, the ANC, with a quorum present, voted 7-1-2 to support the application.

¹ The Board accepted the Applicant's verbal amendment of the application at the public hearing on April 28, 2015, to request a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, to allow the construction of a two-story garage in the R-4 District. Thus, the Applicant requested and was granted permission to build a one story garage with mezzanine that increased the building's footprint on her lot to about 67.6% instead of the allowed 60% in an R-4 zone. She requested the application be heard as a Special Exception, rather than as variance relief, as in the original application, which allows coverage to 70%. The original application had requested variances from lot occupancy (§ 403.2) and height of accessory structures (§ 2500.4) and that was heard at the public hearing on March 10, 2015. The Office of Planning's ("OP") report under Exhibit 25 recommended denial of the original variance application. However, OP noted during its testimony on March 10, 2015, that it would support the application if the Applicant were to propose an addition allowable by special exception. Based on this recommendation, the Applicant revised its plans as shown in Exhibit 37 and amended the application, as described. However, those revised plans incorrectly reflect the height, as noted by the Board during the hearing. At the Board's request, the Applicant submitted another set of revised plans that accurately reflect the height and relief. (Exhibit 39.)

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The Office of Planning ("OP") submitted a timely report on the original application stating that it could not support recommending approval of the application for variances from lot occupancy (§ 403.2) and height (§ 2500.4) (Exhibit 25) and testified in opposition to that original application at the March 10, 2015 hearing. However, OP noted during its testimony on March 10, 2015, that it would support the application if the Applicant were to propose an addition allowable by special exception. Based on this recommendation, the Applicant amended the relief requested and revised the plans as shown in Exhibit 37 in time for the April 28, 2015 hearing. However, those plans incorrectly reflect the height, as noted by the Board during the hearing. At the Board's request, the Applicant submitted another set of revised plans that accurately reflect the height and relief. (Exhibit 39.)

The District Department of Transportation ("DDOT") submitted a timely report of no objection. (Exhibit 24.)

Letters in opposition were submitted to the record from the Capitol Hill Restoration Society and a neighbor. (Exhibits 33 and 32.)

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, to allow the construction of a two-story garage in the R-4 District. The only parties to the case were the Applicant and the ANC, which was in support of the application. 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, 223, and 403.2, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED THAT THIS APPLICATION IS HEREBY GRANTED SUBJECT TO THE REVISED PLANS AT EXHIBIT 39 OF THE RECORD.**

VOTE: **4-0-1** (Lloyd J. Jordan, Peter G. May, Marnique Y. Heath, and Jeffrey L. Hinkle to APPROVE; one seat vacant.)

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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: May 14, 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 SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18972 of Greenway Apartments L.P., pursuant to 11 DCMR § 3103.2 for a variance from the loading requirements under § 2201.1, and pursuant to § 3104.1, for a special exception from the new residential developments requirements under § 353, to construct a new residential development consisting of 69-72 multi-family rental housing units for seniors in the R-5-A District at premises 3605-3615 Minnesota Avenue, S.E. (Square 5410, Lot 800).

HEARING DATES: April 7, 2015 and May 5, 2015
DECISION DATE: May 5, 2015

SUMMARY ORDER

SELF CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 3.)

The Board of Zoning Adjustment (the "Board") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 7F, and to owners of property within 200 feet of the site.¹ The site is located within the jurisdiction of ANC 7F, which is automatically a party to this application. ANC 7F did not submit an official report related to the application. The Applicant testified that it had presented to the ANC twice. The Single Member District Commissioner for ANC 7F-06 submitted a letter in support of the application. (Exhibit 27.) The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 23.) The District Department of Transportation ("DDOT") submitted a report raising no objection to the approval of the application. (Exhibit 24.) A letter of support for the application was submitted by Ward 7 Councilmember Yvette Alexander. (Exhibit 25.) A neighbor testified in support of the application.

Variance Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance under § 3103.2 from the strict application of the loading requirements of § 2201.1. No

¹ The Board waived the requirement that the application be referred to D.C. Board of Education under § 353.2.

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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 the variance relief that the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1 for a special exception from the new residential developments requirements under § 353. 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 the Applicant has met the burden of proof, pursuant to 11 DCMR § 3104.1, 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 properties in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 7E1 – 7F (original plans), as revised by EXHIBITS 19C (survey and grading plans), 19E (landscape plans), and 19F (plans and elevations) (revised plans) and SUBJECT to the FOLLOWING CONDITIONS:**

1. The Applicant shall offer a one-year Capital Bikeshare and car share membership for the initial term of lease for new apartment residents.
2. The Applicant shall post all TDM commitments online and shall provide to each initial resident with links to goDCgo.com, WMATA Metrobus routes, and [DCBicycle](#) maps.

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3. The Applicant shall identify the property manager as the project's TDM Leader to advertise and build awareness of programs to residents.
4. The Applicant shall provide an information transit screen in the lobby area.

VOTE: **4-0-1** (Anthony J. Hood, Jeffrey L. Hinkle, Marnique Y. Heath, and Lloyd J. Jordan 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: May 15, 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

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BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-02
Z.C. Case No. 14-02
A&R Development Corporation, et al.
(First-Stage PUD and Related Map Amendment @ Various Lots in
Squares 5862, 5865, 5866, and 5867)
December 8, 2014

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held public hearings on June 16, 2014, June 19, 2014, and September 18, 2014, to consider applications from the District of Columbia ("District"), District of Columbia Housing Authority ("DCHA"), A&R Development Corporation ("A&R"), and Preservation of Affordable Housing, Inc. ("POAH") (collectively, the "Applicant"), for approval of a first-stage planned unit development ("PUD") and a PUD-related zoning map amendment to rezone Square 5862, Lots 137-143; Square 5865, Lots 243, 249, 254, 259, 260-280, 893, 963-978, and 992; Square 5866, Lots 130, 133-136, 141-144, 147-150, 152, 831-835; and Square 5867, Lots 143, 172-174, 890-891, and 898 (collectively the "PUD Site") from the R-5-A Zone District to the R-5-B and C-2-A Zone Districts. The Commission considered the applications 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 hearings were conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the applications.

FINDINGS OF FACT

The Application, Parties, and Hearing

1. On February 20, 2014, the Applicant filed applications with the Commission for the review and approval of a first-stage PUD and related zoning map amendment from the R-5-A Zone District to the R-5-B and C-2-A Zone Districts for the PUD Site. The PUD Site is generally bounded by Sumner Road to the north, Firth Sterling Avenue to the west, the Saint Elizabeths Hospital property to the south, and Wade Road to the east, all located in the southeast quadrant of the District. The PUD Site consists of: (i) Barry Farm residences, consisting of 432 low-income rowhouses, owned and managed by DCHA; (ii) Wade Apartments, consisting of 12 low-income units at the corner of Wade and Eaton Roads, owned and managed by DCHA; and (iii) eight vacant properties that are owned by the District. The proposed redevelopment will help to implement the Barry Farm Park Chester Wade Road Redevelopment Plan ("Small Area Plan"), which was approved by the Council of the District of Columbia on December 19, 2006, pursuant to resolution Res 16-0922.
2. The Applicant proposes to build a mixed-use development on the PUD Site that will bring new mixed-income housing, new public spaces, and new retail/service uses to the Anacostia neighborhood. The proposed development provides an overall density of 2.09 floor area ratio ("FAR"), as permitted under the moderate-density zone designation for the PUD Site. The PUD will include approximately 1,834,317 square feet of gross floor

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area devoted to residential uses, comprised of approximately 1,014 apartment units, 278 row dwellings, 46 flats (92 units), and 16 live/work spaces. Approximately 24.5% or 344 units of the total residential units will be replacement public housing units. The PUD will provide approximately 55,500 square feet of gross floor area devoted to new retail/service uses, a substantial amount of open space, including a large central park, and significant new public infrastructure, including roads and utility upgrades. The Applicant will provide a total of approximately 1,067 parking spaces dispersed throughout the PUD Site. On-street parking will also be provided throughout the PUD Site.

3. At its public meeting held on March 31, 2014, the Commission voted to schedule a public hearing on the application.
4. On April 10, 2014, the Applicant submitted a Prehearing Statement. (Exhibit ["Ex."] 16-16J.) The Prehearing Statement included additional information regarding the phasing of the PUD; the PUD's sustainable and green building initiatives; the distance of the PUD Site to nearby Metrobus lines and the Anacostia Metrorail station; additional information regarding the site planning approach and design concepts as they relate to the apartment houses and row dwellings; and the additional materials required pursuant to § 3013 of the Zoning Regulations.
5. On May 27, 2014, the Applicant submitted a Supplemental Prehearing Statement. (Ex. 25-25C5.) This submission included a Transportation Impact Study prepared by CH2M Hill, dated May, 2014 (Ex. 25B1-25B4), which was submitted to the District Department of Transportation ("DDOT") and a schematic master plan dated May 27, 2014 (Ex. 25C1-25C5), which superseded all plans previously filed for the PUD and included refined designs that responded to feedback from the Office of Planning ("OP"), DDOT, the Commission, and the community.
6. On June 3, 2014, the Barry Farms Tenants and Allies Association ("BFTAA") filed a Party Status Request to participate at the hearing in opposition to the PUD application. (Ex. 27.) Formed in 2012, BFTAA is an association whose members include some current residents of the Barry Farm and Wade Road apartments who oppose the proposed redevelopment. According to its Request for Party Status submission, BFTAA has at least 25 participating members. The Applicant did not oppose BFTAA's request for party status.
7. After proper notice, the Commission held a public hearing on the application on June 16, 2014. At the public hearing, the Commission denied BFTAA's Party Status Request based on the finding that the BFTAA is not uniquely affected by the PUD application. At the close of the June 16th hearing, the Commission also scheduled a continuation hearing for June 19, 2014.

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8. By letter dated June 16, 2014, BFTAA requested that the Commission reconsider the Commission's denial of BFTAA's party status request, and requested that the Commission grant a rehearing on the case. (Ex. 45.) At the June 19, 2014 hearing, the Commission granted BFTAA's request for party status, but denied BFTAA's request for a rehearing. The Commission granted BFTAA the opportunity to cross-examine the Applicant's witnesses who testified on the June 16, 2014 hearing, and BFTAA cross-examined the Applicant's primary witnesses. (Transcript ["Tr."] dated 6/19/2014, pp. 77-105.)
9. The parties to the case were the Applicant, Advisory Neighborhood Commission ("ANC") 8C, the ANC within which the PUD Site is located, and BFTAA.
10. At the June 16, 2014 hearing, the Applicant submitted a copy of a report prepared by Mr. Steven E. Sher and the hearing PowerPoint presentation. (Ex. 41, 42.) In addition, the following principal witnesses testified on behalf of the Applicant: Stephen M. Green, Director of the Office of Capital Programs at DCHA, on behalf of the Applicant; Feras Qumseya, Vice President of Development at A&R, on behalf of the Applicant; Rodger Brown, Managing Director of Real Estate at POAH, on behalf of the Applicant; Matthew Bell, architect, on behalf of Perkins Eastman Architects; Richard Staudinger, civil engineer, on behalf of CH2M Hill; and Steven E. Sher, Director of Zoning and Land Use Services, on behalf of Holland & Knight, LLP. Based upon their professional experience, as evidenced by the resumes submitted for the record, the Commission qualified Mr. Bell as an expert in architecture and urban design; Mr. Staudinger as an expert in transportation and civil engineering, and Mr. Sher as an expert in land use and zoning. The following individuals also testified in support of the application: Kimberly Black King, Director of the New Communities Initiative ("NCI"), on behalf of the Executive Office of the Mayor through the Deputy Mayor's Office for Planning and Economic Development ("DMPED"), and Councilmember Marion Barry.
11. At the June 16, 2014 hearing, OP and DDOT testified in support of the PUD.
12. At the June 16, 2014 hearing, one individual testified in opposition to the application, and another individual submitted a list of questions, to which the Commission requested the Applicant submit answers prior to the June 19, 2014 hearing.
13. On June 13, 2014, ANC 8C submitted a letter regarding the application. (Ex. 38.) ANC 8C's letter indicated that on May 7, 2014, at a duly noticed public meeting at which notice was properly given and a quorum was present, ANC 8C voted 5-0-1 to not support the application. The letter indicated that at its June 4, 2014 meeting the ANC received no additional information about the PUD, and that it was recommended that the ANC meet again on June 10, 2014. ANC 8C's letter indicated that on June 10, 2014, the Applicant presented additional information regarding the issues of density on the PUD Site, and that the ANC voted 3-0-1 to support the application if the Applicant reduces the quantity of

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- units to 1,200. The letter noted that the community has been waiting for redevelopment of the PUD Site for years, but that the Applicant's proposed density is too high.
14. At the June 19, 2014 hearing, Mary Cuthbert, Chair of ANC 8C, presented testimony and witnesses regarding the application. ANC 8C members and their witnesses stated their desire to have a maximum of 1,200 dwelling units on the PUD Site, to reduce the proposed density, and to provide housing types that are appropriate for existing residents of Barry Farm and the surrounding community.
 15. At the June 19, 2014 hearing, a representative for BFTAA, cross-examined the Applicant and OP, and presented testimony in opposition to the application. Will Merrifield, staff attorney with the Affordable Housing Initiative at the Washington Legal Clinic for the Homeless; Nancy MacWood; Josef Fuentes; and Schyla Pondexter-Moore also testified on behalf of BFTAA in opposition to the Application. Based upon his professional experience, as evidenced by the resume submitted for the record, the Commission qualified Mr. Fuentes as an expert in architecture. Testimonies of the BFTAA's witnesses are included in the record. (Ex. 56, 62, 71.)
 16. At the June 19, 2014 hearing, four persons testified in support of the application and nine persons testified in opposition to the application. In addition, the following persons and organizations submitted letters in support of the application: Excel Academy Public Charter School (Ex. 36); United Black Fund, Inc. (Ex. 40); Barry Farm Resident Council (Ex. 44); Absalom Jordan, an ANC 8D Commissioner (Ex. 49); and Reverend James E. Coates (Ex. 52). The Committee of 100 on the Federal City submitted a letter in opposition. (Ex. 48.)
 17. At the June 19, 2014 hearing, OP testified in support of the application.
 18. On July 10, 2014, BFTAA and ANC 8C submitted a joint resolution ("Joint Resolution") stating their support for the PUD, subject to a number of conditions. (Ex. 68.) The conditions included the following:
 - a. The Applicant shall not exceed the density objectives of the Small Area Plan (1,110 units across three subdivisions) Barry Farm Dwellings, Wade Road Apartments, and Park Chester Apartments;
 - b. The Applicant shall guarantee in writing a one for one replacement of all current public housing units (approximately 450 units) to be renovated or reconstructed on-site at Barry Farm with the same ratio of bedroom unit sizes and under the same resident lease criteria and conditions as currently in place for all residents;

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- c. All current Barry Farm affordable public housing units will be renovated and or reconstructed on-site at Barry Farm of equal quality and furnishings as any market-rate units which may be constructed;
- d. The PUD review shall be halted until open and public phasing planning meetings are held starting as soon as possible. At least four public meetings shall be held over the next six months in a public venue with all Barry Farm residents invited with proper written notice to both those living on-site and off-site as well as members of BFTAA, Barry Farm Residents Council ("BFRC"), ANC 8C, and the Applicant;
- e. Phasing plans must allow all Barry Farm residents the right to remain on-site at Barry Farm during implementation of any redevelopment or renovation. The Applicant shall not compel any Barry Farm residents to relocate or move off-site without agreement of the affected residents(s) to be able to return under the same leasing criteria and conditions as well as return to a unit of equal bedroom sizes if their family composition matches the unit criteria;
- f. During phasing planning, a survey of all Barry Farm residents who have been transferred off-site shall be conducted by the Applicant, with oversight from BFTAA, BFRC, and the ANC 8C, to determine if these off-site residents want to come back on-site to Barry Farm;
- g. During phasing planning, a thorough survey, study, and then public reporting of the efficacy and capacity of the public infrastructure (i.e., lighting, roads, alleys, sewers, etc.) currently in place and/or proposed. The Applicant shall be responsible for a significant portion of the utility upgrade costs;
- h. During phasing planning, open and transparent public charrettes with all Barry Farm residents as well as ANC 8C, BFTAA, and BFRC to discuss additional needed project amenities, like larger backyards with fencing, landscaping, and additional playground areas throughout the development;
- i. During phasing planning the Applicant must coordinate with other city agencies like the Department of Housing and Community Development ("DHCD") and Department of Small and Local Business Development ("DSLBD"), among other city and federal agencies that can provide assistance, in order to provide much broader and detailed public discussion, understanding and implementation of home and small business opportunities, including that of cooperative home and business ownership models, all prioritized for Barry Farm residents first;

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- j. Phasing plans must result in ALL Barry Farm residents, living on- or off-site having an affirmative understanding of a more certain future for them and their families pertaining to the redevelopment process;
 - k. The public property associated with this PUD application shall remain public;
 - l. Any property management companies, private or public, shall be retained for Barry Farm after consultation and written agreement and selection by BFTAA, BFRC, and ANC 8C; and
 - m. ANC 8C and BFTAA will demonstrate good faith interest in granting a five-year approval for the first-stage PUD application if the Applicant agrees to the conditions listed below:
 - (1) All Barry Farm residents who may be in rental arrears shall receive a complete waiver of the full amount of any delinquent rent that may or may not have been litigated or adjudicated already in landlord tenant court;
 - (2) If within one year of this agreement the Applicant has not secured all project financing needed to move forward to the second stage, then all units currently inhabited by Barry Farm residents, and any other on-site units as reasonably determined, shall be fully renovated. All renovation costs shall be paid by the Applicant, and Barry Farm residents will be hired first for the renovation jobs using a reasonable applicant process. A renovation budget shall be approved in writing by BFTAA, BFRC, and ANC 8C, not to exceed 30 million dollars; and
 - (3) The Applicant shall not compel any Barry Farm residents to relocate or move off-site without agreement of the affected resident(s) in writing guaranteeing that said resident be able to return under the same leasing criteria and conditions, as well as be able to return to a unit of equal bedroom size if their family composition matches the unit criteria, with inclusion and first preference being offered to Barry Farm residents to remain in the community should family composition be downsized.
19. On July 11, 2014, Mayor Vincent Gray submitted a letter expressing strong support for the PUD application. (Ex. 69D.) The Mayor stated his belief that the master plan is comprehensive and innovative, as it seeks to deliver replacement public housing units and has the potential to be a catalyst that can lead to positive changes in the immediate community and beyond. The Mayor's letter also stated that the aging and deteriorating conditions of the existing units call for redevelopment of the PUD Site, which will introduce new commercial and retail into the community.

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20. On July 14, 2014, the Applicant submitted a post-hearing submission. (Ex. 69-69L.) The post-hearing submission included: (i) a revised site plan addressing DDOT's comments regarding street layouts; (ii) a revised list of transportation demand management ("TDM") measures incorporating DDOT's recommendations; (iii) additional information regarding the Applicant's community outreach and engagement process; (iv) additional information regarding unit mix, size, and anticipated demand for housing on the PUD Site, particularly with respect to replacement public housing units; (v) further explanation regarding the PUD's projected development schedule; (vi) information regarding the Applicant's relocation plan and process, project phasing, return criteria, replacement vs. repair of existing structures on the PUD Site, and precedents for resident participation in homeowner associations; (vii) the PUD's compliance with the Small Area Plan and the District of Columbia Comprehensive Plan; and (viii) information regarding First Source Employment and resident hiring commitments.
21. On July 14, 2014, OP submitted a supplemental report, which included a description of the PUD's consistency with the Small Area Plan, the current area median income ("AMI") levels, and comments from the Metropolitan Police Department on the proposed project. (Ex. 70.) With respect to the consistency of the PUD with the Small Area Plan's recommendations, the OP report stated that "the proposed development helps to achieve this vision [of the Small Area Plan] while addressing other District goals and objectives as well, and acknowledging that, since the time that the [Small Area] Plan was developed, construction costs have continued to increase." (OP Supplemental Report, p. 1.) The OP report also stated that the then-proposed FAR of 2.42 (1,646 units) is not inconsistent with the Comprehensive Plan, particularly given the nature of the development and the affordable housing, green space, environmental and streetscape improvements, neighborhood retail, and other policy directions being furthered by the project. Finally, the OP report notes that at the time the Small Area Plan was developed, Inclusionary Zoning regulations were not in place and the Small Area Plan did not call for any affordable units beyond the replacement units. However, the OP report affirmed that the PUD will include affordable housing in addition to the replacement public housing units to ensure that the redevelopment is a mixed-income community with many housing options.
22. On July 21, 2014, the Applicant submitted a letter in response to the Joint Resolution. (Ex. 78.) The Applicant's letter provided answers to each of BFTAA and the ANC's requests and provided a substantive basis for those recommendations with which the Applicant did not agree.
23. On July 21, 2014, ANC 8C submitted a letter in response to the Applicant's July 14, 2014 post-hearing submission. (Ex. 74.) The letter set forth the ANC's primary concerns, which included the Applicant's proposed density and affordability levels for the PUD

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Site and the Applicant's relocation and return plans for Barry Farm residents. The letter also set forth the following requests from ANC 8C to the Commission:

- a. Request that 450 Barry Farm units be fully reconstructed on-site and that the replacement public housing units not be counted toward any development incentives;
 - b. Require the Applicant to provide a greater number of affordable housing units for residents earning incomes scaled at equal increments of 30%t AMI, to 40% AMI, to 50% AMI, to 60% AMI, to 70% AMI, up to 80% AMI;
 - c. Ensure that no public land be conveyed into private hands through the PUD; and
 - d. Require the Applicant to sign a Memorandum of Agreement ("MOA"), modeled off of the ANC 8C Joint Resolution (Ex. 68), and if the Applicant refuses, request that the Commission deny the PUD application outright.
24. On July 21, 2014, BFTAA also submitted a letter in response to the Applicant's post-hearing submission dated July 14, 2014. (Ex. 75.) BFTAA's letter included the following requests:
- a. Require that the Applicant's phasing plans include "build first" requirements to allow current residents to stay on the PUD Site during redevelopment planning and construction;
 - b. Require that the Applicant give current residents first priority in developing small business opportunities and meaningful home ownership opportunities;
 - c. Require that the Applicant reduce the number of units and building heights proposed for the PUD Site;
 - d. Require that the Applicant increase coordination of planning with the Park Chester redevelopment, explain coordination of utility and infrastructure upgrades, and explain why the public land will be conveyed to private developers; and
 - e. Require that the Applicant provide more detailed information regarding phasing planning and return criteria, and require the Applicant to work with ANC 8C to sign the MOA.
25. On July 21, 2014, OP submitted a second supplemental report that responded to the Applicant's post-hearing submission dated July 14, 2014. (Ex. 73.) The report provided information on the Applicant's revised site plan; the Applicant's community outreach and

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- engagement process; the mix of unit types and affordability; the Applicant's proposed development schedule; information regarding existing public housing units and residents; compliance with applicable planning documents; and information regarding First Source employment and the Applicant's resident hiring commitment. The OP report stated that the additional information submitted demonstrates that the PUD would have a significant mix of affordability as well as a mix of unit types, including replacement public housing and workforce housing units. The OP report also affirmed its support for the Applicant's request to extend the validity of the PUD from one year to three years, and reinforced OP's position that the affordability and density proposed for the PUD Site are not inconsistent with the Comprehensive Plan and the Small Area Plan.
26. On July 22, 2014, BFTAA submitted a motion to strike from the record the Applicant's July 21, 2014 response to ANC 8C and BFTAA's Joint Resolution. (Ex. 79.) The Commission denied the request based on its finding that the Applicant's submission was timely filed (July 28, 2014 Tr., p. 131.)
 27. On July 22, 2014, OP submitted a request for the Commission to waive its rules for late submittal in order to accept a letter from the Metropolitan Police Department ("MPD"). At the June 19th hearing, the Commission requested that OP check with MPD regarding any safety concerns. (June 19, 2014 Tr., p. 324.) OP submitted the MPD letter, which indicated MPD's support for the PUD. (Ex. 80.) The MPD letter states that members of the MPD reviewed the PUD application and expressed support for the demolition of the existing buildings and the redevelopment of the PUD Site with a mixed-income neighborhood.
 28. On July 25, 2014, BFTAA submitted a request for additional hearings so that all parties could review and respond to the additional information submitted to the record on July 21 and 22, 2014. (Ex. 81.)
 29. At the July 28, 2014 public meeting, the Commission did not take proposed action and instead scheduled a further public hearing on the application, pursuant to 11 DCMR § 3025.2, to be held on September 18, 2014. The Commission limited the scope of the hearing to testimony regarding the following issues: (i) the Applicant's master plan; (ii) the Applicant's affordability commitment; (iii) the density of the proposed development; and (iv) the Applicant's relocation plan and process.
 30. On September 5, 2014, the Applicant submitted information regarding the issues raised by the Commission at the July 28, 2014 public meeting. (Ex. 83-83F.) This submission included a revised master plan with 1,423 proposed units (a 14% reduction). The Applicant's September 5, 2014 submission also included a detailed description of the revised unit count and typology, revised public spaces, revised building layouts, and revised street designs. This submission also included the Applicant's commitment to provide 344 replacement public housing units and a minimum of 285 affordable housing

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- units (20% of the 1,423 units then-proposed) devoted to households earning up to 80% of the AMI. The Applicant provided an analysis of how the revised density for the PUD Site is consistent with the Small Area Plan and is necessary to attract new retail uses to the area. The Applicant also provided an explanation of the infrastructure costs associated with developing the PUD Site and the types of proposed improvements. Finally, the Applicant provided a detailed analysis of its relocation and return plan for current residents and included a flow chart showing DCHA's relocation and return process (Ex. 83B), a detailed description of each step of the process (Ex. 83C), a notice of DCHA's July 21, 2014 meeting with the community to describe the relocation process (Ex. 83D), and a copy of the sign-in sheets from this meeting (Ex. 83E).
31. Following the Applicant's September 5, 2014 submission, the Applicant further reduced the unit count on the PUD Site to 1,400 units, as indicated on the Applicant's PowerPoint presentation slides (Ex. 84) and as stated by the Applicant at the September 18, 2014 hearing. (Ex. 86; September 18, 2014 Tr., p. 12.)
 32. In response to comments raised at the September 18, 2014 hearing, the Applicant updated its affordable housing commitment to (i) provide 344 replacement public housing units devoted to households earning up to 30% of the AMI, and (ii) dedicate 20% of the total housing units on the PUD Site as affordable rental or homeownership units, with the rental affordable units devoted to households earning up to 60% of the AMI and the homeownership affordable units devoted to households earning up to 80% of the AMI.
 33. At the September 18, 2014 limited scope public hearing, the Applicant presented three witnesses: Feras Qumseya of A&R Development; Matt Bell of Perkins Eastman; and Janice Burgess, Deputy Director for Planning in the Office of Capital Programs at DCHA. Kimberly Black-King on behalf of DMPED also testified in support of the application.
 34. Feras Qumseya's testimony summarized the Applicant's work since the previous public hearing. Mr. Qumseya testified to the Applicant's commitment to create approximately 1,400 housing units on the PUD Site, instead of 1,646 units as previously proposed. Mr. Qumseya explained the Applicant's process of revising its master plan to better incorporate input from the community and city agencies. Mr. Qumseya also explained the Applicant's extensive community outreach that occurred since the July 28, 2014 public meeting. (Ex. 86.)
 35. Mr. Bell presented the Applicant's revised master plan. The revised master plan focuses on creating a safe, accessible neighborhood with a diversity of housing types, neighborhood-serving retail, open park space, and connections to the surrounding neighborhood and transportation facilities. The revised master plan includes the overall themes of health, safety, connection, and diversity, all of which tie in to the Applicant

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- and the District's vision for the PUD Site. Mr. Bell presented the master plan through a PowerPoint presentation. (Ex. 84.)
36. Ms. Burgess of DCHA presented a detailed explanation of DCHA's relocation plan for current Barry Farm residents. Ms. Burgess described in detail DCHA's proposed relocation process. (Ex. 85.)
 37. Ms. Black-King's testimony summarized DMPED's view that the PUD is fully consistent with the guiding principles of the NCI, which is a program that was developed, adopted, and administered by DMPED. Ms. Black-King also testified that the proposed density and affordability levels are appropriate for the PUD Site. (September 18, 2014 Tr., pp. 191-194.)
 38. At the September 18, 2014 hearing, Detrice Belt, Chair of BFTAA, testified on behalf of BFTAA. Ms. Belt cross-examined the Applicant and presented testimony in opposition to the application. BFTAA presented two witnesses in opposition to the application: Bret Williams and Leonard Watson. Based upon her professional experience, as evidenced by the resume submitted for the record, the Commission qualified Ms. Williams as an expert in history. (Ex. 90.)
 39. BFTAA's testimony focused on issues relating to density, affordability, privatization of public land, phasing, and failed attempts at finding common ground with the Applicant. With respect to density, BFTAA argued that the Small Area Plan calls for the redevelopment of 1,110 new units to be constructed across Barry Farm, Wade Road, and Park Chester, and that because the Applicant proposes to build 1,400 units across Barry Farm and Wade Road only, the Applicant is proposing to build 200 more units than recommended in the Small Area Plan on two-thirds of the land area. BFTAA stated that this proposal contravenes the Small Area Plan, the Comprehensive Plan Future Land Use Map, the underlying zone districts, and the Comprehensive Plan, and argued that the level of proposed density demonstrates the Applicant's disregard for the housing desires of current residents.
 40. With respect to affordability, BFTAA testified that the PUD does not adhere to the underlying policies of the Small Area Plan or the NCI. BFTAA asserted that the Small Area Plan and the NCI both call for a unit mix of one-third replacement public housing units, one-third affordable units, and one-third market-rate units, but that the Applicant's plan provides that 54% of the units will be market-rate. BFTAA also testified that the units proposed to be dedicated to households earning 80% of the AMI are not "affordable," and requested the Applicant to create a spectrum of affordable units.
 41. With respect to BFTAA's additional issues, BFTAA stated that the Applicant did not provide sufficient details regarding the scope of land privatization on the PUD Site or

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- sufficiently explain the rationale or loss of financial value to public assets upon privatization. BFTAA asserted that the Applicant did not provide a predictable or acceptable phasing plan, and stated that the U.S. Department of Housing and Urban Development (“HUD”) Housing Choice Voucher program is inadequate to support displaced Barry Farm residents. BFTAA also asserted that the Applicant does not have a positive track record in obtaining funding streams from HUD’s Choice Neighborhoods program, and doubted whether the Applicant could do so in the future.
42. In connection with its testimony at the September 18, 2014 hearing, BFTAA submitted an affidavit from the Barry Farm Residents Council and an affidavit from Phyllissa Bilal, co-founder of the Barry Farm Study Circle. (Ex. 88, Attachment A.) In its testimony, BFTAA referenced a letter submitted by the Committee of 100 (*Id.*), which requested the city to rework the NCI to help public housing residents before the Commission makes a decision regarding the Barry Farm PUD. (*Id.*)
43. At the September 18, 2014 hearing, BFTAA’s expert in history, Ms. Williams, testified to the negative impacts that relocation has on poor families. Ms. Williams testified that in her opinion, relocation of Barry Farm residents would negatively affect their physical and mental health, impede their social wellbeing, and destroy the existing community. In response to Ms. Williams’s testimony, BFTAA urged the Applicant to produce a social impact statement. (Ex. 88, p. 5.)
44. Mr. Watson’s testimony explained his involvement working with ANC 8C and BFTAA to find common ground with the Applicant. Mr. Watson explained his role in drafting the Joint Resolution, the ANC 8C and BFTAA MOA, and a letter from ANC 8C and BFTAA to DCHA. (Ex. 89; September 18, 2014 Tr., pp. 132-139.)
45. As indicated in ANC 8C’s Resolution dated September 23, 2014 (Ex. 92)¹, on September 10, 2014, the Applicant presented its updated master plan, which included 1,400 units, and its detailed relocation plan and process to ANC 8C. At this duly noticed, regularly scheduled public meeting, at which a quorum was present, ANC 8C voted unanimously to support the PUD. ANC 8C submitted a resolution to the record in support of the project, which states that the ANC engaged with the Applicant to better understand the Applicant’s plan for the PUD Site and to advocate for the community’s interests. (Ex. 92.) The ANC’s resolution includes the following eight commitments:
- a. In conjunction with the District of Columbia’s New Communities Initiative, DCHA has or will produce 100 units of replacement housing units (35 units at Matthews and 65 units at Sheridan Station) for the Barry Farm Community;

¹ A nearly identical resolution dated September 18, 2014 was also submitted by ANC 8C. (Ex. 87.) The substance of the resolution was the same as the resolution September 23, 2014.

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- b. DCHA will replace the balance of the 344 public housing units on the Barry Farm/Wade Apartments footprint;
 - c. DCHA will give former Barry Farm/Wade Apartments residents first priority to occupy the 344 replacement housing units;
 - d. DCHA will survey all current Barry Farm families to determine their housing needs, preferences, and special circumstances within the next 60 to 90 days;
 - e. DCHA is committed to providing relocation housing options that will include public housing units at other developments and for those who qualify, housing choice vouchers. DCHA will apply to the U.S. Department of Housing and Urban Development for vouchers pursuant and subsequent to the demo-dispo application approval;
 - f. DCHA will conduct and submit the Environmental Site Assessment to the D.C. Department of Housing and Community Development (DHCD) within the next 60 to 90 days and collaborate with DHCD to ensure the completion of the review within 90 days post submission;
 - g. DCHA will request \$13 million from the Office of the Deputy Mayor for Planning and Economic Development under the New Communities Initiative for FY 2014 and request an addition of at least \$17 million for FY 2015; and
 - h. DCHA will request funding from the District to fund a Local Rent Supplement Program for the Barry Farm/Wade Road Apartments residents.
46. The Commission finds that items (a) and (b) are properly part of this application and that the Applicant is in compliance with these stated commitments. However, the Commission finds that the remaining items are related to DCHA's operations, which is not a zoning issue and not properly decided by this Commission.
47. On October 3, 2014, BFTAA submitted a motion for an extension of time in which to file its proposed findings of fact and conclusions of law. (Ex. 94.) On October 6, 2014, the Applicant submitted a motion opposing BFTAA's motion for a time extension because the extension would be prejudicial to the Applicant and to the Commission's process. (Ex. 95.)
48. The Commission granted BFTAA's requested time extension such that BFTAA's proposed order was due on October 16, 2014.

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49. On October 16, 2014, the Applicant submitted revised findings of fact and conclusions of law. (Ex. 97.)
50. On October 16, 2014, BFTAA submitted its proposed findings of fact and conclusions of law. (Ex. 98.)
51. On October 16, 2014, BFTAA filed a motion requesting recusal of Commissioner Cohen. (Ex. 100.)
52. At its public meeting held on October 20, 2014, the Commission voted to deny BFTAA's recusal motion because, contrary to BFTAA's allegations, Commissioner Cohen does not have any personal knowledge of the disputed evidentiary facts concerning this proceeding, outside of the evidence presented in the record. The Commission took proposed action to approve the application and referred the action to the National Capital Planning Commission ("NCPC").
53. On October 27, 2014, the Applicant filed its list of proffers and draft conditions. (Ex. 102.)
54. On November 10, 2014, the Applicant requested additional time to submit its final list of proffers and draft conditions. (Ex. 103.)
55. On November 13, 2014, the Applicant submitted its final list of proffers and draft conditions. (Ex. 104.)
56. The Commission took final action to approve the application on December 8, 2015.
57. NCPC, by action dated November 6, 2014, found that the proposed PUD would not be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 105.)

The PUD Project

58. The PUD Site is situated in the Anacostia neighborhood of Ward 8 and is zoned R-5-A. The PUD Site consists of Square 5862, Lots 137-143; Square 5865, Lots 243, 249, 254, 259, 260-280, 893, 963-978, and 992; Square 5866, Lots 130, 133-136, 141-144, 147-150, 152, 831-835; and Square 5867, Lots 143, 172-174, 890-891, and 898. The PUD Site is generally bounded by Sumner Road to the north, Firth Sterling Avenue to the west, the Saint Elizabeth's Hospital property to the south, and Wade Road to the east. The PUD Site includes approximately 1,106,850 square feet (25.4 acres) of land and approximately 378,163 square feet (8.6 acres) of public streets and alleys. (Ex. 69B.) The PUD Site is currently developed with the Barry Farm residences (432 low-income row dwellings); Wade Apartments (12 low-income apartment units); and eight vacant lots along Wade Road. To the west of the PUD Site, across Firth Sterling Avenue, are

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industrial uses in the C-M-1 Zone District; to the north is the new Barry Farm Recreation Center and the Excel Academy Charter School in the R-5-A Zone District; to the east is the Park Chester apartments and row dwellings in the R-5-A Zone District; and to the south is the St. Elizabeth West campus with the U.S. Department of Homeland Security offices, which is unzoned.

59. Barry Farm is part of the District's NCI, which has a goal of replacing areas of solely public housing with revitalized mixed-income and mixed-use communities. One of NCI's primary goals is to "build first," by constructing units off-site and in the community of the affected property to provide housing for residents in their base community during redevelopment. As part of the Barry Farm NCI, 60 replacement units have already been constructed for Barry Farm families in Matthews Memorial Terrace, located at 2632 Martin Luther King Jr. Avenue, S.E., and Sheridan Station Phase I, located at 2516 Sheridan Road, S.E. Sheridan Station Phase III is currently under construction and will deliver 40 additional replacement public housing units for Barry Farm families. DCHA will manage future relocation of Barry Farm families in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 and in conjunction with current Barry Farm residents.
60. The Applicant proposes to demolish the existing Barry Farm and Wade Road Apartments and replace them with a mixed-use, mixed-income community with a variety of housing types and sizes; new retail and services uses to provide for the everyday needs of the residents; extensive new open space and parks; and improved infrastructure, circulation and pedestrian connections. The master plan divides the PUD Site into 21 individual parcels that provide an overall density of 2.09 FAR, which is consistent with the moderate density zone designation for the PUD Site, as shown on the Comprehensive Plan Future Land Use Map.
61. Residential Component: The PUD will include approximately 1,834,317 square feet of gross floor area devoted to residential uses, comprised of approximately 1,014 multi-family dwelling units, 278 row dwellings, 46 flats (92 units), and 16 live/work spaces. Approximately 24.5% of the total residential units will be replacement public housing units, which will be affordable to households earning up to 30% of the AMI. An additional 20% of the housing units on the PUD Site will be affordable to households earning between 60% and 80% of the AMI.
62. The Applicant will be requesting the Zoning Administrator to exempt the PUD from the Inclusionary Zoning requirements pursuant to § 2602.3(f) of the Zoning Regulations. Even if granted, the Applicant's proposed public housing commitment provides significantly more affordable housing units than would be required under the Inclusionary Zoning provisions of the Zoning Regulations, which only require that 10% of the total residential units (approximately 140 units) be set aside as affordable, with

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50% of those units devoted to households earning up to 50% of the AMI and 50% of those units devoted to households earning up to 80% of the AMI.

63. Multi-family dwellings will be located on parcels 1A, 1B, and 3 and on portions of parcels 2 and 5 along Firth Sterling Avenue and Sumner Road. These buildings will be up to five stories in height, with one-, two-, and three-bedroom units. The buildings on parcels 1A, 1B, and 2 are designed to accommodate ground-floor retail, service, educational, or office uses, with podium or below-grade parking and residential units accessed through the ground-floor lobby. Parcels 8, 9, 10, 11, 12, and 16, and portion of parcels 2, 5, 6, and 7, will contain row dwellings with integrated garages and small rear yards; parcels 13, 14, and 15 will provide a mix of flats and row dwellings. The flats are two-family dwellings, each with a self-contained two-car garage accessed from a rear alley. The row dwellings encompass traditional row house design, with three stories and a detached garage accessed from a rear alley that includes a second-story ancillary unit. A portion of parcels 6 and 7 will contain live/work units, with ground-floor commercial space and residential use above. The balance of the parcels will be developed as open space.
64. Open Space: The PUD will provide a substantial amount of open space, including a large central park and significant new public infrastructure, including roads and utility upgrades. The central park is located within two blocks of every residential unit within the PUD Site, and will appeal to multiple interest groups, including seniors, children, and families.
65. Street Connectivity: The master plan incorporates and slightly realigns the existing streets within the PUD Site, and proposes new east-west and north-south streets to create a grid pattern with smaller pedestrian-friendly blocks. These proposed blocks will provide enhanced connectivity within the community and will provide additional security within the development by providing new and better views and additional eyes and ears on the street. The street grid will provide excellent vehicular, pedestrian, and bicycle access to public transportation and to existing and proposed neighborhood amenities, such as the Barry Farm Recreation Center and the proposed new open spaces; and will improve the orientation of a number of the proposed buildings as they address the streets. Sidewalks throughout the PUD Site will range from six to 10 feet wide, with the wider sidewalks along Sumner Road, which is the main pedestrian way and will contain the majority of the new ground-floor retail/service uses.
66. Parking and Loading: The Applicant will provide approximately 899 residential parking spaces and approximately 168 retail/service parking spaces dispersed throughout the PUD Site. The buildings will provide on-site parking in podium and/or below-grade garages for the apartment buildings and in private garages for the row dwellings and flats. Additional on-street parking will also be provided throughout the PUD Site. Loading

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facilities to serve the mixed-use residential and retail/service buildings will be shared between the multiple uses in order to reduce the size and number of berths and the area dedicated to loading.

Duration of First-Stage PUD Approval and Phased Development

67. Pursuant to § 2407.10 of the Zoning Regulations, a first-stage PUD is normally valid for a period of one year unless a longer period is specified by the Commission. The Applicant initially requested that the first-stage PUD to be valid for a period of three years from the effective date of the order granting the same. Based upon the Commission's comments at the public meeting on October 20, 2014, the Applicant revised its proposed phasing schedule and committed to the filing of all second-stage applications within a 10-year period. The proposed 10-year duration of the first-stage approval would subject to each of following milestones being met, such that the approval would expire upon the failure of any of the following to occur:
- a. A second-stage application must be filed for at least four parcels (Phase I of development) within two years after the effective date of this Order;
 - b. A second-stage application must be filed for at least four additional parcels (Phase II of development) within two years after the effective date of the order granting second-stage approval for Phase I;
 - c. A second-stage application must be filed for at least four parcels (Phase III of development) within two years after the effective date of the order granting second-stage approval for Phase II; or
 - d. A second-stage application must be filed for the remaining parcels (Phase IV of development) within two years after the effective date of the order granting second-stage approval for Phase III.
68. All second-stage applications must be filed within 10 years of the effective date of this Order.
69. The Commission finds that the additional time is necessary to allow the Applicant to proceed through the HUD funding and disposition processes; initiate predevelopment activities; and further engage with the community and existing residents. The Commission notes that approval of the pending first-stage PUD application is the first step in the process and is a critical component necessary to trigger other steps to move forward with implementation of redevelopment of the PUD Site. Further the 10-year period is subject to each of the milestones being met. Thus, the Applicant will be motivated to develop the project as required above in order maintain the validity of the first-stage PUD.

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70. The Commission credits the Applicant's testimony that the Applicant intends to move forward with the PUD in multiple phases, considering the size of the PUD Site, market conditions, and the availability of financing, which are difficult to predict. The Commission also notes that the Applicant has committed that, since public housing units are expected to comprise 24.5% of the total project unit count, each phase will be comprised of a proportionate number of replacement public housing units. The Applicant submitted a description of the potential phasing sequence. (Ex. 69.)
71. The Commission finds that the Applicant's general phasing plan provides flexibility to address market conditions and is appropriate for this project.

Development Under Existing Zoning

72. The PUD Site is currently zoned R-5-A. R-5 Zone Districts are general residence districts designed to permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for the applicable zone district. The maximum height permitted by right in the R-5-A Zone District is 40 feet, and the maximum permitted density is 1.08 FAR, utilizing Inclusionary Zoning bonus density. A PUD in the R-5-A Zone District may achieve a maximum height of 60 feet and a maximum density of 1.0 FAR.
73. The Applicant is requesting a PUD-related zoning map amendment to rezone portions of the PUD Site to the R-5-B Zone District, and the remaining portions of the PUD Site to the C-2-A Zone District. The maximum height permitted by right in the R-5-B Zone District is 50 feet, and the maximum permitted density is 2.16 FAR, utilizing Inclusionary Zoning bonus density. A PUD in the R-5-B Zone District may achieve a maximum height of 60 feet and a maximum density of 3.0 FAR. The R-5-B Zone District also includes the following additional development requirements:
- a. The maximum percentage of lot occupancy for a building or portion of building devoted to residential uses is 60% (11 DCMR § 403.2);
 - b. A minimum rear yard depth of four inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet (11 DCMR § 404.1);
 - c. If provided, a side yard width of at least three inches wide per foot of height of building, but not less than eight feet wide (11 DCMR § 405.6);
 - d. If provided, an open court width of four inches per foot of height of court but not less than 10 feet; a closed court width of four inches per foot of height of court

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but not less than 15 feet; and a closed court area of twice the square of the required width of court based on the height of court, but not less than 350 square feet (11 DCMR § 406.1); and

- e. For a row dwelling, one parking space for each dwelling unit; and for a flat, one parking space for each two dwelling units (11 DCMR § 2101.1).
74. The C-2-A Zone District is designed to provide facilities to support shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. The maximum height permitted by right in the C-2-A Zone District is 50 feet, and the maximum density permitted is 3.0 FAR, utilizing Inclusionary Zoning bonus density. A PUD in the C-2-A Zone District may achieve a maximum height of 65 feet and a maximum density of 3.0 FAR. The C-2-A Zone District includes the following additional development requirements:
- a. The maximum percentage of lot occupancy for a building or portion of building devoted to residential use is 60% (11 DCMR § 772.1);
 - b. A minimum rear yard depth of 15 feet (11 DCMR § 774.1);
 - c. If provided, a side yard width of at least two inches wide per foot of building height, but not less than six feet (11 DCMR § 775.5);
 - d. If provided for a building or portion of building devoted to residential uses, at any elevation in the court, a width of court of at least 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, a minimum area of 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);
 - e. For an apartment house, one off-street parking space for each two dwelling units; and for a retail establishment in excess of 3,000 square feet, one parking space for each additional 300 square feet of gross floor area and cellar floor area (11 DCMR § 2101.1); and
 - f. For an apartment house with 50 or more units, one loading berth at 55 feet deep, one loading platform at 200 square feet, and one service/delivery space at 20 feet deep; and for a retail or service establishment with 5,000 to 20,000 square feet of gross floor area and cellar floor area, other than a grocery store or drug store, one loading berth at 30 feet deep and one loading platform at 100 square feet (11 DCMR § 2201.1).

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Development Incentives and Flexibility

75. The Applicant requested the following areas of flexibility from the Zoning Regulations:

- a. Courts, Side Yards, Rear Yards, and Lot Occupancy. Due to the significant grade changes throughout the PUD Site, the anticipated closure of existing streets and alleys, and the opening and construction of new streets to create smaller, more walkable blocks than those typically found in the District, the Applicant requested flexibility from the court, side yard, rear yard, and lot occupancy requirements of the Zoning Regulations. (Ex. 4.) The Applicant will identify the specific degree of relief for each parcel during the second-stage application for each parcel. The OP report stated that the flexibility requested “would allow for an improved development over that permitted by-right” and the Applicant’s Zoning and Land Use expert testified that the PUD “provides an appropriate balance between the development proposed, the flexibility requested, and the benefits and amenities provided”; (Ex. 29, 41.)
- b. The Commission finds that the normal court, side yard, rear yard, and lot occupancy requirements would adversely impact the layout and design of the PUD, and would hinder the Applicant's ability to provide a reasonable footprint and layout for the proposed buildings. This type of relief requested is similar to that approved by the Board of Zoning Adjustment ("BZA") and the Commission in other new residential developments. (see Z.C. Order No. 06-30 [approving a map amendment and granting relief from the lot area, rear yard, side yard, and court requirements to permit the construction of a residential development including row dwellings, flats, and apartment buildings]; Z.C. Order No. 05-30 [approving a map amendment and granting relief from the side yard, rear yard, and front yard requirements to permit the construction of a residential development including single family homes, row dwellings, and apartment units]; and BZA Order No.17753 [approving special exception relief and a variance from the lot occupancy, lot area, rear yard, and side yard requirements to permit construction of a residential development including row dwellings and semi-detached dwellings]); and
- c. Loading. The Applicant requested flexibility from the loading requirements for the buildings on parcels 1A, 1B, 2A, 2B, 3, 4, 5, 6, 7, and 8. On parcels 1A, 1B, 2A, 7, and 8, the Applicant requested flexibility to not provide any loading facilities for the retail/service uses, and to provide 30-foot loading berths for residential use where 55-foot berths are required. On parcels 2B, 3, 4, 5, and 6, the Applicant only requested flexibility to provide 30-foot loading berths for residential use where 55-foot berths are required. As indicated in the OP and DDOT reports (Ex. 29 and 32, respectively), OP and DDOT are not opposed to

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the requested loading flexibility. The Commission finds that shared loading facilities are appropriate for the proposed development and use of the PUD Site in these locations, and is not inconsistent with the Comprehensive Plan's recommendations to consolidate loading areas within new developments, provide shared loading spaces in mixed-use buildings, and minimize curb cuts on streets to the greatest extent possible.

First-Stage PUD Requirements

76. A first-stage PUD involves a general review of a site's suitability for use as a PUD; the appropriateness, character, scale, mixture of uses, and design of the uses proposed; and the compatibility of the proposed development with city-wide, ward, and area plans of the District of Columbia, and other goals of the PUD process. (11 DCMR § 2402.2(a).) Pursuant to § 2406.11 of the Zoning Regulations, an application for first-stage PUD approval must include the following:
- a. A completed application form;
 - b. A map showing the location of the proposed project, the existing zoning for the subject site, the zoning of adjacent properties, and any proposed change of zoning;
 - c. A statement of the purposes and objectives of the project, including the proposed form of development and a detailed statement elucidating how the application meets the PUD evaluation standards in § 2403;
 - d. A general site, landscape, and development plan indicating the proposed use, location, dimensions, number of stories, and height of each building, and the exact area of the total site; and
 - e. A tabulation of development data showing specific site and development information and any other information needed to understand the unique character and problems of developing the PUD.
77. Based upon the evidence of record, including Ex. 4, 16B-H, 29, 32, 36, 40, 41, 44, 47, 49-54, and 69D, and as detailed in this Order, the Commission finds that the application complies with the first-stage PUD requirements, pursuant to § 2406.11 of the Zoning Regulations.

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Public Benefits and Amenities

78. 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 (§ 2403.9(a)) and Site Planning, and Efficient and Economical Land Utilization (§ 2403.9(b.))* The Commission finds that the PUD will implement a number of current best planning practices within a site that has not seen significant improvement or redevelopment for over half a century. (Ex.4, 29, and 47.) These include the introduction of a rational street grid with broad, landscaped sidewalks, the creation of smaller, pedestrian-friendly blocks, the introduction of parks and outdoor public amenities of various types, scales, and levels of privacy, the distribution of housing density in a way that is responsive to existing grading and other site factors, and the creation of a community-oriented retail corridor;
 - b. *Transportation Features (§ 2403.9(c.))* Based upon the testimony and evidence of record, the Commission finds that the PUD will include a number of elements designed to promote effective and safe vehicular and pedestrian access, transportation management measures, and connections to public transit services. For example, the PUD proposes the introduction of several new vehicular, bus, pedestrian, and bicycle pathways and access points to the PUD Site and nine new internal streets, two of which replace existing streets. The internal street system will provide circulation in all directions and multi-modal connectivity within and to the entire PUD Site, as well as creating smaller, more pedestrian-friendly residential blocks. Sidewalks will be enhanced with new pedestrian-oriented infrastructure, and retail and community services will animate the larger streets within the PUD Site; (Ex. 32.)
 - c. *Employment and Training Opportunities (§ 2403.9(e)).* Where applicable, the Applicant will enter into a First Source Employment Agreement with the Department of Employment Services in an effort to provide employment opportunities for local residents. Moreover, § 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), as amended by § 915 of the Housing and Community Development Act of 1992 “ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State, and local laws and regulations, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.” The Applicant is committed to complying with § 3 by ensuring that all contractors and any tier subcontractors that are awarded contracts partially

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or wholly funded by DCHA for work generated through HUD funding shall take all necessary and reasonable steps to provide meaningful, full-time, permanent employment and training to § 3 residents; (Ex. 4.)

- d. *Housing and Affordable Housing (§ 2403.9(f)).* The single greatest benefit to the area, and the city as a whole, is the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. The PUD includes a variety of housing types to serve households of all sizes and at a range of incomes. The Applicant considered this mix carefully in order to meet local demand and to contribute to a vibrant, diverse, and functional neighborhood. The housing types include apartment houses, row dwellings, flats, and live/work spaces. Consistent with the priorities of NCI, the Applicant has committed to building replacement public housing, affordable housing, and market rate housing, and is working closely with DCHA and human capital service providers to accommodate the needs of current residents during the relocation and redevelopment process. Given the number of replacement public housing units and the commitment to devote 20% of the housing units on the PUD Site to households earning between 60% and 80% of the AMI, the PUD far exceeds the minimum requirements of the Inclusionary Zoning provisions of the Zoning Regulations. The PUD will include the following unit mix on the PUD Site:

- 24% Replacement Public Housing Units;
- 20% Affordable Rental/Homeownership Units;
- 20%-30% Market Rental Units; and
- 20%-30% Market Homeownership Units.

The Applicant will dedicate 344 units of the total 1,400 residential units as replacement public housing units. The Applicant will also dedicate 20% of the housing units on the PUD Site as affordable rental or homeownership units. The rental affordable units will be devoted to households earning up to 60% of the AMI and the homeownership units will be devoted to households earning up to 80% of AMI;

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- e. *Environmental Benefits* (§ 2403.9(h)). The PUD exhibits many characteristics of exemplary urban design and green building practices, and demonstrates the Applicant's commitment to utilizing innovative sustainable design practices. As detailed in the Applicant's initial statement (Ex. 4) and in the OP Report (Ex. 29), the PUD will incorporate streetscape improvements and enhancements to the public space, infrastructure improvements to encourage sustainable and active transportation, and the provision of parks, open space, and vegetation. Moreover, the PUD Site will meet the LEED-ND standards and the multi-family dwelling buildings will meet the LEED-Silver and/or equivalent Enterprise Green Communities standards. Specific details about the sustainability features of each parcel will be described in the second-stage application for those parcels. However, some of the sustainable features incorporated into the PUD include the following:

Overall Site Initiatives:

- (1) Erosion Control - Sediment and erosion control will be implemented during excavation and construction per the District Department of Environment standards and specifications. The PUD will adhere to all applicable regulations regarding stockpiles and dust mitigation;
- (2) Stormwater Management - The PUD will implement both stormwater quality and quantity best practices and low-impact development stormwater management systems aimed at slowing urban runoff and reducing pollution, including flow of sediment and nutrients into streams, rivers and wetlands. The PUD encourages natural filtration of stormwater runoff to the greatest extent possible and may use bioretention components such as a bioretention facility, bioswales, rain gardens, vegetative roofs, porous paved walkways, curb cuts to direct street runoff to bioretention areas, pervious-surfaced courtyards, bioretention strips along streets and landscaped islands in parking areas. Lastly, the PUD will meet or exceed the stormwater requirements of the District Department of Environment Watershed Protection Division;
- (3) Public Transportation - Exemplary access to public transportation is available in close proximity to the PUD Site. The Anacostia Metrorail station, which services the Green Line, is less than a 10-minute walk from the PUD Site. Multiple Metrobus lines service the PUD Site directly, including the A4, P18, W2, W3, W4, W5, and W14 Lines on Firth Sterling Avenue, S.E., and the A2, A4, A6, A7, A8, A42, A46, A48, W2, and W3 Lines on Martin Luther King Jr. Avenue, S.E. The PUD promotes pedestrian access from public transportation for residents of the

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PUD Site, as well as for retail/service employees and potential customers. The PUD Site also has direct access to bicycle facilities and car-share services in the neighborhood. The Applicant will approach WMATA about routing busses through the Barry Farm neighborhood during the planning process. Direct and convenient access to public and active transportation modes will decrease vehicle miles traveled and vehicle emissions, and will help to improve regional air quality;

- (4) Construction Waste - The PUD will divert construction waste from landfills through recycling and salvageable materials;
- (5) Storage and Collection of Recyclables - In order to facilitate the reduction of waste generated by building occupants, which is disposed via landfills, the PUD will provide easily accessible dedicated area(s) for the collection and storage materials for recycling. At a minimum, materials will include paper, corrugated cardboard, glass, plastics, and metals;
- (6) Sustainable Construction Practices - The PUD will endeavor to follow sustainable construction practices where possible, including the following measures:
 - (A) On-site tower cranes will have electric or diesel motors with industry standard pollution control devices;
 - (B) Diesel idling control measures will be utilized for truck idling;
 - (C) Stockpiles on the PUD Site will be handled and addressed based on typical industry standards; and
 - (D) Adequate dust mitigation measures will be followed according to D.C. standards; and

Building Initiatives:

- (7) Water Use Reduction - Through the use of low-flow fixtures and water closets, potable water use will be reduced throughout the PUD;
- (8) Sustainable Building Materials – When possible, the buildings will use materials with recycled content that is regionally sourced. Material examples include but are not limited to steel, drywall, insulation, ceiling tiles, concrete, and flooring;

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- (9) Energy Conservation - The PUD will be constructed in full compliance with the D.C. Building Code. Conformance to standards will minimize the amount of energy needed for the heat, ventilation, hot water, electrical distribution, and lighting systems contained in the structure. This will be accomplished through high efficiency HVAC units, energy efficient lighting including LED, window glazing, envelope structure and insulation, occupancy sensors, and Energy Star appliances in all residential units;
- (10) Non Ozone Depleting Refrigerants - The PUD is anticipated to reduce environmental impact of high-efficiency HVAC by using non-ozone depleting refrigerants;
- (11) Low Emitting Materials and Finishes - In order to reduce the quantity of indoor air contaminants that are odorous, irritating, and/or harmful to the comfort and well-being of installers and occupants, the PUD will utilize low-emitting materials and finishes. Examples may include paint, coatings, adhesives, and sealants; and
- (12) Open Space - A large public park situated in the center of the PUD Site will welcome residents of all ages and abilities for leisure activities and potentially host community activities and events.

Compliance with the Comprehensive Plan and the Small Area Plan

79. The Commission finds that the PUD advances the purposes of the Comprehensive Plan and the Small Area Plan, is not inconsistent with the Future Land Use Map and Generalized Policy Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.

Compliance with the Comprehensive Plan Future Land Use Map and Generalized Policy Map

80. The District of Columbia Comprehensive Plan Future Land Use Map designates the PUD Site for Moderate Density Residential uses. The Moderate Density Residential category is used to define the District's row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, two-four unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, and R-5-A Zone Districts are generally consistent with the Moderate Density Residential category; the R-5-B Zone District and other zones may also apply in some locations.

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81. The Commission finds that the proposed R-5-B Zone District for the PUD Site is not inconsistent with the Moderate-Density Residential Category, and that the C-2-A Zone District designation is not inconsistent with the Future Land Use Map. BFTAA and the Committee of 100 on the Federal City argued that the PUD is inconsistent with the Moderate-Density Residential designation. (Ex. 48, 63.) However, as described in Findings of Fact 69-74, the Commission finds that the PUD is fully consistent with the Future Land Use Map designation for the PUD Site. The R-5-B Zone District is specifically listed as a district that may be applied in the Moderate-Density Residential category. The Commission notes that out of 1,834,317 square feet of gross floor area proposed for the PUD Site, only 55,500 square feet of gross floor area will be devoted to retail/service uses, which is only three percent of the total development. Furthermore, the Commission finds that the Applicant proposes to rezone the PUD Site to the C-2-A Zone District only for the commercial portions of the PUD Site in order to encourage retail uses along Sumner Road and Firth Sterling Avenue. The C-2-A Zone District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. (11 DCMR § 720.2.) The C-2-A District shall be located in low- and medium-density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed-use centers. (11 DCMR 720.3.) The majority of the PUD Site is proposed to be zoned R-5-B, which is not inconsistent with the Future Land Use Map.
82. The Commission finds that the policies and goals of the Comprehensive Plan, 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 DCMR § 226(c) (emphasis added).) The guidelines further advise that "the land use category definitions describe 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.*)
83. Based upon this principle, the Commission has found in a number of other cases that the R-5-B and C-2-A Zone Districts are not inconsistent with the Moderate-Density Residential category. For example, in Z. C. Case No. 08-25, the Commission approved a consolidated PUD and map amendment from R-5-A to C-2-A for property designated as Moderate-Density Residential. In approving this application, the Commission stated:

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The PUD is not inconsistent with the Property's Moderate Density Residential Land Use designation on the Future Land Use Map. While the Future Land Use Map typically is helpful in determining appropriate uses and density in areas of the city, it is not intended to serve as a "general" zoning map, nor does it mandate a parcel-by-parcel limitation on permitted development. The proposed Project and C-2-A Zone District are consistent with the flexibility that the Moderate Density Residential Land Use category provides for the Property.

Z.C. Case No. 08-25, Findings of Fact No. 25. *See also*, Z.C. Order No. 07-35 (granting a consolidated PUD and map amendment from R-5-A to R-5-B and C-2-A for property designated as moderate density commercial on the western portion of the property and moderate density residential on the remainder of the site).

84. 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 along Sumner Road and Firth Sterling Avenue while leaving other portions as lower-density residential, parks, and open space. The Commission finds that the proposed cluster development approach to the PUD Site is an essential part of fulfilling the Moderate-Density Residential designation of the Future Land Use Map, while at the same time achieving other elements of the Comprehensive Plan. The Far Southeast and Southwest Element of the Comprehensive Plan specifically recognizes that Barry Farm is to be developed in a manner which ensures replacement of public housing units, creates additional opportunities for workforce and market rate housing, and provides new amenities such as community facilities and parks. (10A DCMR § 1813.3.) The Housing Element of the Comprehensive Plan encourages the production of housing for low- and moderate-income households (10A DCMR § 504.6), housing for renter-occupied and owner-occupied families (10A DCMR § 504.6), and the transformation of distressed public and assisted housing projects into viable mixed-income neighborhoods, especially in locations where private sector development interest can be leveraged to assist in revitalization. (10A DCMR § 506.10.) Therefore, the Commission finds that the proposed density for the PUD Site is appropriate in this case, particularly given the PUD's consistency with many other elements of the Comprehensive Plan.
85. The District of Columbia Comprehensive Plan Generalized Policy Map designates the PUD Site as a Neighborhood Enhancement Area. The guiding philosophy of Neighborhood Enhancement Areas is to:

"ensure that new development "fits in" and responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and

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must be consistent with the land use designation on the Future Land Use Map. The unique and special qualities of each area should be maintained and conserved, and overall neighborhood character should be protected as development takes place.”

(10 DCMR A § 223.8.) The Commission finds that the PUD is consistent with the goals of the Neighborhood Enhancement Area designation because it responds to the existing character of the Barry Farm neighborhood while preserving its most notable natural features and infrastructure elements. For example, the PUD will retain and realign the existing streets and introduce new east-west and north-south streets to connect the PUD Site to the surrounding community and create a grid pattern with smaller pedestrian-oriented blocks with parking on both sides of the street. The PUD will establish new sustainable landscape features, incorporate a centrally-located public park, and put additional eyes and ears on the street to increase safety and security. The PUD also includes a diversity of housing types that meet the various needs of community residents and fit in with the existing character and natural features of the PUD Site. (September 18, 2014 Tr., pp. 18-33 and Applicant’s PowerPoint presentation at Ex. 84.) The Commission finds that these features sufficiently demonstrate the PUD’s consistency with the Comprehensive Plan Generalized Policy Map’s designation.

86. The Commission finds that the proposed PUD-related map amendment will continue to protect and strengthen the residential uses of the PUD Site while creating new, high-quality public housing, affordable housing, and market-rate housing units, neighborhood-serving retail and service opportunities, public open spaces, and significant new infrastructure improvements, that will enhance and build on the unique historic and aesthetic qualities of Barry Farm. As indicated in the letter of support from Mayor Gray, dated July 11, 2014 (Ex. 69D), the master plan will implement the District’s NCI, which seeks to replace each public housing unit, bring residents back to the redeveloped site, and inject economic diversity into the community by delivering mixed-income housing. Based upon the testimony and evidence submitted in this case, the Commission finds that the development effort will invigorate not only the immediate Barry Farm neighborhood, but also lead to positive changes to the landscape of Barry Farm, the greater Anacostia community, Ward 8, and the District. (*see also* Ex. 4, 16B-H, 29, 32, 36, 40, 41, 44, 47, 49-54, 69D, 70, 73, 80, 83.)
87. The Commission finds that the PUD-related map amendment would implement the Future Land Use Map’s designation of the PUD Site for Moderate-Density Residential and permit the development of the proposed new residential, service, and retail/commercial uses on the PUD Site, which are not inconsistent with the PUD Site’s designation within a Neighborhood Enhancement Area on the Generalized Policy Map. The Commission notes that the amount of commercial space on the PUD Site is nominal, comprising approximately three percent of the total development. Moreover, given the

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approximate square footages of the commercial spaces, the commercial uses will provide services to meet the day-to-day needs of people who live and work in the neighborhood, which is consistent with the purposes of the C-2-A Zone District. Moreover, as indicated in the Zoning Regulations, the C-2-A Zone Districts are located in *low- and medium-density residential areas* with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium bulk mixed-use centers. (11 DCMR 720.3 (emphasis added).)

Compliance with the Guiding Principles of the Comprehensive Plan

88. The Commission finds that the proposed PUD is not inconsistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities, as follows:
89. *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. The PUD is fully consistent with a number of the goals set forth in this element. Specifically, the PUD will help to attract a diverse population with the inclusion of a mix of housing types for households of different incomes. (§§ 217.2 and 217.3.) The Applicant's proposal to develop new residential uses is not inconsistent with the Comprehensive Plan's acknowledgement that the growth of both residential and non-residential uses is critical. (§ 217.4.) In addition, the PUD helps connect the community to the rest of the neighborhood and the overall urban fabric by developing connections to the Anacostia Metrorail station, the Historic Anacostia commercial corridor, job centers at St. Elizabeth's, and schools and services and in the surrounding neighborhood. (§§ 217.5 and 217.6.)
90. *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 PUD furthers each of these guiding principles with the construction of affordable and market-rate housing and service-oriented commercial uses that will create housing, retail, service, and employment opportunities.
91. *Increasing Access to Education and Employment.* The Increasing Access to Education and Employment element includes a number of policy goals focused on increasing

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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 PUD is fully consistent with these goals since the proposed retail/service uses will help to attract new jobs to the District and this specific neighborhood, and provide new employment opportunities, especially for residents of Ward 8.

92. *Connecting the City.* The PUD will help to implement a number of the guiding principles of this element. As shown on the Plans, the PUD will include street improvements to provide improved mobility and circulation throughout the PUD Site, as well as the surrounding neighborhood. (§ 220.2.) In addition, the access points for the required parking and loading facilities will be designed to appropriately balance the needs of pedestrians, bicyclists, transit users, vehicles, and delivery trucks, as well as the needs of residents, visitors, and employees to move around and through the District. (*Id.*) Moreover, the PUD, street, and utility improvements will help to reinforce and improve this portion of the city. (§ 220.3.)
93. *Building Green and Healthy Communities.* The PUD is fully consistent with the guiding principles of the Building Green and Healthy Communities element, since the PUD's proposed landscaping plan will help to increase the District's tree cover, and 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 proposed improved street grid will help to facilitate pedestrian and bicycle travel.

Compliance with the Elements of the Comprehensive Plan

94. The Commission finds that the proposed PUD furthers the objectives and policies of many of the Comprehensive Plan's major elements as set forth in the report and testimony of the Applicant's land use and zoning expert (Ex. 41) and the OP reports (Ex. 12-12A2, 29, 70, 73), as discussed in more detail below.
95. The Far Southeast/Southwest Area Element: The PUD Site is located within the Barry Farm Focus Area of the Far Southeast/Southwest Area Element of the Comprehensive Plan. Barry Farm is also identified as a "new community," and should not be left behind as the surrounding areas move forward (§ 1813.2). As indicated in the Comprehensive Plan:
- Housing in the southeast/southwest area ranges from single family homes, to garden apartments, to high-rise apartments (10 DCMR § 1800.3);

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- Commercial areas the southeast/southwest area range from a brand new shopping center at Camp Simms to more traditional neighborhood centers along Martin Luther King Jr. Avenue and South Capitol Street (10 DCMR § 1800.3);
 - The crime rate and unemployment rate remain chronically high and are well above the city and regional average (10 DCMR § 1800.4);
 - The average resident must go outside of their neighborhood to shop, enjoy a restaurant, or even find basic services like groceries (10 DCMR § 1800.4); and
 - Poverty, unemployment, illiteracy, crime, and other social issues must be addressed to improve the quality of life for residents in the far southeast/southwest area (10 DCMR § 1800.5);
- a. *Policy FSS-1.1.1: Directing Growth*, calls for concentrating future housing development and employment growth around the Anacostia Metrorail station and along South Capitol Street (among others), and providing transit and automobile access to these areas and improving their visual and urban design qualities (§ 1808.2);
- b. *Policy FSS-2.3.1: Barry Farm New Community*, recommends the revitalization of Barry Farm in a manner which:
- (1) Ensures replacement of any public housing that is removed, along with measures to assist residents and avoid dislocation or personal hardship;
 - (2) Creates additional opportunities for workforce and market rate housing on the site, consistent with the goals of the District's New Communities Initiative; and
 - (3) Provides new amenities such as community facilities, parks, and improved access to the Anacostia River and the Anacostia Metrorail station; and
- c. The PUD is consistent with the policy goals identified in the Far Southeast/Southwest Area Element. The Applicant will provide a one-for-one replacement of all public housing units that are removed from the PUD Site: 344 replacement units will be reconstructed on the PUD Site, 60 replacement units have already been constructed at Matthews Memorial Terrace and Sheridan Station Phase I, and an additional 40 replacement units are under construction at Sheridan Station Phase III. The Applicant will also undertake an extensive

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relocation and return process to ensure that current residents have a place to live during redevelopment of the PUD Site and to guarantee that those residents can return to the PUD Site after redevelopment if they choose to do so. The PUD will also create opportunities for workforce and market-rate housing typologies to serve the needs of current and future residents.

96. Land Use Element: For the reasons discussed below, the PUD supports a number of the policies of the Land Use Element of the Comprehensive Plan:
- a. *Policy LU-1.2.2: Mix of Uses on Large Sites* - The PUD, which includes residential and retail/service uses on a large site, is consistent and compatible with adjacent uses and will provide a number of benefits to the immediate neighborhood and to the city as a whole;
 - b. *Policy LU-1.3 Transit-Oriented and Corridor Development* - The PUD exemplifies the principles of transit-oriented development. The PUD Site is steps from the Anacostia Metrorail station, which is to the northeast of the PUD Site. Metrobus routes A4, P18, W2, W3, W4, W5, and W14 are located on Firth Sterling Avenue, S.E., and the A2, A4, A6, A7, A8, A42, A46, A48, W2, and W3 Lines are located on Martin Luther King Jr. Avenue, S.E. (serving D.C. and Maryland). The PUD includes residential and retail/service uses which will help to increase the vitality of this portion of the District. In addition, the PUD is consistent with the following principles:
 - (1) A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground-floor retail uses;
 - (2) A preference for diverse housing types, including affordable units; and
 - (3) A priority on attractive, pedestrian-friendly design;
 - c. *Policy LU-1.3.4: Design to Encourage Transit Use* - The PUD is designed to encourage transit use and to enhance the safety, comfort and convenience of passengers walking to local bus stops and the Metrorail. The PUD incorporates streetscape improvements, including lighting and landscaping, and includes ground-floor retail/service uses that will activate and animate street frontages;
 - d. *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods*- In designing the PUD, and consistent with this policy element, the Applicant has sought to balance the housing supply in the area and expand neighborhood

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commerce with the parallel goals of protecting the neighborhood character and restoring the environment;

- e. *Policy LU-2.2.4: Neighborhood Beautification* - This policy encourages projects to improve the visual quality of the District's neighborhoods. The PUD includes a number of neighborhood beautification elements, such as landscaping and tree planting. Moreover, development of the PUD Site will be an improvement to the current condition with the addition of new, well-designed buildings;
 - f. *Policy LU-2.3.2: Mitigation of Commercial Development Impacts* - The PUD has been designed to not generate unreasonable or unexpected traffic, parking, litter, view obstruction, odor, noise, or vibration impacts on surrounding residential areas; and
 - g. *Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods* - In designing the PUD, and consistent with this policy element, the Applicant has sought to balance the housing supply in the area and expand neighborhood commerce with the parallel goals of protecting the neighborhood's existing character, and restoring the environment.
97. Transportation Element: The overarching goal of the Transportation Element is to create a safe, sustainable, efficient and multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents. (10A DCMR § 401.1.) The PUD is uniquely situated to help further several policies and actions of the Transportation Element of the Comprehensive Plan, including:
- a. *Policy T-1.1.4: Transit-Oriented Development* - The PUD is an example of transit-oriented development and includes various transportation improvements, including the construction of a new mixed-use community along a major transportation corridor, bicycle parking and storage areas, and pedestrian improvements;
 - b. *Policy T-2.2.2: Connecting District Neighborhoods* - The PUD will help to encourage improved connections between District neighborhoods due to its location and convenient access to Metrorail and Metrobus routes, as well as its close proximity to the proposed D.C. Streetcar, with a streetcar platform/station proposed at Eaton and Firth Sterling Streets;
 - c. *Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning* - As shown on the Plans, the Applicant has carefully considered and integrated bicycle and pedestrian planning and safety considerations in the development of the PUD;

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- d. *Action T-2.3-A: Bicycle Facilities* - This element encourages new developments to include bicycle facilities. The Applicant proposes to include secure bicycle parking and bicycle racks as amenities within the development that accommodate and encourage bicycle use; and
 - e. *Policy T-2.4.1: Pedestrian Network* - The PUD will further this policy through constructing new sidewalks and upgrading existing sidewalks to ensure a safe pedestrian network within and around the PUD Site. The Applicant will work with the District to explore options for safer pedestrian access to the Anacostia Metro station;
98. Housing Element: The overarching goal of the Housing Element is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." (10 DCMR § 501.1.) The PUD will help achieve this goal by advancing the following policies:
- a. *Policy H-1.1.1: Private Sector Support* - The PUD helps to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. Specifically, the PUD will contain approximately 1,834,317 square feet of gross floor area devoted to residential uses, which represents a substantial contribution to the District's housing supply. The provision of new housing at this particular location, moreover, is fully consistent with the District's land use policies;
 - b. *Policy H-1.1.4: Mixed-Use Development* - The PUD is consistent with the goals of promoting mixed use development, including housing on commercially zoned land, particularly in neighborhood commercial centers. The PUD represents exactly the type of mixed use development contemplated by Policy H-1.1.4; and
 - c. *Policy H-1.2.3: Mixed-Income Housing* - Consistent with this policy, redevelopment of the PUD Site will transform the existing Barry Farm community into a vibrant area that incorporates new affordable housing facilities into a mixed-use environment with walkable streets and ground-floor retail/service uses. The Applicant will build a wide range of housing options, including public and affordable housing, with new, sustainable, high-quality, energy-efficient materials. Housing on the PUD Site will be marketed towards households at a range of sizes and income levels, significantly expanding affordable and market-rate housing opportunities in the District. Overall, the PUD will leverage private sector development to assist in the redevelopment efforts and to provide high quality new housing options for District residents.

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99. Environmental Protection Element: The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element provides policies and actions on important issues such as energy conservation and air quality, and specific policies include the following:
- a. *Policy E-1.1.1: Street Tree Planting and Maintenance* - encourages the planting and maintenance of street trees in all parts of the city;
 - b. *Policy E-1.1.3: Landscaping* - encourages the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity;
 - c. *Policy E-2.2.1: Energy Efficiency* - promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses through mixed-use and shared parking strategies to reduce unnecessary construction of parking facilities;
 - d. *Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff* - calls for the promotion of tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction;
 - e. *Policy E-3.1.3: Green Engineering* - has a stated goal of promoting green engineering practices for water and wastewater systems; and
 - f. The PUD will include street tree planting and maintenance, landscaping, energy efficiency, methods to reduce stormwater runoff, and green engineering practices, and is therefore fully consistent with the Environmental Protection Element.
100. Economic Development Element: The Economic Development Element of the Comprehensive Plan indicates that the addition of 125,000 jobs during the next 20 years will create the demand for a number of uses, including retail use, in a variety of settings with a variety of building types (§ 706.1). The Economic Development Element also includes a number of policy recommendations regarding the promotion of retail development, including the following:
- a. *Policy ED-2.2.3: Neighborhood Shopping* - The PUD is consistent with this principle since the development includes the creation of additional shopping opportunities in a neighborhood commercial district that will help meet the demand for basic goods and services for Ward 8 residents. The proposed development of appropriately scaled retail/service uses will help to create new and unique shopping opportunities. (§ 708.7.) The Applicant is committed to

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ensuring that small businesses located in the area are encouraged and assisted in locating within the new commercial portions of the PUD Site; and

- b. *Policy ED-2.2.5: Business Mix* - The Applicant intends to market the proposed retail areas to a mix of nationally recognized retailers, locally based retailers, and smaller specialty stores, which will help to reinforce existing retail and encourage new retail districts in the immediate neighborhood and help to improve the mix of goods and services available to residents. (§ 708.9).
101. Based upon the testimony and evidence presented, as well as the OP reports, the Commission finds that the proposed rezoning is not inconsistent with numerous elements of the Comprehensive Plan. The Commission also finds that the proposed PUD-related map amendment would create favorable conditions for the District and satisfies each of the statutory standards applicable to map amendments.

Compliance with the Small Area Plan

102. The Commission finds that the Small Area Plan is to be read together with the policies of the Comprehensive Plan, and when read together, the PUD complies with the Small Area Plan and the Comprehensive Plan.
103. The Commission finds that "[a]s specified in the D.C. Code and the Comprehensive Plan, Small Area Plans provide 'supplemental guidance to the Comprehensive Plan' by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors." (10 DCMR § 104.2.) However, such plans 'are not part of the legislatively adopted document. (*Id.*)"' (Z.C. Order No. 11-25, Finding of Fact No. 38.) In addition, the Comprehensive Plan states that small area plans are intended to be read alongside the Comprehensive Plan, which is "the one plan that guides the District's development both broadly and in detail. It thus carries special importance that it provides overall direction that shapes all other physical plans that the District government adopts. In fact, all plans relating to the city's physical development should take their lead from the Comprehensive Plan." (10A DCMR § 103.2.)
104. Furthermore, the Commission notes that, as stated by the Committee of 100 on the Federal City in their letter to the Commission dated June 19, 2014, "the Zoning Commission is not required to follow the Council-approved small area plan since it is not an amendment to the Comprehensive Plan." (Ex. 63.)
105. The goal of the Small Area Plan is to "improve the residents' quality of life by addressing both the physical and human architecture of the community. . . and to protect and expand affordable housing, empower families with the tools to become self-sufficient, and preserve existing community assets and provide for those needed." (Ex. 12A1, p. 2.) The

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Small Area Plan includes a number of components, but the "Physical Plan" element makes detailed recommendations for improving the area's housing, public facilities, neighborhood design, open space, and transportation systems. Key elements of the Physical Plan include:

- a. Create a mixed-income community with a variety of housing types, including low- to mid-rise buildings and townhomes, affordable and market-rate rental and homeownership units;
 - b. Ensure one for one replacement of subsidized housing units either scattered throughout the development parcels and/or in proximate off-site locations;
 - c. Develop neighborhood-serving retail that does not compete with the commercial corridor on Martin Luther King Jr. Avenue;
 - d. Create a new grid of residential streets with new east/west connections that eliminate the isolation of the existing neighborhood;
 - e. Link the development parcels to the Anacostia Metrorail station and Historic Anacostia through improved pedestrian, bicycle and streetcar route connections, and additional new bus routes through the community;
 - f. Provide a network of open spaces that are designed with community accessibility and security in mind;
 - g. Utilize sustainable practices (such as LEED-ND) to design the new neighborhood, preserve existing natural site features, and minimize the development impact on the environment;
 - h. Honor the history of the PUD Site through the preservation of street and school names and with the development of a public art or memorial program; and
 - i. Create new development that minimizes the need for parking and specifically for off-street surface parking.
106. The Small Area Plan's market analysis findings support the reuse of the PUD Site for a variety of uses including, but not limited to, residential, retail, and civic or institutional uses. (Ex. 12A1, p. 18). Furthermore, the Small Area Plan envisions a full component of housing units, including the replacement of existing subsidized units, and the inclusion of affordable and market-rate units. Specifically, one of the key guiding principles of the Small Area Plan is to ensure replacement of existing public housing units and to ensure that they are "matched by additional affordable and market rate units to create a mixed-

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- income community.” (Ex. 12A1, p. 2). The Small Area Plan envisions multi-family dwellings at four to five stories in height with one-, two-, and three-bedroom apartments, and retail on the ground floor. The Small Area Plan presents low-rise units as a mix of duplexes, townhouses, and “2-over-2” stacked flat/townhouse combinations that are three to four stories in height. All units have doors fronting onto the street, off-street parking spaces, and private decks or yards in the rear. Diversity of architectural styles and materials, and the inclusion of features such as front porches, are intended to link new development to the existing communities typical of Anacostia. (Ex. 12A2, p. 28.)
107. The Small Area Plan envisions new retail uses for the ground floor of the mixed-use buildings at Firth Sterling Avenue. Most of the retail in the Small Area Plan is proposed to be concentrated at the intersection of Sumner Road, and includes a variety of neighborhood uses, such as a bookstore, coffee shop, nail salon, and dry cleaner.
 108. The Small Area Plan envisions improved neighborhood connections to the surrounding community through increased pedestrian access within the neighborhood and to public transportation services. The Small Area Plan proposes a new street grid that will create more residentially scaled blocks and better connectivity within the PUD Site. The Small Area Plan maintains Sumner and Eaton Roads in their current locations, relocates Stevens Road, and adds a series of additional public streets. (Ex. 12A2, p. 31.)
 109. The Commission finds that the Applicant's proposed development of the PUD Site is consistent with the Small Area Plan's recommendations for the revitalization of the PUD Site. The PUD will create a mixed-income community with a variety of housing types, including apartments, row dwellings, flats, and live/work spaces and opportunities for rental and homeownership. As recommended in the Small Area Plan, the Applicant will replace one-for-one the existing subsidized housing units and incorporate affordable and market-rate housing, to create the mixed-income community envisioned by the Small Area Plan. As recommended in the Small Area Plan, the PUD will also include neighborhood-serving commercial uses along Sumner Road and Firth Sterling to serve the needs of neighborhood residents and foster local economic development. Also consistent with the Small Area Plan is the Applicant's creation of a new public street grid that will eliminate the isolation of the existing neighborhood and create convenient, safe connections to the perimeter of the PUD Site. The new street grid will include enhanced pedestrian, bicycle, and transit connections, and will increase community safety while beautifying the area. Furthermore, and as recommended by the Small Area Plan, the PUD will provide an extensive network of open spaces and parks designed with community accessibility and security in mind.
 110. The Commission further finds that the Applicant's proposal to replace 344 public housing units on the PUD Site will meet the needs of the returning residents. DCHA submitted a detailed analysis of the existing number of households at the PUD Site, their bedroom

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mix, and information regarding the results of DCHA’s analysis of the housing needs of returning residents. (Ex. 69L.) Based upon the testimony and this evidence presented by the Applicant, the Commission finds that relocated residents will be able to return to a unit that includes a bedroom size consistent with their needs. (see Mr. Green’s testimony at pp. 82 and 102 of the Tr. dated June 19, 2014.)

- 111. Moreover, the Commission finds that the Applicant’s proposed mix of housing types and affordability levels is generally consistent with the Small Area Plan’s recommendation to redevelop Barry Farm, Wade Road, and Park Chester with approximately one-third public housing units, one-third workforce housing units, and one-third market-rate units. The Applicant proposes to provide the following unit mix on the PUD Site:

Unit Mix	Approximate Percent of Units
Replacement Public Housing	24%
Affordable Rental/Homeownership	20%
Market Rental	20-30%
Market Homeownership	20-30%
Total	100%

- 112. Taken together with the Comprehensive Plan’s directive to read the Small Area Plan as general guidance, the Commission finds that the density proposed is consistent with the Small Area Plan and the Comprehensive Plan. Although the Applicant proposes to build more units than specified in the Small Area Plan, the Commission finds that this addition is necessary to leverage and allow for the successful development of the replacement public housing and affordable housing units proposed for the PUD Site.
- 113. Moreover, the Commission finds that the PUD will include major infrastructure investments in order to create a sustainable neighborhood that will serve the city in the long term. Proposed infrastructure improvements include the demolition of existing structures; the creation or reconstruction of nine internal roads, traffic signals, and street lighting; new safe and accessible sidewalks throughout the PUD Site; stormwater management and erosion control measures; and dry and wet utility upgrades to meet the District’s current specifications. (Ex. 83, 83A1-83A2.) The Applicant indicated that together with the construction of 344 replacement public housing units, the total fixed costs for the infrastructure and the replacement units is over \$137 million, and neither of these large fixed costs come with a revenue stream that can be capitalized. (Ex. 83.) As a result, the cost of funding the substantial infrastructure costs will be borne in large part by subsidy and revenue from the market rate units developed at the PUD Site. (Ex. 83.) Based upon this information, the Applicant also indicated that any reduction in the proposed number of market rate units would increase the portion of infrastructure costs to

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be borne by each unit, which would make it extremely challenging to finance the redevelopment.

114. The Commission finds that the Small Area Plan is intended to provide only supplemental guidance to the Comprehensive Plan and should not be read as a mandatory directive intended to stipulate exact densities, unit types, and building heights. Instead, the Small Area Plan is to be read alongside the Comprehensive Plan, and the Commission finds that the PUD complies with the Small Area Plan when read together with the Comprehensive Plan. Specifically, the Commission finds that the PUD complies with the Comprehensive Plan, which calls for the replacement of public housing, creation of new workforce and market-rate housing, avoidance of dislocation, and provision of new amenities, such as parks and open space and access to the Anacostia Metrorail station. The Commission also finds that the PUD complies with the Comprehensive Plan's directives that are specific to Barry Farm by replacing public housing, creating new workforce and market-rate housing, assisting residence in avoiding dislocation, and providing new amenities, such as parks and open space. Therefore, the Commission finds that the PUD complies with the Small Area Plan when read together with the Comprehensive Plan.

Zoning Map Amendment Application

115. The Applicant is requesting a PUD-related map amendment to rezone a portion of the PUD Site to the R-5-B Zone District and a portion of the PUD Site to the C-2-A Zone District. OP reviewed the Applicant's proposal to rezone the PUD Site and in its reports recommended approval of the map amendment. (Ex. 29, 70, 73.) OP opined that the map amendment would not be inconsistent with the Comprehensive Plan, and that the proposed map amendment and redevelopment would facilitate numerous policy statements of the Comprehensive Plan. OP also indicated that the proposed map amendment coupled with the accompanying PUD is intended to facilitate a site-specific project and ensure a quality of development at a scale that is consistent with the surrounding neighborhood.
116. The Commission's authority to amend the Zoning Map derives from the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, D.C. Official Code § 6-641.01 et. seq.) ("Zoning Act"). Section 2 of the Zoning Act provides:

Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion on the street, to secure safety from fire, panic, and other dangers to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity,

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protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

117. The Commission finds that the proposed PUD-related map amendment is consistent with the purposes of the Zoning Act. As detailed in the Applicant's Transportation Impact Study (Ex. 25B1-25B4) and as supported by DDOT (Ex. 32), the PUD will improve traffic flow and lessen congestion by filling-in the street grid with two-way streets and connecting the PUD Site to the surrounding neighborhood. The PUD will use land efficiently and at an appropriate height and density, and will incorporate parks and open space to provide a place for civic activity and recreational opportunity for District residents. Furthermore, the Commission finds that the map amendment will allow use of the PUD Site that is not inconsistent with its designation on the Future Land Use Map, as indicated in the findings of fact in this Order.

Office of Planning Reports

118. By report dated March 21, 2014, OP stated that it supported 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. 12-12A2.)
119. On June 6, 2014, OP submitted a report recommending approval of the application, subject to the condition that the Applicant provide the following additional items: (i) an updated traffic study to address the new site layout; (ii) details on the affordable housing program, such as the number and duration of the affordable housing programs; and (iii) a more complete justification for the requested height and lot occupancy flexibility (Exhibit 29). At the public hearing and in the Applicant's supplemental prehearing statement, the Applicant provided an updated traffic study, details on the affordable housing program, and a justification for the requested height and lot occupancy flexibility. Therefore, the Commission finds that the Applicant addressed the comments outlined in OP's report.
120. In addition, in its June 6, 2014 report, OP requested that for each subsequent second-stage application, the Applicant should provide the following:
- a. Details of the phasing plan, including approximate scheduling and development priorities;
 - b. Details on environmental/green building initiatives;

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- c. Detailed landscape plans;
 - d. Plans showing where and how the yard requirements for theoretical lots are met and the extent of the requested deviations;
 - e. TDM measure specifics;
 - f. The location of all affordable units; and
 - g. Details on how each building façade would relate to the streets and adjacent buildings.
121. On July 14, 2014, OP submitted a supplemental report that included: (i) further information on the consistency of the previously proposed 1,646 units with the recommendation of the Small Area Plan to provide 1,110 units; (ii) the current AMI levels for the Washington, D.C. Metropolitan Statistical Area ("MSA"); and (iii) comments from the MPD on the proposed development. (Ex. 70.) Specifically, OP noted that the previously proposed density of 2.42 FAR is not inconsistent with the Comprehensive Plan, particularly given the nature of the development and the affordable housing, green space, environmental improvements, neighborhood retail/service uses, and streetscape improvements proposed. OP explained that through the flexibility afforded by the PUD process, the proposed density will be distributed across the PUD Site with the taller, multi-family buildings on the western and north-western portions of the PUD Site buffering the lower density and height buildings on the remainder of the PUD Site, which are compatible with the single family detached, row dwellings, and flats in the adjacent residential community. OP's report also provided a table outlining the AMI for the D.C. MSA, as requested, and indicated that OP sent a letter to MPD requesting comments.
122. OP's supplemental report also stated that the proposed zoning for the PUD Site allows for the incorporation of many of the other objectives of the Small Area Plan, such as large open spaces. The OP report stated that the C-2-A Zone District allows for the low-scale and low-density retail/service uses that will serve the new community, as recommended by the Small Area Plan, and the additional residential units will support the policy of permitting additional density on properties close to Metrorail stations (in this case, the Anacostia Metrorail station) and will help to address issues of public safety and security identified in the Small Area Plan, by providing eyes on all streets and greater streetscape vibrancy. In addition, the OP report noted that the Small Area Plan recommends 1,110 new units for the Barry Farm, Park Chester, and Wade Road developments, 249 of which would be on-site replacement public housing units. However, the OP report explained that in order to provide the opportunity for all existing residents to return to the PUD Site, the Applicant would have to provide 344 replacement housing units.

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DDOT Report

123. DDOT submitted a report, dated June 9, 2014, indicating DDOT's support for the PUD subject to the following conditions: (Ex. 32.)
- a. The Applicant should work with DDOT to improve pedestrian connections to the Anacostia Metrorail station;
 - b. The proposed TDM measures should not be contingent on the number of peak vehicle trips generated by the PUD Site;
 - c. The Applicant should install a transit screen in the lobbies of all commercial and multi-family buildings;
 - d. The Applicant should provide showers and changing facilities in commercial buildings for employees;
 - e. The Applicant should limit non-auto incentives to Capital Bikeshare membership or carshare membership to all residential tenants and commercial employees for a period of three years;
 - f. In the permitting process, the Applicant should address the specific design elements of the bicycle facilities proposed for Sumner Road; and
 - g. The Applicant should design streets to DDOT standards, and make several adjustments to the streets as proposed, if the Applicant plans to dedicate those streets to DDOT.
124. The DDOT report states that vehicle traffic impacts from the PUD will minimally impact the operations of intersections in the study area as measured by level of service ("LOS"). While the DDOT report notes that the intersections at South Capitol Street at Firth Sterling Avenue and Suitland Parkway at Firth Sterling Avenue are expected to operate at a failing LOS, these conditions are no worse than if the PUD Site does not develop. The DDOT report also notes that while the queue length at some intersections increases as a result of the PUD, the queue length decreases at other intersections, and these changes are relatively minor. The Commission therefore finds that the PUD will have minimal impacts to traffic in the surrounding area.

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125. The Applicant's post-hearing submission included a revised site plan and revised list of TDM measures addressing DDOT's comments. (Ex. 69A and 69C.) The Applicant's final site plan provided additional enhancements to the streets within the PUD Site, including (i) wider streets to further enhance the openness of the PUD Site from the perspective of residents and pedestrians, (ii) streets with parking on both sides to improve pedestrian safety and decrease vehicle speeds, and (iii) two-way traffic on most of the streets to improve accessibility to the interior of the community. (Ex. 83A1-83A2.) Based on the Applicant's revised site plan and TDM measures, the Commission finds that the Applicant has addressed the comments outlined in DDOT's report.

Contested Issues/Party in Opposition

126. ANC 8C, BFTAA, and a number of individuals raised concerns at the public hearing and in written testimony. The concerns raised include the following issues: density and compliance with District plans; affordability; phasing; timing for second-stage applications; income mix and unit size; reentry eligibility criteria; financing; retail/service opportunities for local business owners; potential displacement; and the privatization of public land. The Commission has carefully reviewed the written and oral testimony presented by ANC 8C, BFTAA, and individuals and makes the findings below.
127. Density and Compliance with District Plans: ANC 8C, BFTAA, and the Committee of 100 on the Federal City argued that the PUD does not comply with the Small Area Plan or the Comprehensive Plan, specifically regarding the number of total units, the number of affordable units, the mix of unit typologies, and the size of units. BFTAA and the Committee of 100 on the Federal City also stated that the requested R-5-B Zone District is inconsistent with the moderate density designation in the Comprehensive Plan, and that the overall PUD exceeds density requirements, as well as lot occupancy and FAR requirements, on many of the parcels.
128. The Commission finds that although the Small Area Plan recommended the development of 1,110 units for Barry Farm, Park Chester, and Wade Road, the Applicant's proposal to construct a total of 1,400 units is consistent with the Small Area Plan's broader recommendations regarding the need for more housing. Given that the Small Area Plan only provides supplemental guidance, the Commission finds that when read in the context of the Comprehensive Plan, the OP reports (Ex. 12-12A2, 29, 70, 73), and letters of support from Councilmember Marion Barry (Ex. 47) and Mayor Vincent Gray (Ex. 69D), the proposed number of units for the PUD Site is appropriate. Moreover, the Commission finds that the recommended number of units proposed by the Small Area Plan is one of many recommendations for redevelopment of the Barry Farm, Wade Road, and Park Chester developments, and that the PUD will help to implement the majority of the recommendations in the Small Area Plan.

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129. In addition to constructing 344 replacement units, the Applicant proposes that 20% of the total housing units on the PUD Site will be dedicated as affordable rental or homeownership units, with the rental affordable units devoted to households earning up to 60% of the AMI and the homeownership affordable units devoted to households earning up to 80% of the AMI. These affordable units are in addition to the replacement public housing units and will provide rental and homeownership opportunities for District residents and help support the District's goal of creating a mixed-income community. This provision of affordable housing units is also consistent with the Small Area Plan's guiding principle of ensuring that the replacement units are matched with additional affordable and market-rate units.
130. The Commission also finds that the proposed density is appropriate and necessary to attract new retail/service uses to the PUD Site, which is a community priority highlighted in the Small Area Plan. The Commission finds that approval of the PUD will help to implement Policy FSS 1.1.1 of the Comprehensive Plan, which calls for "concentrating future housing development and employment growth around the Anacostia Metrorail station," and Policy LU 2.1.3, which "recognizes the importance of balancing goals to increase the housing supply and expand neighborhood commerce." The Commission also finds that the PUD is consistent with the District's understanding that the growth of both residential and non-residential uses is critical, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (10A DCMR § 217.4.)
131. Moreover, the Commission finds that the PUD is consistent with the Small Area Plan's vision for unit size and typology. Consistent with the Plan's goal of creating over 1,000 new units of mixed-income housing, in a variety of configurations, the Applicant is providing approximately 1,400 new residential units for a range of incomes and tenure, including mid-rise apartments, row houses, flats, and live/work spaces, with a mix of replacement public housing units, affordable housing units, and market-rate units, and a variety of rental and homeownership opportunities. Also consistent with the Small Area Plan, the PUD will introduce a new street grid pattern to create residentially scaled blocks that link Barry Farm, Park Chester, and Wade Road and connect the community to Martin Luther King Jr. Avenue and Sumner Road. As recommended by the Small Area Plan, the PUD will provide circulation in all directions by creating smaller, more pedestrian-friendly residential blocks with parking on both sides of the streets. Sidewalks will be enhanced with new pedestrian-oriented infrastructure, and retail and community services will animate the larger streets within the PUD Site. Also consistent with the Small Area Plan is the centrally-located park and open spaces proposed by the Applicant to be located throughout the PUD Site.
132. In addition, the Commission finds that the PUD is not inconsistent with the Comprehensive Plan, including the following elements:

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- a. *H-1.1: Homes for an Inclusive City - Expanding Housing Supply*, which indicates that expanding the housing supply is a key part of the District's vision to create successful neighborhoods;
- b. *Policy H-1.1.1 Private Sector Support*, which encourages the development of new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives;
- c. *Policy H-1.1.3 Balanced Growth*, which strongly encourages the development of new housing on surplus, vacant and underutilized land in all parts of the city, and calls for ensuring that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing;
- d. *Policy H-1.1.4: Mixed-Use Development*, which promotes 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;
- e. *Policy H-1.2.3: Mixed-Income Housing*, which recommends focusing investment strategies and affordable housing programs to distribute mixed-income housing more equitably across the entire city, and taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing;
- f. *Policy H-1.2.7: Density Bonuses for Affordable Housing*, which recommends providing zoning incentives to developers proposing to build low- and moderate-income housing, and notes that affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed;
- g. *Policy H-1.3.1: Housing for Families*, which encourages providing 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;
- h. *Policy H-1.3.2: Tenure Diversity*, which encourages the production of both renter-occupied and owner-occupied housing; and
- i. *Policy H-1.4.4: Public Housing Renovation*, which encourages continued efforts to transform distressed public and assisted housing projects into viable mixed-

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income neighborhoods, and providing one-for-one replacement within the District of Columbia of any public housing units that are removed.

133. The Commission finds that the PUD's proposed zoning designation is appropriate for the PUD Site and is not inconsistent with the Comprehensive Plan's designation for the PUD Site. The PUD Site is designated Moderate Density Residential on the Comprehensive Plan's Future Land Use Map, and the Commission notes that guidelines state that the Future Land Use Map is to be "interpreted broadly" and 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 DCMR § 226(c).) The Commission also notes that the guidelines advise that "the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate, and that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here." (*Id.*) Based upon this principle, this Commission has found in a number of cases that the R-5-B and C-2-A Zone Districts are not inconsistent with the Moderate-Density Residential category (e.g. Z.C. Case Nos. 08-25 and 07-35).
134. Furthermore, the Commission finds that amount of commercial space on the PUD Site is nominal, comprising approximately three percent of the total development. The Commission finds that the proposed commercial uses are intended to provide services to meet the day-to-day needs of people who live and work in the neighborhood, which is consistent with the purposes of the C-2-A Zone District, which is "designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core," and "shall include office employment centers, shopping centers, and medium bulk mixed use centers." (11 DCMR §§ 720.2, 720.3.)
135. The Commission also finds that the PUD's overall density of 2.09 FAR is not inconsistent with the moderate-density designation. Similar to other developments reviewed by this Commission, through the flexibility afforded by the PUD process, the proposed density can be appropriately distributed across the PUD Site. In this case, the Applicant carefully located the taller, multi-family buildings on the western and northwestern perimeter streets to buffer the lower-density and lower-height buildings on the remainder of the PUD Site. Out of the 22 parcels on the PUD Site, only six are proposed to be developed with higher-density multi-family buildings with ground-floor commercial use. The Commission finds that these lower-density buildings will be compatible to the adjacent single family detached and row dwellings and flats in the adjacent residential community.

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136. Affordability: BFTAA stated that the PUD does not adhere to the underlying policies of the Small Area Plan or the NCI, which call for a unit mix of approximately one-third public housing, one-third new affordable housing, and one-third market-rate.
137. The Commission finds that the NCI is not a zoning document. NCI is a government program designed to revitalize severely distressed subsidized housing and redevelop communities plagued with concentrated poverty, high crime, and economic segregation. However, the Commission nonetheless finds that the PUD is consistent with NCI's guiding principles. First, the Commission finds that the PUD supports the mixed-income principle. Although the original NCI development plan called for one-third public housing units, one-third workforce housing units, and one-third market rate housing units, that plan "was a guide, not an actual concrete recommendation." (*see* Kimberly Black King's testimony on p. 191 of the Tr. dated September 18, 2014.) Second, the Commission finds that the PUD supports the goal of replacing one-for-one the existing 444 public housing units that exist in the Barry Farm and Wade Road developments. To date, 60 replacement public housing units have already been constructed at Matthews Memorial Terrace and Sheridan Station Phase I, and an additional 40 replacement units are under construction at Sheridan Station Phase III. The Applicant will construct the remaining 344 public housing replacement units on the PUD Site.
138. The Commission further finds that the PUD is generally consistent with the Small Area Plan and NCI, since they are simply intended to provide guidance to developers and decision makers. The Commission finds that although the PUD does not provide the exact ratio of public housing, affordable housing, and market rate housing that the Small Area Plan and the NCI recommend, the PUD is substantially consistent with the underlying policies of the Small Area Plan and the NCI, because it will be a vibrant mixed-use, mixed-income community that replaces one-for-one the existing public housing units, offers current residents the option to return, provides rental and homeownership opportunities at affordable and market-rate levels, and provides significant new retail opportunities, parks, and open space for District residents to enjoy,
139. Phasing: BFTAA, the Committee of 100 of the Federal City, and other individuals stated that PUD is not being constructed in appropriate phases, such that current residents will be unable to be relocated within the PUD Site during construction. BFTAA requested that the phasing plans give current residents the right to remain on the PUD Site during implementation of any redevelopment, and that current residents should be relocated within the PUD Site itself. In the alternative, BFTAA also stated that the HUD Housing Choice Voucher program is inadequate to support displaced residents due to the onerous expectations it places on recipients, and that funding from this program was speculative at best.

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140. The Commission finds that the Applicant will appropriately move forward with the PUD in multiple phases, considering the size of the PUD Site, market conditions, and the availability of financing, which are difficult to predict. The Applicant's development priorities are to provide a mixture of housing opportunities for a wide range of income levels that will include replacement public housing units and to provide a housing mix that stabilizes and transforms the community. Since public housing units are expected to comprise 24.5% of the total project unit count, each phase will be comprised of a proportionate number of replacement public housing units. As described in Finding of Fact 67, the Applicant submitted a phasing schedule after the public hearing on October 29, 2014, outlining the anticipated timing for the second stage applications and agreeing to the termination of the 10-year approval duration upon the failure of any of the filings to occur. Thus, the Commission finds that the Applicant's general phasing plan provides flexibility to address market conditions and is appropriate for this project, while the threat of potential expiration incentivizes the Applicant to adhere to the phasing schedule.
141. The Commission also notes that the Applicant and DCHA will work with existing residents to ensure that they are relocated into safe and secure housing units, and will also provide necessary training and workshops to help residents navigate the HUD Housing Choice Voucher program.
142. Further, the Commission finds that the Applicant has presented evidence and demonstrated that it will include in each phase a mix of housing that incorporates market-rate rental, homeownership, affordable housing, and public housing, consistent with the overall program vision.
143. Timing for Second-Stage Application: Other persons in opposition to the application, including the Committee of 100 of the Federal City stated that the five-year time period between the first- and second-stage review should be denied because the Applicant did not provide adequately detailed data on the intended income mix, size of units, provisions for relocating existing tenants, and their options for return.
144. As to the time period between first and second stage reviews the Commission notes that the Applicant has committed to filing second stage application must be filed for at least four parcels (Phase I of development) within two years after the effective date of this Order. This is only one year more than the presumptive duration between first-stage approval and second-stage filings. The Commission finds that the Applicant is seeking the additional time in order to provide sufficient time for proceeding through the HUD funding and disposition processes; initiating predevelopment activities, including infrastructure planning and street and alley closing processes; further engaging with the community and existing public housing residents regarding the relocation plan and design elements for the second-stage application; and securing additional financial sources to move forward with development. The Commission notes that approval of the pending

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first-stage PUD application is the first step in the process and is a critical component necessary to trigger other steps to move forward with implementation of redevelopment of the PUD Site.

145. Income Mix and Unit Size: BFTAA and a number of individuals asserted that the Applicant did not provide adequately detailed information regarding the intended income mix or unit size of the replacement public housing units, or describe whether the PUD would replace each public housing unit with another public housing unit with the same number of bedrooms and at the same level of affordability. In addition, BFTAA alleged that the Applicant provided no concrete information as to whether the proffered affordable units would be provided on- or off-site, whether they would be offered exclusively to current residents, or when they will be built. BFTAA also argued that the proposed PUD did not provide a sufficient number of four-, five-, and six-bedroom units.
146. The Commission finds that the Applicant provided sufficient details regarding the intended income mix, size, and typology of the proposed residential units on the PUD Site. The master plan (Ex. 25C1-25C5, as modified by Ex. 69A and 83A1-83A2) includes a total of 1,400 residential units, which are comprised of 1,014 multiple dwelling units, 278 row dwellings, 46 flats (92 units), and 16 live/work spaces.
147. The Commission finds that the Applicant's plan includes rental and homeownership opportunities, and that the proposed units will be of an appropriate size to accommodate the needs of all returning residents. Although the exact determination of income and tenure mix is subject to a number of factors, including market demand and financial market conditions at the time the second-stage applications are filed, the Applicant has committed to replacing 344 public housing units on the PUD Site, which is approximately 24.5% of the total proposed units. As noted, the Commission intends to request the Zoning Administrator to exempt the PUD from the Inclusionary Zoning requirements pursuant to § 2602.3(f) of the Zoning Regulations. Nevertheless, the affordable housing component of the PUD provides significantly more affordable housing units than is required under the Inclusionary Zoning regulations. Furthermore, the Commission finds that the Applicant has committed to targeting the following unit mix at the PUD Site: (i) 24% public housing rental, (ii) 20% affordable rental/homeownership, (iii) 20%-30% market rental, and (iv) 20%-30% percent market homeownership. In addition, the Commission credits the Applicant's testimony that the Applicant will ensure that the 344 replacement public housing units will meet the housing needs of the returning residents.
148. ANC 8C, BFTAA, and other individuals opposed a number of other aspects of the PUD. However, the Commission finds that it is not the proper forum to adjudicate these issues. The Commission's jurisdiction is defined by statute and regulation. (*See* D.C. Official Code § 6-641.01; 11 DCMR §§ 3000 *et seq.*) Regarding the scope of authority for

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regulatory agencies like the Commission, the Court of Appeals has stated repeatedly that it is "reluctant to read into a statute powers for a regulatory agency which are not fairly implied from the statutory language, since the agency is statutorily created." (*See Spring Valley Wesley Heights Citizen Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 644 A.2d 434, 436 (D.C. 1994) (citing *Chesapeake & Potomac Tel. Co. v. Public Service Comm'n of District of Columbia*, 378 A.2d 1085, 1089 (D.C. 1977)).) The Commission's authority is thus limited to and controlled by its statute and governing regulations, and neither of those documents permits the Commission to resolve a dispute as to title to real property in the District.

149. Moreover, this Commission has ruled in a number of cases that it does not have jurisdiction over issues governed by other forums or standards beyond the Zoning Regulations. (*See, generally* D.C. Official Code § 6-641.01; *see also, e.g.* Z.C. Order No. 05-42, Jan. 14, 2008 (no jurisdiction over a request for regulatory reviews, permits, and applications from Applicant); Z.C. Order No. 638, November 13, 1989 (no jurisdiction over temporary closing of alleys or damage to neighboring properties); Z.C. Order No. 01-09C, February 11, 2002 (no authority to appoint, establish, or monitor an arbitration board); Z.C. Order No. 02-43, February 24, 2003 (no authority to require DDOT's compliance); Z.C. Order No. 13-10 (no authority over claim to an easement).) In these cases, the Commission has acknowledged the limits of its authority and did not act on issues outside of its jurisdiction.
150. The Commission finds that the issues addressed below are not governed by the Zoning Regulations or are otherwise beyond the scope of the testimony and evidence of record in this case. A first-stage PUD involves (i) general review of a site's suitability for use as a PUD; (ii) the appropriateness, character, scale, mixture of uses, and design of the uses proposed; and (iii) the compatibility of the proposed development with city-wide, ward, and area plans of the District of Columbia, and other goals of the PUD process. (11 DCMR 2402.2(a).) However, the Commission responds to the issues below.
151. Relocation and Return Plans: BFTAA and a number of individuals asserted that the Applicant did not provide an adequate relocation or return plan for current residents, and did not explain how people would be transitioned during redevelopment, where they would go, how they would go, and when they would return. BFTAA stated that the Applicant did not provide sufficient measures to prevent displacement of current tenants. BFTAA further alleged that for these reasons, the PUD was inconsistent with the Comprehensive Plan Policy FSS-2.3.1.
152. The Commission finds that the Applicant's relocation process is governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Since that Act does not confer any jurisdiction on the Commission, the Commission finds that the relocation process is outside of the Commission's jurisdiction. However, the

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Commission finds that the Applicant has submitted detailed information regarding the timing and process for development of a relocation plan. (Ex. 69-69L, 83C; and Ms. Burgess's testimony from Tr. dated September 18, 2014, pp. 34-45.) Moreover, as described at the Commission's public meeting on October 20, 2014, the Commission is requiring the Applicant to submit a relocation plan with the Applicant's first second-stage application. This plan shall include specific timetables and plans for the relocation and return of the residents of Barry Farms. The Commission is also requiring the Applicant to submit with each subsequent second-stage application, a progress report regarding the status of the relocation process described in Exhibits 69-69C and 83C.

153. Based upon the evidence of record, the Commission further finds that the Applicant's relocation plan is not inconsistent with Comprehensive Plan Policy FSS 2.3.1, which encourages "the revitalization of Barry Farm ... with measures to assist residents and avoid dislocation or personal hardship," since the information submitted indicates that it will support current residents. (Ex. 83.) Moreover, the Commission is requiring the Applicant to submit a relocation plan with the first second-stage application and is requiring the Applicant to submit progress reports regarding the status of the relocation process as part of each second-stage application.
154. Reentry Eligibility Criteria: BFTAA and other individuals stated that replacement public housing units will have different and additional eligibility criteria so that many current residents will not be able to qualify for the replacement units on the PUD Site. BFTAA argued that the replacement units should have the same lease criteria as traditional public housing, that there should be no new criteria for the replacement units, and that current residents should have a right to return regardless of whether they are lease compliant.
155. The Commission finds that reentry eligibility criteria are beyond the scope of the Commission's jurisdiction. However, the Commission notes that the Applicant indicated that it plans to pursue the HUD Choice Neighborhood program for funding and development of the project. Under the HUD Choice Neighborhood program, all current Barry Farm residents who are lease compliant and remain compliant while residing in their temporary housing will be able to return to the redeveloped PUD Site.
156. Demolition vs. Renovation: BFTAA stated that the Applicant should repair and renovate the existing structures on the PUD Site rather than demolish the structures. (Ex. 27, 75; June 19, 2014 Tr., pp. 189-200.)
157. The Commission finds that it does not have jurisdiction over the issue of whether a property owner should renovate or demolish existing structures on its land. However, the Commission finds that the Applicant submitted sufficient analysis justifying the need to demolish the existing units on the PUD Site. The Applicant adequately explained that the existing units "are part of an aging and substantially deteriorated housing stock" and that

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“a 2010 physical needs assessment found that the key building systems of residential buildings, including exterior walls and roofs are ‘in extremely poor condition.’” (Ex. 54, 69, 69D; and Steve Green’s testimony from Tr. dated June 16, 2014, pp. 88-100.)

158. Financing: BFTAA also stated that the Applicant did not provide sufficient details regarding how the PUD would be financed, and that although the Applicant is counting on receiving federal financing, it has not yet been awarded any money.
159. The regulations do not require proof of financing as a prerequisite to approval. Indeed, many PUDs come before the Commission without financing fully in place. Nevertheless, the Commission notes that the Applicant indicated that it intends to pursue the HUD Choice Neighborhood program as a funding source for the development of the PUD Site.
160. Retail/Service Opportunities: BFTAA requested that the PUD Site include a set-aside for businesses to be owned and managed by public housing residents, and that resources should be provided to support these entrepreneurs.
161. The Commission notes that the Applicant indicated that the PUD includes approximately 55,500 square feet of gross floor area devoted to retail/service uses. Moreover, as described in the Applicant's post-hearing submission, through the District's NCI Human Capital Program, service providers offer comprehensive case management services and programming geared towards economic self-sufficiency and community wellness to households residing at the PUD Site. (Ex. 69, 69J.)
162. Displacement: Other persons in opposition stated that the mixed-income development will not ameliorate concentrated poverty, and will instead shift poverty by displacing an impoverished population with high-income households. BFTAA also testified that the Applicant should be required to provide social impact statements to enact mitigation efforts and evaluate whether the proposed dispersal of existing social networks at Barry Farm is acceptable.
163. The Commission finds that neither the issue of displacement nor the issue of completing social impact studies is within its jurisdiction. However, the Commission finds that the PUD will appropriately provide housing for residents at a mix of incomes in compliance with the Comprehensive Plan, the Small Area Plan, and other District policies, which will result in an improvement to the PUD Site compared to the existing deteriorated physical conditions. The Commission also finds that the Applicant is providing significant relocation and return support to existing residents to help ameliorate any potential social impacts as a result of redevelopment.
164. Privatization of Public Land: BFTAA alleged that the Applicant did not provide sufficient details regarding the scope of privatization, the amount of land that the Applicant proposes to privatize, the rationale or loss of financial value to public assets

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upon privatization, or how privatization will affect the Applicant's phasing and return plans. BFTAA stated that the Applicant did not explain why the development could not be accomplished with short- or long-term leasing arrangements or through non-profit land trusts or other creative financing measures.

165. The Commission finds that the privatization of public land and related financing issues are not governed by the Zoning Regulations and therefore completely outside of the Commission's jurisdiction.
166. The Commission has reviewed the submissions of ANC 8C, BFTAA, and the Applicant, and the Commission has given great weight to ANC 8C's views. The Commission finds that the Applicant has responded in detail to each of the concerns raised by the ANC, BFTAA, and other individuals, and the Commission further finds that the Applicant's exhibits, expert testimony, and reports, as well as the testimony and reports of OP, address the substantives issues raised in this case as detailed in findings of fact 126 through 165 in this Order and the testimony and evidence of record referenced in this Order.

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 "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 first-stage 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, or courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. 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.

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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 Subject 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.
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. First-stage approval of this PUD is appropriate because the proposed development, and the proposed R-5-B and C-2-A zoning, are not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the Subject 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.
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) (2001)) to give great weight to the affected ANC's recommendation. 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).) ANC 8C submitted several reports:
 - a. The first report was dated June 13, 2014, and states that on May 7, 2014, at a duly noticed public meeting at which notice was properly given and a quorum was present, ANC 8C voted 5-0-1, to not support the application, and that on June 10, 2014, ANC 8C voted 3-0-1, to support the application if the Applicant reduces the quantity of units to 1,200; (Ex. 38.)
 - b. The second report was a July 10, 2014, joint resolution from ANC 8C and BFTAA, stating its support for the PUD, subject to a number of conditions; and (Ex. 68.)
 - c. The third report was a resolution dated September 23, 2014. The resolution stated that the ANC continued to support the PUD, provided that the Applicant met a list

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of eight “commitments” that effectively served as conditions for the ANC’s approval. (Ex. 92.)²

10. The third ANC resolution dated September 23, 2014 contained advice that superseded the advice contained in the two previous letters, so the Commission considers the third letter to be the source of concerns that must be given great weight.
11. The ANC resolution dated September 23, 2014 did not comply with the requirements of the Zoning Regulations that an ANC report state whether the ANC considered the matter at a properly noticed meeting, as required by 11 DCMR § 3012.5(c), nor did it comply with the requirement that the requirement that a ANC met with a quorum, as required by 11 DCMR § 3012.5(d).
12. The Commission nonetheless carefully considered the contents of the report, and examined the commitments listed in the letter. The Commission finds that first two bullet points listed in the resolution (which deal with replacement of public housing units) are properly part of this application and that the Applicant is in compliance with these stated commitments. The Commission finds, for the reasons discussed in findings 148 to 166 above, that the remaining items are related to DCHA’s operations, which are not a zoning issues and not within the Commission’s jurisdiction.
13. The Commission has given great weight to ANC 8C's recommendations, but concludes that the Applicant has fully supported its application and responded to each of the issues raised by the ANC, BFTAA, other persons in opposition, OP, and DDOT.
14. 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 Commission concurs with OP’s recommendation for approval and has given the OP recommendation the great weight it is entitled.
15. 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.* (2007 Repl.)

² ANC also submitted a resolution dated September 18, 2014. (Ex. 87.) The resolution was not on ANC letterhead. The contents of the resolution are identical to the resolution dated September 23, 2014.

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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 first-stage review and approval of a planned unit development (“PUD”) and related zoning map amendment for Square 5862, Lots 137-143; Square 5865, Lots 243, 249, 254, 259, 260-280, 893, 963-978, and 992; Square 5866, Lots 130, 133-136, 141-144, 147-150, 152, 831-835; and Square 5867, Lots 143, 172-174, 890-891, and 898, subject to the following guidelines, conditions, and standards:

A. PROJECT DEVELOPMENT

1. The PUD and subsequent second-stage applications shall be in accordance with the first-stage PUD plans and development data, dated May 27, 2014 (Ex. 25C1-25C5), as supplemented by the revised site plan addressing street layouts, dated July 14, 2014 (Ex. 69A), as modified by the revised Master Plan, dated September 15, 2014 (Ex. 83A1-83A2), and as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the plans, the PUD shall be a mixed-use project consisting of a maximum of 1,834,317 square feet of gross floor area devoted to residential uses, and a maximum of 55,500 square feet of gross floor area devoted to retail, service, and office uses. The Applicant shall construct new streets and sidewalks as shown on the plans (Ex. 83A1-83A2) and the Applicant's PowerPoint presentation (Ex. 84) in accordance with D.C. Department of Transportation standards and subject to D.C. Department of Transportation approval.
3. The PUD shall have an overall maximum density of 2.09 FAR and an overall maximum lot occupancy of 51.9%.
4. The buildings in the PUD shall be designed to the following maximum building heights, not including roof structures:
 - a. Parcel 1A: 65 feet;
 - b. Parcel 1B: 65 feet;
 - c. Parcel 2: 48-65 feet;
 - d. Parcel 3: 65 feet;
 - e. Parcel 4: 65 feet;
 - f. Parcel 5: 65 feet;
 - g. Parcel 6: 48-65 feet;
 - h. Parcel 7: 48-65 feet;
 - i. Parcel 8: 48 feet;

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- j. Parcel 9: 48 feet;
- k. Parcel 10: 48 feet;
- l. Parcel 11: 48 feet;
- m. Parcel 12: 48 feet;
- n. Parcel 13: 48 feet;
- o. Parcel 14: 48 feet;
- p. Parcel 15: 48 feet;
- q. Parcel 16: 48 feet;
- r. Parcel 17: 48 feet
- s. Parcel 18: Open Space;
- t. Parcel 19: Open Space;
- u. Parcel 20: Open Space; and
- v. Parcel 21: Open Space.

- 5. The overall PUD shall provide the minimum number of required, zoning-compliant off-street parking spaces.
- 6. The PUD shall include the following unit mix on the PUD Site:

Unit Mix	Approximate Percent of Units
Replacement Public Housing	24%
Affordable Rental/Homeownership	20%
Market Rental	20-30%
Market Homeownership	20-30%
Total	100%

- 7. The Applicant shall dedicate 344 units of the total 1,400 residential units as replacement public housing units affordable to households earning up to 30% of the AMI. The 344 replacement public housing units shall remain as replacement public housing units for the period required under the *Regulatory and Operating Agreement* required by HUD and the ground lease governing the property, which will be no less than 40 years.
- 8. The Applicant shall dedicate 20% of the housing units on the PUD Site as affordable rental or homeownership units. The rental affordable units shall be devoted to households earning up to 60% of the AMI and the homeownership affordable units shall be devoted to households earning up to 80% of the AMI. The affordable control period for the affordable rental units shall remain in place for 40 years after the certificate of occupancy is issued for the building(s)

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containing the affordable rental units. The affordable control period for the affordable homeownership units shall be subject to the requirements of their funding source or a minimum of 10 years.

9. Nothing in Conditions A-7 or A-8 shall be deemed to excuse the Applicant from setting aside for so long as the project is in existence the minimum amount of residential gross floor area for affordable housing units as required by 11 DCMR § 2603, or if the Inclusionary Zoning exemption is granted, by 11 DCMR § 2602.7.
10. The Applicant is granted flexibility from court requirements (§§ 406.1 and 776), side yard requirements (§§ 405.9 and 775), rear yard requirements (§§ 404.1 and 774.1), loading requirements (§ 2201.1), and lot occupancy requirements (§§ 403.2 and 772.1) consistent with the approved plans and as discussed in the Development Incentives and Flexibility section of this Order. The Applicant will identify the specific degree of relief for each parcel during the second-stage application for each parcel.
11. The Applicant shall also have flexibility with the design of the PUD in the following areas:
 - a. To be able to provide a range in the number of residential units of plus or minus 10% from the 1,400 depicted on the plans; and
 - b. To vary the number, location, and arrangement of parking spaces, and the number of parking garage levels, provided that the total number of parking spaces is not reduced below the minimum level required by the Zoning Regulations.

B. SECOND-STAGE APPLICATIONS

1. The Applicant shall include the following information with each second-stage application:
 - a. Detailed architectural plans and elevations that include the information required pursuant to § 2406.12 of the Zoning Regulations, and specifically including sections demonstrating how the proposed building and building façades relate to adjacent streets and buildings; architectural design features; and an identification of proposed building materials;

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- b. A detailed description of how the zoning requirements for each lot are met, with detailed analysis of all zoning relief requested for each building included in the application;
- c. A detailed description of all environmental/green building initiatives proposed for each building included in the application, including the level of LEED or Green Communities certification that each building will be designed to achieve;
- d. A detailed description of the affordable housing provided in the project phase included in the application, describing the number of affordable units, and the gross floor area dedicated to affordable housing, as well as a breakdown of how the affordable housing is distributed in terms of unit type (by number of bedrooms and rental or homeownership), the level of affordability provided, and the length of the control period;
- e. Updated information regarding phasing for the redevelopment;
- f. If applicable, a detailed description of any shared parking and/or loading programs for the buildings included in the application;
- g. Any necessary updates or modifications to the proposed building heights or loading access points for the buildings;
- h. Loading circulation plans for each apartment building included in the second-stage application;
- i. If applicable, an identification of any new transportation or public space improvements that impact the siting or design of any building(s) included in such second-stage application;
- j. A comprehensive Transportation Demand Management program for any apartment house included in the application;
- k. An update regarding the status of the proposed street closings and realignments;
- l. A detailed landscape plan for the parcels included in the application; and
- m. An executed First Source Employment Agreement with the Department of Employment Services for the building(s) included in the second-stage application, if applicable.

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2. The Applicant shall submit with its first second-stage application a relocation plan in accordance with Exhibits 69K and 83C that lists specific timetables and plans for the relocation and return of the residents of Barry Farms.
3. The Applicant shall submit with each second-stage application a progress report regarding the status of the relocation process described in Exhibits 69K and 83C.

C. PUBLIC BENEFITS

1. The Applicant shall provide the public benefits and project amenities enumerated in finding of fact 78 above including the affordable housing requirements set forth in Conditions A.6 through A.9 above. The final description of the benefits and amenities and the timeframe for their delivery shall be a part of the Applicant's submission for each second-stage application, and shall be part of the Commission's review of each second stage application.
2. The PUD shall be designed to enhance the sustainable nature of the PUD Site's location and to promote a healthy and desirable lifestyle that will minimize the building's impact on the environment. The PUD will help implement the Sustainable D.C. Plan by improving citywide health through low impact development that improves air and water quality, and by providing neighborhood-serving retail in a mixed-use environment that provides greater access to healthy food and lifestyles. The Applicant shall meet rigorous energy and environmental design standards using the LEED rating system as a guide and performance metric. The PUD Site will meet the LEED-ND standards and the multi-family dwelling buildings will meet the LEED-Silver and/or equivalent Enterprise Green Communities standards.
3. The Applicant shall include a LEED-ND checklist with the building permit checklist with the building permit application for the first building to be constructed as a part of "Phase I" of the development. The Applicant shall include a LEED checklist with the building permit for each multifamily building indicating that the building has been designed to meet the "Silver" certification standard.
4. During the life of the project, the Applicant shall dedicate 344 units of the total 1,400 residential units as replacement public housing units.
5. Prior to the issuance of a certificate of occupancy for the first building completed in Phase I of the project, the Applicant shall submit to the Department of Consumer and Regulatory Affairs a fully executed First Source Employment

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Agreement between the Applicant and the D.C. Department of Employment Services.

D. TRAFFIC MITIGATION

1. During the life of the project, the Applicant shall implement the following TDM measures:
 - a. Designate a TDM coordinator (“TDM Leader”) responsible for organizing and marketing the TDM plan;
 - b. Provide a location for a Capital Bikeshare station;
 - c. Dedicate specific parking spaces for car sharing in parking garages;
 - d. Dedicate reserved parking spaces for carpools and vanpools in parking garages;
 - e. Provide website links to commuterconnections.com and goDCgo.com on developer and property management websites;
 - f. Install a TransitScreen in the lobbies of all commercial and multi-family buildings to keep residents and visitors informed on all available transportation choices and provide real-time transportation updates. In addition, the Applicant shall require the TDM Leader to make printed materials related to local transportation alternatives available to residents and employees upon request and at move-in for new tenants;
 - g. Provide showers and changing facilities for employees in commercial buildings that include 25,000 or more square feet of gross floor area devoted to commercial use; and
 - h. Unbundle the parking costs from the price of the market rate units and charge no less than the price of the lowest fee garage within one-quarter mile of the PUD Site for all market-rate units.
2. At initial sale of ownership units, offer a one-time, one-year membership in a car sharing or Capital Bikeshare program.
3. For the first three years of the project, offer a one-year membership in a car sharing or Capital Bikeshare program for each new lease signed for a rental unit.

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E. MISCELLANEOUS

1. Pursuant to § 2407.10 of the Zoning Regulations, the Commission is specifying a longer period of approval than the presumptive one-year period. Specifically, this first-stage approval shall be valid for a period of 10 years after the effective date of this Order, subject to the Applicant meeting each of the following milestones:
 - a. A second-stage application shall be filed for at least four parcels (Phase I of development) within two years of the effective date of this Order;
 - b. A second-stage application shall be filed for at least four additional parcels (Phase II of development) within two years of the effective date of the order granting second stage approval for Phase I;
 - c. A second-stage application shall be filed for at least four parcels (Phase III of development) within two years of the effective date of the order granting second stage approval for Phase II; and
 - d. A second-stage application shall be filed for any remaining parcels (Phase IV of development) within two years of the effective date of the order granting second stage approval for Phase III.

Notwithstanding the above, no second-stage application may be filed more than 10 years after the effective date of this Order.

2. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 *et seq.* (act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On October 20, 2014, upon the motion of Commissioner Miller, as seconded by Chairman Hood, 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).

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On December 8, 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 **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 May 29, 2015.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 14-20
Z.C. Case No. 14-20
(Map Amendment to Rezone a Portion of Square 1070)
May 11, 2015**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

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