

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 21-160, Fiscal Year 2017 Budget Support Act of 2016
- D.C. Council passes Resolution 21-615, Sense of the Council in Support of Late Night Metrorail Service Hours Emergency Resolution of 2016
- D.C. Council schedules a public hearing on Bill 21-509, Citizens Fair Election Program Amendment Act of 2015 and Bill 21-511, Clean Elections Amendment Act of 2015
- Office of the Chief Financial Officer notifies the public of the Statutory Special Real Property Tax Rates for Tax Year 2017
- D.C. Board of Elections updates the rules for tabulating write-in votes and recount procedures
- Executive Office of the Mayor establishes the District of Columbia Presidential Inaugural Committee to plan and coordinate services for the 2017 Presidential Inauguration (Mayor's Order 2016-162)

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

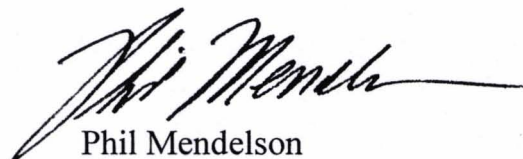
NOTICE

D.C. LAW 21-153

"Public Charter School Fiscal Transparency Amendment Act of 2016"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-115 on first and second readings June 7, 2016, and June 28, 2016, respectively. Following the signature of the Mayor on July 21, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-465 and was published in the August 5, 2016 edition of the D.C. Register (Vol. 63, page 10134). Act 21-465 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-465 is now D.C. Law 21-153, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- August 26, 29, 30, 31
- September 1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
- October 3, 4, 5, 6, 7

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-154

**"Renewable Portfolio Standard Expansion
Amendment Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-650 on first and second readings June 7, 2016, and June 28, 2016, respectively. Following the signature of the Mayor on July 25, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-466 and was published in the August 5, 2016 edition of the D.C. Register (Vol. 63, page 10138). Act 21-466 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-466 is now D.C. Law 21-154, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	26, 29, 30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-155

**"Bicycle and Pedestrian Safety Amendment
Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-335 on first and second readings June 7, 2016, and June 28, 2016, respectively. Following the signature of the Mayor on July 25, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-467 and was published in the August 5, 2016 edition of the D.C. Register (Vol. 63, page 10143). Act 21-467 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-467 is now D.C. Law 21-155, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	26, 29, 30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7

COUNCIL OF THE DISTRICT OF COLUMBIA

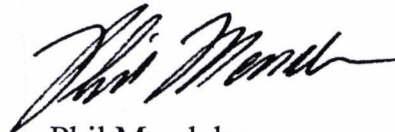
NOTICE

D.C. LAW 21-156

**"Theodore 'Ted' Williams Alley
Designation Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-421 on first and second readings June 28, 2016, and July 12, 2016, respectively. Following the signature of the Mayor on July 21, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-468 and was published in the August 5, 2016 edition of the D.C. Register (Vol. 63, page 10162). Act 21-468 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-468 is now D.C. Law 21-156, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	26, 29, 30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-157

**"Building Service Employees Minimum
Work Week Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-331 on first and second readings June 28, 2016, and July 12, 2016, respectively. Following the signature of the Mayor on August 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-485 and was published in the August 26, 2016 edition of the D.C. Register (Vol. 63, page 10739). Act 21-485 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-485 is now D.C. Law 21-157, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	26, 29, 30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-158

"Procurement Integrity, Transparency,
and Accountability Amendment
Act of 2016"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-334 on first and second readings June 28, 2016, and July 12, 2016, respectively. The legislation was deemed approved without the signature of the Mayor on August 23, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-486 and was published in the August 26, 2016 edition of the D.C. Register (Vol. 63, page 10752). Act 21-486 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-486 is now D.C. Law 21-158, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	26, 29, 30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-159

**"Incarceration to Incorporation Entrepreneurship
Program Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-463 on first and second readings June 28, 2016, and July 12, 2016, respectively. Following the signature of the Mayor on August 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-487 and was published in the August 26, 2016 edition of the D.C. Register (Vol. 63, page 10771). Act 21-487 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-487 is now D.C. Law 21-159, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	26, 29, 30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 21-160

**"Fiscal Year 2017 Budget Support
Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-669 on first and second readings May 17, 2016, and June 21, 2016, respectively. Following the signature of the Mayor on August 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-488 and was published in the August 26, 2016 edition of the D.C. Register (Vol. 63, page 10775). Act 21-488 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-488 is now D.C. Law 21-160, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

August	26, 29, 30, 31
September	1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
October	3, 4, 5, 6, 7

COUNCIL OF THE DISTRICT OF COLUMBIA

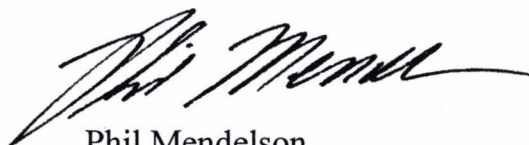
NOTICE

D.C. LAW 21-161

"Public Space Naming Amendment Act of 2016"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-614 on first and second readings June 28, 2016, and July 12, 2016, respectively. Following the signature of the Mayor on August 18, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-489 and was published in the August 26, 2016 edition of the D.C. Register (Vol. 63, page 10912). Act 21-489 was transmitted to Congress on August 24, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-489 is now D.C. Law 21-161, effective October 8, 2016.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- August 26, 29, 30, 31
- September 1, 2, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
- October 3, 4, 5, 6, 7

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-500

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 12, 2016

To amend, on an emergency basis, the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982 to change the age eligibility requirements for the police officer cadet program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Law Enforcement Career Opportunity Emergency Amendment Act of 2016”.

Sec. 2. Section 2(a) of the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 9, 1983 (D.C. Law 4-172; D.C. Official Code § 5-109.01(a)), is amended by striking the number “21” and inserting the number “25” in its place.

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 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

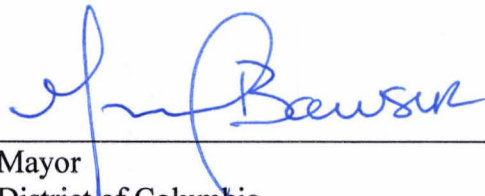
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
October 12, 2016

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-501

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 12, 2016

To amend, on an emergency basis, the Retired Police Officer Redeployment Amendment Act of 1992 to authorize the Chief of the Metropolitan Police Department to pay Metropolitan Police Department police officers who retired at a rank other than Officer and who are rehired a salary of not more than the salary paid for specified service steps.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Senior Law Enforcement Officer Emergency Amendment Act of 2016”.

Sec. 2. Section 2 of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761), is amended by adding a new subsection (h) to read as follows:

“(h) Notwithstanding subsection (d) of this section, a police officer who retired at a rank other than Officer who is rehired under subsection (a) of this section shall be eligible to be paid for the duration of rehire a salary of no more than the salary paid at the following service steps:

- “(1) Class 1 (Officer) – Step 5;
- “(2) Class 3 (Detective Grade 1) – Step 4; or
- “(3) Class 4 (Sergeant) – Step 3.”.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

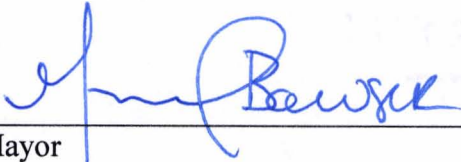
This act shall take effect following approval by the Mayor, (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council in section 412(a) of the District of

ENROLLED ORIGINAL

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
October 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-502

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 12, 2016

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property commonly referred to as the R.L. Christian Community Library, located at 1300 H Street, N.E., known for tax and assessment purposes as Lots 97, 98, 99, 100, 101, 102, and 103 in Square 1026; and to approve an amendment to the term sheet for the disposition of the property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Extension of Time to Dispose of 1300 H Street, N.E., and Approval of Amended Term Sheet Emergency Amendment Act of 2016”.

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-8) to read as follows:

“(d-8) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of District-owned real property located at 1300 H Street, N.E., known for tax and assessment purposes as Lots 97, 98, 99, 100, 101, 102, and 103 in Square 1026 (“Property”), for the construction of a mixed-use residential and retail development pursuant to the 1300 H Street, N.E. Disposition Approval Resolution of 2014, effective September 23, 2014 (Res. 20-600; 61 DCR 10470), and section 3 of this Act, is extended to March 23, 2017.”.

Sec. 3. (a) The Council approved the 1300 H Street, N.E. Disposition Approval Resolution of 2014, effective September 23, 2014 (Res. 20-600; 61 DCR 10470) (“Resolution”), which was accompanied by a term sheet, dated November 27, 2013, that the Deputy Mayor for Planning and Economic Development and the proposed developer executed. The term sheet outlined certain terms and conditions for the disposition of real property located in Ward 6, known for tax and assessment purposes as Lots 97, 98, 99, 100, 101, 102, and 103 in Square 1026, and defined in section 2(4) of the Resolution as the “Property.”

(b) Consistent with the intent of section 1(b-1)(6) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b-1)(6)), the Mayor has submitted to the Council an amended term sheet, in redline form, that reflects certain changes in the manner in

ENROLLED ORIGINAL

which the Property will be conveyed, the consideration to be paid, the development program, the schedule of performance, and the affordable housing requirements for the Project.


(c) The Council approves the amendments to the term sheet described in subsection (b) of this section.

Sec. 4. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-503

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 12, 2016

To amend, on an emergency basis, the Child and Youth, Safety and Health Omnibus Amendment Act of 2004 to define “covered child or youth services provider” to include any private entity that is licensed by the District government to provide direct services to children or youth or for the benefit of children or youth.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2016”.

Sec. 2. Section 202(3) of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.02(3)), is amended by striking the phrase “any private entity that contracts with” and inserting the phrase “any private entity that is licensed by the District government or contracts with” 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 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

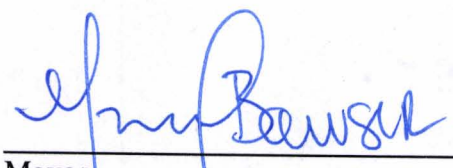
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
October 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-504

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 13, 2016

To amend, on an emergency basis, the District of Columbia Government Quick Payment Act of 1984 to require a change order clause in contracts, and to establish a minimum interest penalty and faster review of claims by contracting officers; to amend the Procurement Practices Reform Act of 2010 to clarify the authority of the Chief Procurement Officer to review contracts of all agencies, allow procurement of facilities maintenance services for certain District-owned buildings, require additional transparency in Council contract summaries, amend requirements for the solicitation and award of privatization contracts, establish restrictions on the performance of inherently governmental functions by contractors, establish an Agency Ombudsman for Contracting and Procurement at District agencies, allow the District to reduce payments to vendors to recoup minor delinquent tax amounts, prohibit certain contacts during source selection, establish contractor past performance as an evaluation criteria during source selection, require a government cost estimate for construction projects, modify surety requirements for construction contracts and non-construction service contracts, clarify the scope of the Contract Appeals Board's review of procurements with regard to business judgment, modify requirements for posting contract information on the Internet, and clarify the rulemaking authority of the Chief Procurement Officer and the Department of General Services; and to amend the Department of General Services Establishment Act of 2011 to clarify the authority of the Department of General Services with regard to the representative program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Procurement Integrity, Transparency, and Accountability Emergency Amendment Act of 2016".

Sec. 2. The District of Columbia Government Quick Payment Act of 1984, effective March 15, 1985 (D.C. Law 5-164; D.C. Official Code § 2-221.01 *et seq.*), is amended as follows:

(a) Section 3(d) (D.C. Official Code § 2-221.02(d)) is amended by adding a new paragraph (4) to read as follows:

“(4) A change order clause that:

“(A) Prohibits the District or a prime contractor from requiring a prime contractor or a subcontractor to undertake any work that is determined to be beyond the original scope of the prime contractor's or a subcontractor's contract or subcontract, including work

ENROLLED ORIGINAL

under a District-issued change order, when the additional work increases the contract price beyond the not-to-exceed price or negotiated maximum price of the underlying contract, unless the contracting officer:

“(i) Agrees with the prime contractor and, if applicable, the subcontractor on a price for the additional work;

“(ii) Obtains a certification from the Chief Financial Officer that there are sufficient funds to compensate the prime contractor and, if applicable, the subcontractor for the additional work;

“(iii) Has made a written, binding commitment with the prime contractor to pay for the additional work within 30 days after the prime contractor submits a proper invoice for the additional work to the contracting officer; and

“(iv) Gives written notice of the funding certification from the Chief Financial Officer to the prime contractor;

“(B) Requires a prime contractor to include in its subcontracts a clause that requires the prime contractor to:

“(i) Within 5 business days of receipt of the notice required under subparagraph (A)(iv) of this paragraph, provide the subcontractor with notice of the approved amount to be paid to the subcontractor based on the portion of the additional work to be completed by the subcontractor;

“(ii) Pay the subcontractor any undisputed amount to which the subcontractor is entitled for any additional work within 10 days of receipt of payment for the additional work from the District; and

“(iii) If the prime contractor withholds payment from a subcontractor, notify the subcontractor in writing and state the reason why payment is being withheld and provide a copy of the notice to the contracting officer; and

“(C) Prohibits the District, a prime contractor, or a subcontractor from declaring another party to the contract to be in default or assessing, claiming, or pursuing damages for delays in the completion of the construction due to the inability of the parties to agree on a price for the additional work.”.

(b) Section 4(b) (D.C. Official Code § 2-221.03(b)) is amended by striking the phrase “shall pay an interest penalty” and inserting the phrase “shall pay an interest penalty of at least 1.5%” in its place.

(c) Section 5(a)(2) (D.C. Official Code § 2-221.04(a)(2)) is amended by striking the phrase “60 days” and inserting the phrase “30 days” in its place.

Sec. 3. The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 2-351.04) is amended as follows:

(1) A new paragraph (34A) is added to read as follows:

“(34A) “Function closely associated with an inherently governmental function” means a function that is not an inherently governmental function, but is similar to an inherently governmental function because of the nature of the function, the manner in which the contractor

ENROLLED ORIGINAL

performs the function, or the manner in which the government administers the contractor's performance of the function, as determined by application of the criteria set forth under section 205a.”.

(2) A new paragraph (37B) is added to read as follows:

“(37B) “Inherently governmental function” means a function that is so intimately related to the public interest as to require performance by District government employees, as determined by application of the criteria set forth under section 205a.”.

(3) A new paragraph (38A) is added to read as follows:

“(38A) “Labor organization” shall have the same meaning as provided in section 102(15) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(15)).”.

(4) A new paragraph (53A) is added to read as follows:

“(53A) “Restricted period” means the period of time commencing with the earliest written notice, advertisement, or solicitation of a request for proposal, invitation for bids, or any other method of soliciting a response from offerors or bidders intended to result in a contract with the District, and ending with either the execution of the final contract and its approval by the District or submission of the contract to the Council for its review when such submission is required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).”.

(b) Section 105(c)(13) (D.C. Official Code § 2-351.05(c)(13)) is amended to read as follows:

“(13) The procurement of services for the design, development, construction, and maintenance of a facility on real property that has been disposed of pursuant to District law or on District-owned real property adjacent to a disposed-of property; provided, that the construction of the facility be required by a Land Disposition Agreement, or similar agreement, governing the disposition of the real property;”.

(c) Section 201 (D.C. Official Code § 2-352.01) is amended as follows:

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

“(d) Except regarding agencies exempted in section 105(c) and 201(b) and roads, bridges, other transportation systems, and facilities and structures appurtenant to roads, bridges, and other transportation systems, the Department of General Services shall have procurement authority for:

“(1) Construction and related services under Title VI of this act; and

“(2) Facilities maintenance and operation services, real estate asset management services, utility contracts, and security services, as set forth in section 1023(5) of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.02(5)).”.

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

“(e) Except as otherwise provided in section 105(b), the CPO may review and monitor procurements, including for construction and related services under Title VI of this act, by any agency, instrumentality, employee, or official exempt under this act or authorized to procure independently of OCP.”.

(d) Section 202 (D.C. Official Code § 2-352.02) is amended as follows:

ENROLLED ORIGINAL

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

“(a)(1) 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), before the award of a multiyear contract or a contract in excess of \$1 million during a 12-month period, the Mayor or executive independent agency or instrumentality shall submit the proposed contract to the Council for review and approval in accordance with the criteria established in this section.

“(2) For a contract modification to exercise an option period when the exercise of the option period does not result in a material change in the terms of the underlying contract, submission of the modification to exercise the option period shall constitute submission of the contract pursuant to this subsection.”.

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

(A) Paragraph (1) is amended by striking the phrase “and type of contract;” and inserting the phrase “type of contract, and the source selection method;” in its place.

(B) New paragraphs (1A) and (1B) are added to read as follows:

“(1A) For a contract containing option periods, the contract amount for the base period and for each option period and, if the contract amount for one or more of the option periods differs from the contract amount for the base period, an explanation of the reason or reasons for that difference;

“(1B) If the contract definitizes a letter contract or replaces a contract awarded through an emergency procurement pursuant to section 405:

“(A) The date, or dates, on which the letter contract or contract awarded through an emergency procurement was executed;

“(B) The number of times the letter contract or contract awarded through an emergency procurement has been extended; and

“(C) The value of the goods and services provided to date under the letter contract or contract awarded through an emergency procurement, including under each extension of the letter contract or contract awarded through an emergency procurement.”.

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

“(3)(A) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price, technical or quality, and past-performance components.

“(B) If the contract was awarded on a sole-source basis, the date on which a competitive procurement for the goods or services to be provided under the contract was last conducted, the date of the resulting award, and a detailed explanation of why a competitive procurement is not feasible;”.

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

“(3A) A description of any bid protest related to the award of the contract, including whether the protest was resolved through litigation, withdrawal of the protest by the protestor, or voluntary corrective action by the District. Each such description shall include the identity of the protestor, the grounds alleged in the protest, and any deficiencies identified by the District as a result of the protest;”.

ENROLLED ORIGINAL

(E) Paragraph (4) is amended by striking the phrase “prior performance on contracts with the District government;” and inserting the phrase “performance on past or current government or private-sector contracts with requirements similar to those of the proposed contract;” in its place.

(F) A new paragraph (4A) is added to read as follows:

“(4A) A summary of the subcontracting plan required under 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), to include a certification by the District that the subcontracting plan meets the minimum requirements 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 § 2-218.01 *et seq.*), and the dollar volume of the portion of the contract to be subcontracted, expressed both in total dollars and as a percentage of the total contract amount;”.

(G) A new paragraph (5A) is added to read as follows:

“(5A) The amount and date of any expenditure of funds by the District pursuant to the contract before its submission to the Council for approval;”.

(H) Paragraph (8) is amended to read as follows:

“(8)(A) A certification that the Citywide Clean Hands Database indicates that the proposed contractor is current with its District taxes.

“(B) If the Citywide Clean Hands Database indicates that the proposed contractor is not current with its District taxes:

“(i) A certification that the contractor has worked out and is current with a payment schedule approved by the District; or

“(ii) A certification that the contractor will be current with its District taxes after the District recovers any outstanding debt as provided under section 301(9);”.

(I) A new paragraph (8A) is added to read as follows:

“(8A) A certification from the proposed contractor that it is current with its federal taxes, or has worked out and is current with a payment schedule approved by the federal government.”.

(J) Paragraph (11) is amended by striking the phrase “debarment; and” and inserting the phrase “debarment;” in its place.

(K) A new paragraph (11A) is added to read as follows:

“(11A) Any determination and findings issued in relation to the contract’s formation, including any determination and findings made under section 205;”.

(L) Paragraph (12) is amended to read as follows:

“(12) Where the contract, and any amendments or modifications, if executed, will be made available online; and”.

(M) A new paragraph (13) is added to read as follows:

“(13) Where the original solicitation, and any amendments or modifications, will be made available online.”.

(3) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

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“(c-1) A proposed change to the scope or amount of a contract, including the exercise of an option period, a modification, a change order, or any similar change that is submitted to the Council pursuant to this section and seeks from the Council retroactive approval of an action or authorization for payment, shall include the summary required under subsection (c) of this section and also shall include:

“(1) The period of performance associated with the proposed change, including the date as of which the proposed change is to be made effective;

“(2) The value of any work or services performed pursuant to a proposed change for which the Council has not provided approval, disaggregated by each proposed change if more than one proposed change has been aggregated for Council review;

“(3) The aggregate dollar value of the proposed change as compared with the amount of the contract as awarded;

“(4) The date on which the contracting officer was notified of the proposed change;

“(5) The reason why the proposed change was sent to the Council for approval after it is intended to take effect;

“(6) The reason for the proposed change; and

“(7) The legal, regulatory, or contractual authority for the proposed change.

“(c-2) Any proposed change submitted to the Council for its review in accordance with subsection (c-1) of this section shall be referred to the Inspector General who may examine the contract for possible corruption, mismanagement, waste, fraud, or abuse pursuant to section 208(a-1)(2) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 1-301.115a(a-1)(2)).

“(c-3) The proposed exercise of an option period pursuant to subsection (a)(2) of this section may be submitted electronically and shall contain a summary, including the following:

“(1) The proposed contractor, contract amount, contract term, and contract type;

“(2) The identifying number of the underlying contract, including the identifiers assigned to the underlying contract by the Council for the base period of the contract and any subsequent option periods;

“(3) A statement indicating that the contracting officer determined through the Citywide Clean Hands Database that the contractor is current with its District taxes or has worked out and is current with a payment schedule approved by the District, or that the contracting officer will offset any outstanding amount pursuant to section 301(9); and

“(4) A statement indicating that the proposed contract is within the appropriated budget authority for the fiscal year and is consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02.”.

(4) Subsection (e) is amended by striking the phrase “contained therein.” and inserting the phrase “contained therein; provided, that a copy of the underlying letter contract be transmitted to the Council with the definitive contract.” in its place.

(e) Section 205 (D.C. Official Code § 2-352.05) is amended to read as follows:

“Sec. 205. Privatization contracts.

“(a) A privatization contract shall meet the following requirements:

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“(1) Except as provided in subsection (d) of this section, a privatization contract shall not cause the displacement of District government employees including by layoff, demotion, involuntary transfer to a new class, involuntary transfer to a new location requiring a change of residence, or time base reductions. For the purposes of this paragraph, the term “displacement” does not include changes in shifts or days off, nor does it include reassignment to other positions within the same class and general location.

“(2) The privatization contract shall provide the District with an economic advantage, as demonstrated by the determination and findings issued pursuant to subsection (b) of this section.

“(3) The economic advantage of the privatization contract shall not be outweighed by the public’s interest in having a particular function performed directly by District employees, as demonstrated in the determination and findings issued pursuant to subsection (b) of this section.

“(4) The privatization contract shall be awarded through a publicized, competitive procurement process pursuant to Title IV of this act.

“(5) The privatization contract shall include specific provisions establishing the minimum qualifications for the employees of the contractor who will perform the work under the contract and an affirmation by the contractor that the contractor’s hiring practices meet applicable District standards.

“(b) Before issuing a solicitation for a privatization contract, the Mayor, instrumentality, or independent agency shall:

“(1) Issue a draft determination and findings demonstrating that the cost of having the contracted-for service provided by a contractor will be at least 5% less than if the service were to be provided by employees of the District or its instrumentality or independent agency. The draft determination and findings shall include, at a minimum, the following:

“(A) The estimated cost of having a contractor provide the service contrasted with the costs that would be directly associated with having employees of the District or its instrumentality or independent agency continue performance;

“(B) Personal services costs attributable to having a contractor provide the service contrasted with the personal services costs that would result from having employees of the District or its instrumentality or independent agency continue performance, including salary and fringe benefits;

“(C) Non-personal services costs attributable to having a contractor provide the service contrasted with the non-personal services costs that would result from having employees of the District or its instrumentality or independent agency continue performance, including rent, equipment, and utilities;

“(D) Any additional costs that would be built into a privatization contract, including expected costs related to the administration, oversight, and supervision by District government personnel of a privatization contract;

“(E) A description of the expected impact of a privatization contract on the quality of goods or services provided to or on behalf of the District government;

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“(F) The number of employees of the District or its instrumentality or independent agency that are necessary to perform the service proposed to be the subject of a privatization contract; and

“(G) The number of employees of the District or its instrumentality or independent agency that would be displaced by the contract within the meaning of subsection (a)(1) of this section;

“(2) Request an analysis by the Chief Financial Officer of whether the costs in the draft determination and findings can be substantiated;

“(3) Share the draft determination and findings with employees who could be displaced within the meaning of subsection (a)(1) of this section as a result of the privatization contract and any labor unions or groups representing those employees to solicit their comments; and

“(4) Issue a final determination and findings that incorporate the full analysis by the Chief Financial Officer, and a summary of comments provided pursuant to paragraph (3) of this subsection. Each final determination and findings shall be made publicly available online before any solicitation for a privatization contract based on the final determination and findings is issued.

“(c)(1) If the Mayor, instrumentality, or independent agency issues a solicitation for a privatization contract that would displace employees of the District or its instrumentality or independent agency, those employees or a person or entity representing those employees may submit a bid or proposal to perform the services as a private entity; provided, that the employees agree to resign their employment with the District or its instrumentality or independent agency upon selection as the awardee of the contract after final approval of the contract.

“(2) The Mayor, instrumentality, or independent agency shall consider any employee bid or proposal submitted pursuant to paragraph (1) of this subsection on the same basis as any other bid or proposal.

“(3) Reserved.

“(4) A solicitation for a privatization contract shall include information describing how displaced employees of the District or its instrumentality or independent agency may exercise their right to compete for the contract pursuant to this subsection.

“(d) A privatization contract that causes employees of the District or its instrumentality or independent agency to be displaced within the meaning of subsection (a)(1) of this section may be awarded; provided, that:

“(1) The contractor shall offer to each displaced employee a right of first refusal to employment by the contractor, in a comparable available position for which the employee is qualified, for at least a 6-month period during which the employee shall not be discharged by the contractor without cause;

“(2) Any District employee who is displaced as a result of a privatization contract and is hired by the contractor who was awarded the contract, shall be entitled to the benefits provided by the Service Contract Act of 1965, approved October 22, 1965 (79 Stat. 1034; 41 U.S.C. § 6701 *et seq.*);

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“(3) If the employee's performance during the 6-month transitional employment period described in paragraph (1) of this subsection is satisfactory, the contractor shall offer the employee continued employment under terms and conditions established by the contractor; and

“(4) The Mayor, instrumentality, or the independent agency head shall make efforts to assist employees of the District or its instrumentality or independent agency who would be affected by the privatization contract and to promote employment opportunities for District residents with the contractor. These efforts shall include:

“(A) Consulting with union representatives and employees of the District or its instrumentality or independent agency who would be affected by the privatization contract;

“(B) Providing prior notification of at least 30 days of any adverse impact of a privatization contract to employees of the District or its instrumentality or independent agency who would be affected by the contract, including notification to a labor organization certified as the exclusive representative of employees affected by the contract;

“(C) Providing alternative employment in the District government to displaced employees if there are unfilled positions for which those employees are qualified; and

“(D) Encouraging the contractor to offer employment to qualified District residents before offering employment to qualified nonresidents.

“(e)(1) Any privatization contract shall incorporate specific performance standards and targets including for productivity and cost savings to be achieved under the contract.

“(2) The contractor shall submit reports, as required by the contract, to the District government contracting officer and the Chief Financial Officer on the contractor's compliance with the specific performance criteria.

“(3) The contract may be canceled without prejudice to the District if the contractor fails to comply with the performance criteria set out in the contract.

“(f) An agency or instrumentality shall not attempt to circumvent the requirements of this section by eliminating the provision of services by its own employees before procuring substantially the same services from a person who is not employed by that agency or instrumentality.

“(g)(1) Each year the District of Columbia Auditor shall review a selection of privatization contracts, which shall be chosen by the Auditor based on the dollar value and scope of the contracts, their potential impact on the health and safety of District residents, their potential impact on economic development and employment opportunities in the District, and other factors deemed appropriate by the Auditor.

“(2) The Auditor shall issue an annual report to the Mayor and the Council on the contracts reviewed pursuant to paragraph (1) of this subsection, analyzing for each contract whether it is achieving:

“(A) The minimum 5% cost-savings requirement set forth in subsection (b)(1) of this section; and

“(B) The performance standards and targets incorporated into the contracts as required under subsection (e) of this section.

“(3) The Auditor may report that the cost and performance data for the selected contracts are inconclusive, but if the District has failed to collect, maintain, or provide cost or

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performance data, the Auditor reasonably may conclude that the cost savings or performance standards and targets are not being met.

“(4) If the Auditor finds in the report issued pursuant to paragraph (2) of this subsection that a privatization contract has not met the cost savings or performance standards and targets, the Mayor or instrumentality or independent agency head shall review the merits of canceling the privatization contract and performing the work with District employees and shall report to the Council on the results of the review.

“(h) The requirements of this section shall not apply to:

“(1) A contract for a new function for which the Council has specifically mandated or authorized the performance of the work by independent contractors;

“(2) Services that cannot be performed satisfactorily by District government employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability, are not available through District employees, as determined by the Mayor;

“(3) Contracts for staff augmentation services to be provided pursuant to a contract with a term of less than one year that does not contain options to extend the performance period;

“(4) Contracts for services that are incidental to a contract for the purchase or lease of real or personal property such as contracts to maintain office equipment or computers that are leased or rented;

“(5) Contracts that are necessary to protect against a conflict of interest or to insure independent and unbiased findings in cases in which there is a clear need for an unbiased and objective outside perspective, as determined by the Mayor;

“(6) Contracts entered into pursuant to section 201(c);

“(7) Contracts that will provide equipment, materials, facilities, or support services that could not be provided feasibly by the District in the location where the services are to be performed, as determined by the Mayor;

“(8) Contracts to provide training for which appropriately qualified District employees are not available, as determined by the Mayor; and

“(9) Contracts for services that are of such an urgent, temporary, or occasional nature that the delay incumbent in their formation under this section would frustrate their very purpose, as determined by the Mayor.

“(i) The CPO shall promulgate rules, pursuant to section 1106, with detailed procedures to implement the provisions of this section.”.

(f) A new section 205a is added to read as follows:

“Sec. 205a. Inherently governmental functions.

“(a) The District shall not award a contract to provide any service that is an inherently governmental function.

“(b) The District may enter into a contract for the performance of a function closely associated with an inherently governmental function only if the head of an agency benefited by the performance of the contract:

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“(1) Finds that appropriate District government employees cannot reasonably perform the function at issue;

“(2) Ensures that appropriate District government employees supervise contractor performance of the contract and perform all inherently governmental functions associated with the contract; and

“(3) Addresses any potential organizational conflicts of interest of the contractor in the performance of the functions closely associated with an inherently governmental function under the contract.

“(c) An inherently governmental function involves, among other things, the interpretation and execution of the laws of the District to:

“(1) Bind the District to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

“(2) Appoint, direct, or control officials or employees of the District;

“(3) Exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the District, including the control, or disbursement of, appropriated and other District funds.

“(4) With respect to contracts to procure goods or services for the District:

“(A) Determine what supplies or services are to be acquired by the District, and at what prices; provided, that the Mayor or the Mayor’s designee may give a contractor authority to acquire supplies for the District at prices within specified ranges and subject to other reasonable conditions considered appropriate;

“(B) Participate as a voting member on any source-selection board, unless the contractor has:

“(i) Been hired by the District for its specific technical expertise; and

“(ii) No conflict of interest exists with regard to the contract or vendors under consideration by the source-selection board;

“(C) Approve any contractual documents, to include documents defining requirements, incentive plans, and evaluation criteria;

“(D) Award contracts;

“(E) Administer contracts, including ordering changes in contract performance or contract quantities, taking action based on evaluations of contractor performance, and accepting or rejecting contractor products or services;

“(F) Terminate contracts;

“(G) Determine whether contract costs are reasonable, allocable, or allowable; and

“(H) Evaluate a contractor’s performance when the evaluation is to be used to determine whether payment should be made to the contractor and in what amount.

“(d) The CPO shall issue rules pursuant to section 1106, consistent with this section, containing guidance on further defining an inherently governmental function and a function closely related to an inherently governmental function and including categories of functions and specific functions meeting these definitions.

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“(e) The Mayor may waive compliance with any of the requirements of this section for any contract in effect upon the effective date of the Procurement Integrity, Transparency, and Accountability Emergency Amendment Act of 2016, passed on emergency basis on September 20, 2016 (Enrolled version of Bill 21-870)(“Emergency Procurement Act”), and for any option period exercised under such contract, so long as the option period was provided for in the contract as of the effective date of the Emergency Procurement Act.

“(f) Notwithstanding subsection (e) of this section, the requirements of this section shall apply to any contract or option period in effect 5 years after the effective date of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2016, enacted on August 18, 2016 (D.C. Act 21-846; 63 DCR 10752).”.

(g) A new section 207 is added to read as follows:

“Sec. 207. Ombudsman for contracting and procurement.

“(a) Reserved.

“(b) Each District agency with independent procurement authority pursuant to section 201 shall designate an Agency Ombudsman for Contracting and Procurement.

“(c) Each ombudsman designated pursuant to this section shall:

“(1) Serve as a vehicle for contractors and subcontractors performing work or providing services under a District contract to communicate their complaints and concerns regarding contracting, procurement, or a specific contract, through a single entity;

“(2) Respond to complaints and concerns in a timely fashion with accurate and helpful information;

“(3) Determine the validity of any complaint quickly and professionally;

“(4) Generate options for a response by the agency or instrumentality and offer a recommendation from among the options;

“(5) Except when the parties are involved in legal or administrative proceedings, attempt informally to facilitate a resolution of a dispute between the contracting officer, the prime contractor, and the subcontractor, as appropriate; and

“(6) Identify systemic concerns and recommend to the CPO and the Council policy changes, and strategies to improve the contracting and procurement process.”.

(h) Section 301 (D.C. Official Code § 2-353.01) is amended as follows:

(1) The lead-in language is designated as subsection (a).

(2) Paragraph (9) is amended by striking the phrase “delinquent status” and inserting the phrase “delinquent status of more than the greater of \$1,000 or 1% of the contract value, up to \$25,000” in its place.

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

“(b) If the District awards a contract to a prospective contractor that has an outstanding debt with the District in a delinquent status that is in an amount less than the amount required to disqualify the prospective contractor pursuant to subsection (a)(9) of this section, the District shall recoup the outstanding debt by offsetting it against any payment due to the contractor under the contract.”.

(i) Section 401(b) (D.C. Official Code § 2-354.01(b)) is repealed.

(j) A new section 401a is added to read as follows:

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“Sec. 401a. Prohibited contacts during source selection.

“(a) Except for members of a technical advisory group, no District employee or official shall contact any contracting officer or contracting staff in an attempt to influence source selection outside of the processes established in Title IV of this act.

“(b) Before the commencement of a restricted period, the CPO, or the lead contracting official of an agency with procurement authority independent of the CPO, shall designate a person or persons to be the designated contact for offerors or bidders on a given contract during the restricted period.

“(c)(1) During the restricted period, no bidder or offeror shall contact any District employee or official with respect to source selection, except as provided for under subsection (d) of this section.

(2) For the purposes of this section, the term “contact” means any oral, written, or electronic communication.

“(d)(1) During the restricted period, an offeror or bidder may make permissible contact with respect to source selection.

“(2) For the purposes of this section, the term “permissible contact” means that the offeror or bidder shall contact only the individual designated under subsection (b) of this section for a given contract; provided, that the following contacts are exempted from this subsection and do not need to be directed to the individual designated under subsection (b) of this section:

“(A) The submission of written proposals in response to any method for soliciting a response from offerors or bidders intended to result in a contract;

“(B) The submission of written questions through a process set forth in a solicitation, request for proposals, invitation for bids, or any other method of soliciting a response from offerors or bidders intended to result in a contract, so long as the written questions and responses are to be disseminated to all offerors or bidders who have expressed an interest in the proposed contract;

“(C) Participation in any demonstration, conference, or other means of exchanging information in a setting open to all potential bidders or offerors through a process set forth in a solicitation, request for proposals, invitation for bids, or any other method of soliciting a response from offerors or bidders intended to result in a contract;

“(D) Negotiation with the highest-ranking offeror or bidder regarding the terms of the proposed contract; and

“(E) Contacts by offerors or bidders with the Contract Appeals Board or any other tribunal or court of competent jurisdiction in connection with a protest, appeal, or dispute before that tribunal or court.

“(e) A bid or offer associated with a violation of this section shall be rejected, unless the CPO determines that it is in the best interest of the District not to reject the bid or offer.

“(f) For the purposes of this section, the term “bidder” or “offeror” shall include any employee, agent, consultant, or person acting on behalf of a bidder or offeror.

“(g) Nothing in this section shall be construed to prevent any contact or communications by any offeror, bidder, or District employee or official with respect to allegations of improper

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conduct to the Office of the Attorney General, the Office of the Inspector General, the Office of the District of Columbia Auditor, the CPO, the Council of the District of Columbia, or the Contract Appeals Board or any other tribunal or court of competent jurisdiction.”.

(k) Section 403 (D.C. Official Code § 2-354.03) is amended as follows:

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

“(d) Each RFP shall include a statement of work or other description of the District’s specific needs, which shall be used as a basis for the evaluation of proposals.”.

(2) A new subsection (d-2) is added to read as follows:

“(d-2)(1) Each RFP shall set forth each evaluation factor and indicate the relative importance of each evaluation factor. At a minimum, the following shall be included as evaluation factors:

“(A) Price or cost to the District government;

“(B) The quality of the product or service as addressed by one or more non-cost evaluation factors; and

“(C) Past performance of the offeror.

“(2) The general approach for evaluating past-performance information shall be described in the RFP, but at a minimum shall include an evaluation of the offeror’s performance under past or current government or private-sector contracts with requirements similar to those of the proposed contract.

“(3) In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

“(4) Notwithstanding any provision of this subsection, any review of past performance shall be evaluated in a manner consistent with the criteria specified in the solicitation and the criteria shall be applied consistently across all offerors.”.

(l) A new section 605 is added to read as follows:

“Sec. 605. Estimate of construction costs.

“(a) An estimate of costs shall be prepared by the contracting officer for each proposed contract, contract modification, or change order to be issued in connection with a construction project and anticipated to exceed \$100,000.

“(b) The estimate shall be prepared in detail, as though the District were competing for the contract, and shall not be based solely on the estimates or actual costs of similar construction projects.

“(c) The estimate shall be made available to the contracting officer for use in preparation of the contract solicitation and in the determination of price reasonableness in awarding a contract.

“(d) Access to materials gathered or created for the estimate, and the overall amount of the estimate, shall be limited to District personnel or agents of the District whose official duties require knowledge regarding the estimate. These materials and the overall amount of the estimate shall not be disclosed, except as otherwise permitted by law.

“(e) Within 90 days of the effective date of the Procurement Integrity, Transparency, and Accountability Emergency Amendment Act of 2016, passed on emergency basis on September

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20, 2016 (Enrolled version of Bill 21-870), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section.”.

(m) Section 702(b) (D.C. Official Code § 2-357.02(b)) is amended to read as follows:

“(b) The CPO may:

“(1) Reduce the amount of performance and payment bonds for construction contracts to 50% of the amounts established in subsection (a) of this section;

“(2) Substitute for a bond required by subsection (a) of this section, a letter of credit in an amount equal to at least 10% of the portion of the contract price that does not include the cost of operation, maintenance, and finance, in cases in which the contractor:

“(A) Is a nonprofit corporation, as defined in D.C. Official Code § 29-401.02(6), or an entity controlled, directly or indirectly, by a nonprofit corporation;

“(B) Had a net worth of at least \$1 million in the preceding fiscal year;

“(C) Is a licensed general contractor; and

“(D) Has done business as a construction contractor for at least 5 years.”.

(n) A new section 702a is added to read as follows:

“Sec. 702a. Security in non-construction service contracts.

“The CPO shall issue rules pursuant to section 1106 to require performance bonds, payment bonds, letters of credit, or other forms of security for non-construction service contract prime contractors in cases in which such security may be effective in furthering the District’s interests or such security may assist subcontractors doing business under a prime contract to receive payment for goods or services.”.

(o) Section 1008 (D.C. Official Code § 2-360.08) is amended as follows:

(1) Subsection (d) is amended by striking the phrase “proceeding shall be de novo and the”.

(2) A new subsection (d-1) is added to read as follows:

“(d-1) An agency’s determination of its minimum needs and its determination of the best method of accommodating those minimum needs are business judgments primarily within the agency’s discretion. The Board may not sustain a protest on the basis of either determination unless a protester demonstrates by clear and convincing evidence that the determination lacked a reasonable basis.”.

(p) Section 1104 (D.C. Official Code § 2-361.04) is amended to read follows:

“Sec. 1104. Transparency in contracting.

“(a) The CPO shall establish and maintain on the Internet a website containing publicly available information regarding District procurement.

“(b) The website established pursuant to subsection (a) of this section shall contain, at a minimum, the following:

“(1) Information regarding the statutes and rules that govern procurement for all District agencies, including those exempt from the authority of the CPO.

“(2) Links to the contract solicitation websites of OCP and all District agencies exempt from the authority of the CPO.

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“(3) A database containing information regarding each contract executed by the District for an amount equal to or greater than \$100,000, including each such contract made by a District agency exempt from the authority of the CPO pursuant to section 105. For each contract contained in the database, the database shall include a unique identifier and, at a minimum, the following:

“(A) A copy of the executed contract;

“(B) All determinations and findings related to the contract;

“(C) All contract modifications, change orders, or amendments associated with the contract;

“(D) All solicitation documents for the contract, including all requests for proposals and invitations for bids, and any amendments of such documents; and

“(E) The contract summary documents for the contract that are submitted to the Council for its review.

“(4) Placeholders identifying any portions of the items set forth in paragraph (3) of this subsection withheld as confidential by the CPO pursuant to section 417.

“(5) A list of each contract executed by the District for an amount less than \$100,000, which shall include, for each contract, the vendor name, a description of the goods or services purchased, and the dollar amount of the contract.

“(6)(A) A list of each payment made by the District to a prime contractor, including the date and the dollar amount of the payment. The list shall be updated not less than once each week.

“(B) Payments not administered through the Procurement Automated Support System shall be exempt from the requirement of subparagraph (A) of this paragraph.

“(c) Agencies not subject to the authority of the CPO shall transmit the information required by this section to the CPO for posting on the Internet.”

(q) Section 1105 (D.C. Official Code § 2-361.05) is amended as follows:

(1) A new subsection (a-1) is added to read as follows:

“(a-1) At a minimum, each agency acquisition plan shall contain anticipated procurement needs of the coming fiscal year with specific information on the following:

“(1) Program-level needs;

“(2) Anticipated multiyear procurements;

“(3) Anticipated exercises of option periods of existing contracts;

“(4) Expected major changes in ongoing or planned procurements;

“(5) The guiding principles, overarching goals, and objectives of the agency’s acquisitions of work, goods, and services; and

“(6) Goals and plans for utilization of strategic sourcing.”

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

“(b) Each agency shall submit to the Council a summary of planned contracts for the upcoming fiscal year no later than the date of submission of the Mayor’s proposed budget to the Council. Each summary, at a minimum, shall list each planned contract and the source of funding for each contract by program code in the budget.”

(r) Section 1106(a) (D.C. Official Code § 2-361.06(a)) is amended as follows:

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(1) Paragraph (1) is amended by striking the phrase “act, except Title VI.” and inserting the phrase “act.” in its place.

(2) Paragraph (2) is amended to read as follows:

“(2) Notwithstanding paragraph (1) of this subsection, the Department of General Services, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of Title VI of this act for contracts within the authority of the Department of General Services.”.

Sec. 4. Section 1028(c) of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.07(c)), is amended to read as follows:

“(c) The representative shall perform an analysis of all aspects of the proposed contract or real-estate transaction, including the costs and benefits, and shall negotiate on behalf of the District; provided, that the representative shall not bind the District or direct District government employees and the terms of the contract shall be approved by the Director and, if applicable, the Council.”.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. 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

UNSIGNED

Mayor
District of Columbia
October 12, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-505

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 12, 2016

To amend the Rental Housing Act of 1985 to limit the amount of a late fee a housing provider may charge a residential tenant for the late payment of rent, to establish a minimum grace period before a late fee may be imposed, to prohibit a housing provider from charging interest on a late fee, deducting any amount of a late fee from a subsequent rent payment, imposing a late fee more than one time on each late payment, evicting a tenant on the basis of the nonpayment of a late fee, or from imposing a late fee on a tenant for the late payment or nonpayment of any portion of the rent for which a rent subsidy provider, rather than the tenant, is responsible for paying, and to establish penalties for violations of these provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rental Housing Late Fee Fairness Amendment Act of 2016".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code § 42-3501.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new title designation to read as follows: "TITLE V-A. PAYMENT OF RENT BEYOND 5 DAYS AFTER DUE DATE

"Sec. 531. Authorized fees for the payment of rent beyond 5 days after the rent payment is due".

(b) A new Title V-A is added to read as follows:

"TITLE V-A

"PAYMENT OF RENT BEYOND 5 DAYS AFTER DUE DATE

"Sec. 531. Authorized fees for the payment of rent beyond 5 days after the rent payment is due.

"(a) Pursuant to subsection (b) of this section, a housing provider may charge a late fee of no more than 5% of the full amount of rent due by a tenant.

"(b) A housing provider may only charge a late fee:

"(1) If the written lease agreement between the housing provider and the tenant informs the tenant of the maximum amount of the late fee that may be charged pursuant to this section; and

"(2) If the tenant has not paid the full amount of rent within 5 days, or any longer grace period that may be provided in the lease, after the day the rent payment is due.

"(c) A housing provider shall not:

ENROLLED ORIGINAL

- “(1) Charge interest on a late fee;
- “(2) Deduct any amount of a late fee from a subsequent rent payment;
- “(3) Impose a late fee more than one time on each late payment;
- “(4) Evict a tenant on the basis of the nonpayment of a late fee; or
- “(5) Impose a late fee on a tenant for the late payment or nonpayment of any

portion of the rent for which a rent subsidy provider, rather than the tenant, is responsible for paying.

“(d) After the grace period established pursuant to subsection (b)(2) of this section, a housing provider may issue a tenant an invoice to be paid within 30 days after the date of issuance for any lawfully imposed late fees. If the tenant does not pay the late fee within the 30-day period, the housing provider may deduct from a tenant’s security deposit, at the end of the tenancy, any unpaid, lawfully imposed late fees, along with any other amounts lawfully due the housing provider.”

(c) Section 501(a) (D.C. Official Code § 42-3505.01(a)) is amended by striking the phrase “the rental unit” and inserting the phrase “the rental unit; provided, that the nonpayment of a late fee shall not be the basis for an eviction” in its place.

(d) Section 901 (D.C. Official Code § 42-3509.01) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Any housing provider who knowingly or willfully violates section 531, or section 501(a), regarding a prohibited eviction for the nonpayment of a late fee, shall be liable to the tenant for the amount by which the late fee exceeds the allowable late fee, or for treble that amount in the event of bad faith, and shall be subject to a civil fine of at least \$100 and not more than \$ 5,000 for each violation.”

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

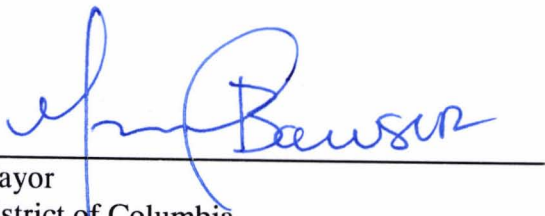
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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
October 12, 2016

ENROLLED ORIGINAL

A RESOLUTION

21-600

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to amend section 3209 of Title 17 of the District of Columbia Municipal Regulations to create an exemption to the requirement that an individual engaged in the practice of interior design be licensed for individuals participating in certain charitable fundraising events.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Interior Design Charitable Event Regulation Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) In May 2008, the Department of Consumer and Regulatory Affairs (“DCRA”) published a regulation, defining the “practice of interior design” as “providing or offering to provide consultations, preliminary studies, drawings, specifications, or any related service for the design analysis, programming, space planning, or aesthetic planning of the interior of buildings, using specialized knowledge of interior construction, building systems and components, building codes, fire and safety codes, equipment, materials, and furnishings, in a manner that will protect and enhance the health, safety, and welfare of the public whether one or all of these services are performed either in person or as the directing head of an organization.”

(b) The result of this regulation is that it is considered unlawful for any person who is not licensed as an interior designer to engage in the practice of interior design, regardless of whether the individual is volunteering his or her services at a charitable fundraising event.

(c) DC Design House, Inc. is a nonprofit organization that, since 2008, has organized a design show house fundraising event in the District, for the sole benefit of Children’s National Health System, raising roughly \$1.5 million for the hospital over 8 years.

(d) DC Design House, Inc. has recently become aware that the interior designers who volunteer at the annual fundraising event may be violating DCRA’s regulations, and therefore the organization may not be able to find enough volunteers to hold this year’s fundraising event, which is currently planned for October 2016.

(e) It is necessary to pass this emergency exemption to the requirement that an individual engaged in the practice of interior design be licensed so that DC Design House, Inc. is able to find enough volunteers to hold its charitable event this year.

ENROLLED ORIGINAL

(f) Further, this congressional review emergency legislation is necessary to ensure that there is no gap between when the Interior Design Charitable Event Regulation Emergency Amendment Act of 2016 expires and when the Interior Design Charitable Event Regulation Temporary Amendment Act of 2016 becomes effective.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Interior Design Charitable Event Regulation Congressional Review Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to clarify and improve the laws prohibiting wage theft and the enforcement of those laws.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Wage Theft Prevention Correction and Clarification Second Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There existed a need to amend the amendments made by the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 61 DCR 10157), to clarify when certain provisions shall take effect, clarify who may bring an action on behalf of an employee, amend criminal penalties, clarify when amounts in the Wage Theft Prevention Fund may be spent, authorize the Mayor to issue rules, and clarify how the Mayor shall make certain information available to manufacturers.

(b) The Council enacted the Wage Theft Prevention Correction and Clarification Emergency Amendment Act of 2016, effective July 21, 2016 (D.C. Act 21-480; 63 DCR 193) (“emergency legislation”), and the Wage Theft Prevention Correction and Clarification Temporary Amendment Act of 2016, enacted on October 4, 2016 (D.C. Act 21-493; 63 DCR ___) (“temporary legislation”), which addressed the above-referenced issues.

(c) The emergency legislation expires on October 19, 2016 and the temporary legislation must complete the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and will not become law until after the emergency legislation has expired.

(d) It is important that the provisions of the emergency legislation continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Wage Theft Prevention Correction and Clarification Second Congressional Review Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-604

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$635 million of District of Columbia refunding revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Georgetown University in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Georgetown University Refunding Revenue Bonds Project Approval Resolution of 2016".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

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

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

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

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Georgetown University, a nonprofit institution of higher education organized pursuant to a special federal charter and exempt from federal income taxes under 26 U.S.C. § Section 501(a) as an organization described in 26 U.S.C. § 501(c)(3).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

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

(7) "District" means the District of Columbia.

(8) “Financing Documents” means the documents other than Closing Documents that relate to the financing, refinancing, or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

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

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

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

(12) “Project” means the financing, refinancing, or reimbursing of the Borrower for all or a portion of the Borrower’s costs (including payments of principal of, and interest and premium, if any, on, the bonds being refunded) incurred in connection with:

(A) The refunding, in whole or in part, of the District’s outstanding District of Columbia University Revenue Bonds (Georgetown University Issue) Series 2001B, Series 2001C and Series 2001D, the proceeds of which were used for financing, refinancing or reimbursing the Borrower for all or a portion of the costs of:

(i) The acquisition, construction, installation, furnishing, and equipping of the Performing Arts Center and portions of the Southwest Quadrangle Complex, including residence hall, dining and parking facilities, and associated site work and utilities costs, on the Borrower’s main campus at 37th and O Streets, N.W. (Square 1321, Lot 0817) (“Main Campus”);

(ii) The acquisition, construction, installation, furnishing, and equipping of a new academic building, a new wellness center, and a new contiguous underground parking garage, located at 550 First St., N.W. (Square 0569, Lot 0864) (“First Street Facilities”);

(iii) The renovations of and improvements to a variety of facilities on the Main Campus, including libraries, administrative space, and the Leavey University Center (“Leavey Center”), and certain facilities located adjacent to the Main Campus, including student-occupied townhouses and residence halls and other uses directly related to the Borrower’s activities;

(iv) The acquisition, renovation, installation, furnishing, and equipping of a portion of the land and facilities at 2001 Wisconsin Avenue, N.W. and 3300 Whitehaven Street, N.W. (Lot 1024, Square 1299) (“Green-Harris Complex”);

(v) The renovation of and improvements to the Borrower's Medical Center campus located at 3900 Reservoir Road, N.W. (Lot 0817, Square 1321) ("Medical Center"), including a variety of academic, administrative, and research-related facilities;

(vi) The upgrading of technology infrastructure and systems throughout the Borrower's facilities at the locations referred to above;

(vii) General renovations and modernizations throughout the Borrower's facilities at the locations referred to above, including such items as renovation or replacement of mechanical, electrical, and utility systems; restoration of sidewalks and roads; renovation of buildings' brick, trim, windows, floors, and roofs; overhaul of elevators; renovation or replacement of emergency power systems; and associated site work;

(viii) Funding up to 3 years' interest on the Bonds;

(ix) Funding any required debt service reserve fund;

(x) Paying costs of any credit enhancement on the bonds; and

(xi) Financing of certain Issuance Costs; and

(B) The refunding, in whole or in part, of the District's outstanding District of Columbia University Revenue Bonds (Georgetown University Issue) Series 2007A, consisting of Fixed Rate Bonds and Growth and Income Securities, the proceeds of which were used to:

(i) Refund, in whole or in part, the District's outstanding District of Columbia University Revenue Bonds (Georgetown University Issue) Series 2001A Bonds, the proceeds of which were used to finance, in part,:

(I) The acquisition, construction, installation, furnishing, and equipping of the Performing Arts Center and portions of the Southwest Quadrangle Complex, including residence hall, dining and parking facilities, and associated site work and utilities costs, on the Borrower's Main Campus;

(II) The acquisition, construction, installation, furnishing, and equipping of the First Street Facilities;

(III) The renovations of and improvements to a variety of facilities on the Main Campus, including libraries, administrative space, and the Leavey Center, and certain facilities located adjacent to the Main Campus, including student-occupied townhouses and residence halls and other uses directly related to the Borrower's activities;

(IV) The acquisition, renovation, installation, furnishing, and equipping of a portion of the land and facilities at the Green-Harris Complex;

(V) The renovation of and improvements to the Borrower's Medical Center, including a variety of academic, administrative, and research-related facilities;

(VI) The upgrading of technology infrastructure and systems throughout Borrower's facilities at the locations referred to in paragraphs (B)(i)(I) – (B)(i)(V); and

(VII) The general renovations and modernizations throughout Borrower's facilities at the locations referred to in paragraphs (B)(i)(I) – (B)(i)(V), including such items as renovation or replacement of mechanical, electrical, and utility systems; restoration of sidewalks and roads; renovation of buildings' brick, trim, windows, floors, and roofs; overhaul of elevators; renovation or replacement of emergency power systems; and

associated site work; and

(ii) To finance, refinance, or reimburse the Borrower for Costs of:

(I) Equipping and furnishing a portion of the facilities at the Green-Harris Complex consisting of approximately 240,475 square feet above grade and appurtenant below-grade parking for approximately 419 vehicles;

(II) Making general renovations and modernizations throughout the Borrower's Main Campus and the law center located at 600 New Jersey Avenue, N.W. Washington, D.C. (Square 0567, Lots 0062 and 0832) ("Law Center") and certain facilities located adjacent to the Main Campus, including student occupied townhouses and residence halls, such renovations and modernizations to include renovation or replacement of mechanical, electrical and utility systems as well as structural elements such as roofs, walls, and windows, restoration of sidewalks and roads and associated site work;

(III) The construction, furnishing, and equipping of a business school on the Borrower's Main Campus, consisting of approximately 170,000 square feet above-grade with approximately 200 below-grade parking spaces and associated infrastructure, including, but not limited to, utilities relocated and realignment of roads in close proximity to the business school;

(IV) Purchasing certain equipment and furnishings functionally related and subordinate to the facilities identified in paragraphs (B)(ii)(I) – (B)(ii)(III);

(V) Refinancing, in whole or in part, existing indebtedness of the Borrower;

(VI) Certain working capital expenditures of the Borrower; and

(VII) Issuance, credit enhancement, if necessary, and the funding of any required reserves; and

(C) The refunding, in whole or in part, of the District's outstanding District of Columbia University Refunding Revenue Bonds (Georgetown University Issue) Series 2009A, the proceeds of which were used to finance, refinance, or reimburse all or a portion of the Borrower's costs (including payments of principal of, and interest on, the bonds being refunded) to:

(i) Currently refund the \$180,000,000 District of Columbia University Revenue Refunding Bonds (Georgetown University Issue) Series 1999A Select Auction Variable Rate Securities (SAVRS) (the "Series 1999A Bonds"), the proceeds of which were used for:

(I) Refunding District of Columbia Revenue Bonds (Georgetown University Issue) Series 1989A, which were issued to finance a new student center, known as the Leavey Center, and a fiber optic telecommunications system and related equipment for Georgetown University Hospital, located at 3800 Reservoir Road, N.W., Washington, D.C., and to refund debt incurred to finance Yates Field House, a recreational and athletic facility;

(II) Refunding District of Columbia Revenue Bonds (Georgetown University Issue) Series 1990A, the proceeds of which were issued to finance a 175-unit residential housing facility with underground parking, conference rooms, and related ancillary facilities at the Borrower's Law Center, and a medical research facility of approximately 190,000 square feet used to conduct neurological, biomedical, molecular and other medical-related research located at 3800 Reservoir Road, N.W., Washington, D.C.

(“Medical Facility”); and

(III) Refunding District of Columbia Revenue Bonds (Georgetown University Issue) Series 1990B, the proceeds of which were issued to finance:

- (aa) The expansion and renovation of existing residential facilities;
- (bb) Renovations and improvements to various graduate and undergraduate administrative, academic, and athletic facilities and buildings;
- (cc) Utility infrastructure projects;
- (dd) Road and ground improvements; and
- (ee) The completion of the Law Center and Medical Facility; and

Bonds; and

- (ii) Provide necessary and appropriate working capital;
- (iii) Fund any appropriate or necessary reserves relating to the

Bonds; and

(iv) Pay applicable issuance and credit enhancement costs, including those incurred in connection with certain termination payments required to terminate interest rate hedges associated with the Series 1999A Bonds; and

(D) The refunding, in whole or in part, of the District’s outstanding District of Columbia University Revenue Bonds (Georgetown University Issue) Series 2011, the proceeds of which were used to finance, refinance, or reimburse all or a portion of the Borrower’s costs to:

(i) Construct, equip, and furnish a new science center (“Science Center”) to be located on the Borrower’s Main Campus, consisting of approximately 163,000 square feet above-grade, and associated infrastructure, including, but not limited to, utilities relocation and realignment of roads in close proximity to the Science Center;

(ii) Generally renovate and modernize the Borrower’s facilities at the Main Campus, including Square 1321, Lots 0811, 0815, 0821 and 0827, at the Borrower’s Law Center, and at certain facilities, including student-occupied townhouses and residence halls, located adjacent to the Main Campus (Square 1222, Lots 0062, 0801 and 0802; Square 1223, Lots 0065 - 0067, 0072 - 0074, 0085, 0086, 0800, 0801, 0807, 0808, 0810, 0812, 0815, 0826, 0827, 0834, 0840, 0841, 0846, 0847, 0852 and 0853; Square 1226, Lots 0094 - 0101, 0105 - 0107, 0804, 0806 and 0811 - 0814; Square 1247, Lots 0116 and 0126; and Square 1248, Lots 0126 - 0139, 0145, 0146, 0150 - 0157, 0159 - 0162, 0800 - 0802, 0805, 0806, 0819, 0829 - 0831, 0834, 0835 and 0837), and at certain other Borrower facilities used in connection with the Law Center (Square 0565, Lot 0020; and Square 0569, Lots 0007, 0008, 0060 - 0067, 0864 and 0865), such renovations and modernizations to include, but not be limited to, such items as the renovation or replacement of mechanical, electrical, and utility systems, as well as of structural elements such as roofs, walls, and windows; restoration of sidewalks and roads; and associated site work;

(iii) Upgrade technology infrastructure and systems throughout the Borrower’s facilities referred to in paragraphs (D)(i) and (D)(ii);

(iv) Provide working capital; and

(v) Fund Issuance Costs; and

(E) The funding of certain Issuance Costs.

Sec. 3. Findings.

The Council finds that:

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

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$635 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

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

(4) The Project is an undertaking constituting college and university facilities within the meaning of section 490 of the Home Rule Act.

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

Sec. 4. Bond authorization.

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

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed \$635 million; and

(2) The making of the Loan.

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

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

Sec. 5. Bond details.

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

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

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

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

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

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

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

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

Sec. 6. Sale of the Bonds.

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

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

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

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

Sec. 7. Payment and security.

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

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

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

Sec. 8. Financing and Closing Documents.

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

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

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

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

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

Sec. 9. Authorized delegation of authority.

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

Sec. 10. Limited liability.

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

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

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

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

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

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

Sec. 11. District officials.

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

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall

be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

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

Sec. 13. Information reporting.

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

Sec. 14. Disclaimer.

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

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

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

Sec. 15. Expiration.

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

Sec. 16. Severability.

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

Sec. 17. Compliance with public approval requirement.

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

Sec. 18. Transmittal.

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

Sec. 19. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

21-605

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 8, 9, and 10 to Contract No. GAGA-2014-C-0029 with Leading Educators to provide Teacher Leadership Development Services, and to authorize payment in the not-to-exceed amount of \$2,909,565.00 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. GAGA-2014-C-0029 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need to approve Modification Nos. 8, 9, and 10 to Contract No. GAGA-2014-C-0029 with Leading Educators to provide Teacher Leadership Development Services and to authorize payment for the goods and services received and to be received during option year 3 of the contract.

(b) The District of Columbia Public Schools (“DCPS”) awarded Contract No. GAGA-2014-C-0029 to Leading Educators on February 28, 2014, to provide Teacher Leadership Development Services. The term of the contract was for a base period of 4 months and 3 option years.

(c) By Modification No. 8, DCPS partially exercised option year 3 of Contract No. GAGA-2014-C-0029 for the period from July 1, 2016 to September 30, 2016 in the not-to-exceed amount of \$900,000.00.

(d) By Modification No. 9, DCPS further partially exercised option year 3 of Contract No. GAGA-2014-C-0029 for the period from October 1, 2016 to October 15, 2016 in the not-to-exceed amount of \$100,000.00

(e) By Modification No. 10, DCPS proposes to exercise the remainder of option year 3 of Contract No. GAGA-2014-C-0029 for the period from October 15, 2016 to June 30, 2017 in the not-to-exceed amount of \$1,909,565.00, for an aggregate not-to-exceed amount for all of option year 3 of \$2,909,565.00.

(f) Council approval of Modification Nos. 8, 9, and 10 is necessary because these modifications increase the contract amount by more than \$1 million during a 12-month period.

(g) Approval of Modification Nos. 8, 9, and 10 is necessary to allow the continuation of these vital services. Without this approval, Leading Educators cannot be paid for services

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provided in excess of \$1 million during option year 3 of the contract from July 1, 2016 through June 30, 2017.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. GAGA-2014-C-0029 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-606

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 3, 4, and 5 to Contract No. CW28642 with AmeriNational Community Services, Inc. to provide loan services, loan collection, lease services, lease collection, and foreclosure services, and to authorize payment in the not-to-exceed amount of \$2,358,868.11 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW28642 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 3, 4, and 5 to Contract No. CW28642 with AmeriNational Community Services, Inc. (“AmeriNational”) to provide loan services, loan collection, lease services, lease collection, and foreclosure services and to authorize payment for the goods and services received and to be received during option period 2 of the contract.

(b) By Modification No. 3, the Office of Contracting and Procurement (“OCP”), on behalf of the Department of Housing and Community Development (“DHCD”), partially exercised option period 2 of Contract No. CW28642 for the period from April 16, 2016 to September 15, 2016 in the amount of \$982,861.71.

(c) By Modification No. 4, OCP, on behalf of DHCD, further partially exercised option period 2 of Contract No. CW28642 for the period from September 16, 2016 to October 15, 2016 at no cost.

(d) OCP now proposes Modification No. 5 to Contract No. CW28642 to exercise the remaining balance of option period 2 for the period of performance from October 16, 2016 to April 15, 2017, in the not-to-exceed amount of \$1,376,006.40, for an aggregate not-to-exceed amount for all of option period 2 of \$2,358,868.11.

(e) Council approval of Modification Nos. 3, 4, and 5 is necessary because the modifications increase the contract amount by more than \$1 million during a 12-month period.

(f) Approval of Modification Nos. 3, 4, and 5 is necessary to allow the continued purchase of these goods and services. Without this approval, AmeriNational cannot be paid for goods and services provided in excess of \$1 million during option period 2 of the contract from April 16, 2016 through April 15, 2017.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW28642 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-607

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 5 and 6 to Contract No. CW22527 with National Associates, Inc. to provide Temporary Support Services, and to authorize payment in the not-to-exceed amount of \$10,000,000.00 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Modifications to Contract No. CW22527 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need to approve Modification Nos. 5 and 6 to Contract No. CW22527 with National Associates, Inc. to provide Temporary Support Services and to authorize payment for the goods and services received and to be received during option year 3 of the contract.

(b) By Modification No. 5, the Office of Contracting and Procurement exercised option year 3 of Contract No. CW22527 for the period from October 3, 2016 to October 2, 2017 in the not-to-exceed amount of \$950,000.00.

(c) Modification No. 6 is now necessary to increase the not-to-exceed amount for option year 3 to \$10,000,000.00.

(d) Council approval of Modification Nos. 5 and 6 is necessary because these modifications increase the contract amount by more than \$1 million during a 12-month period.

(e) Approval of Modification Nos. 5 and 6 is necessary to allow the continuation of these vital services. Without this approval, National Associates, Inc., cannot be paid for services provided in excess of \$1 million during option year 3 of the contract, from October 3, 2016 through October 2, 2017.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW22527 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-608

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 2 and 3 to Contract No. CW28635 with Midtown Personnel, Inc. to provide Temporary Support Services, and to authorize payment in the not-to-exceed amount of \$10,000,000.00 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW28635 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists a need to approve Modification Nos. 2 and 3 to Contract No. CW28635 with Midtown Personnel, Inc., to provide Temporary Support Services and to authorize payment for the goods and services received and to be received during option year 2 of the contract.

(b) By Modification No. 2, the Office of Contracting and Procurement exercised option year 2 of Contract No. CW28635 for the period from October 3, 2016 to October 2, 2017 in the not-to-exceed amount of \$950,000.00.

(c) Modification No. 3 is now necessary to increase the not-to-exceed amount for option year 2 to \$10,000,000.00.

(d) Council approval of Modification Nos. 2 and 3 is necessary because these modifications increase the contract by more than \$1 million during a 12-month period.

(e) Approval of Modification Nos. 2 and 3 is necessary to allow the continuation of these vital services. Without this approval, Midtown Personnel, Inc., cannot be paid for services provided in excess of \$1 million during option year 2 of the contract, from October 3, 2016 through October 2, 2017.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW28635 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-609

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 3 and 4 to Contract No. CW22866 with Advance Employee Intelligence, LLC to provide Mission Oriented Business Integrated Services, and to authorize payment in the not-to-exceed amount of \$10,000,000.00 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW22866 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists a need to approve Modification Nos. 3 and 4 to Contract No. CW22866 with Advance Employee Intelligence, LLC to provide Mission Oriented Business Integrated Services, and to authorize payment for the goods and services received and to be received during option year 3 of the contract.

(b) By Modification No. 3, the Office of Contracting and Procurement exercised option year 3 of Contract No. CW22866 for the period from July 1, 2016 to June 30, 2017 in the not-to-exceed amount of \$950,000.00.

(c) Modification No. 4 is now necessary to increase the not-to-exceed amount for option year 3 to \$10,000,000.00.

(d) Council approval of Modification Nos. 3 and 4 is necessary because these modifications increase the contract amount by more than \$1 million during a 12-month period.

(e) Approval of Modification Nos. 3 and 4 is necessary to allow the continuation of these vital services. Without this approval, Advance Employee Intelligence, LLC cannot be paid for services provided in excess of \$1 million during option year 3 of the contract, from July 1, 2016 through June 30, 2017.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW22866 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-610

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve proposed Modification No. 2 to Contract No. CW30750 with Cisco Systems, Inc. to provide data communications equipment and services related to enterprise communications and information technology, and to authorize payment in the not-to-exceed amount of \$7,000,000 for the goods and services to be received under the modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification No. 2 to Contract No. CW30750 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists a need to approve proposed Modification No. 2 to Contract No. CW30750 with Cisco Systems, Inc. for upgrading, expanding, and enhancing network infrastructure and communication services to increase the ceiling amount of the contract, and to authorize payment for the goods and services received and to be received under the modification.

(b) On December 31, 2015, the Office of Contracting and Procurement ("OCP") awarded Contract No. CW30750 Cisco Systems, Inc. to provide data communications equipment and services related to enterprise communications and information technology for the period from January 1, 2015 to December 31, 2015 in the not-to-exceed amount of \$13,000,000.

(c) By Modification No. 1, OCP exercised option year one of Contract No. CW30750 for the period from January 1, 2016 to December 31, 2016 in the not-to-exceed amount of \$13,000,000 ("Option Year One").

(d) Modification No. 2 is now necessary to increase the not-to-exceed amount of Option Year One to \$20,000,000.

(e) Council approval of Modification No. 2 is necessary because the modification increases the contract amount by more than \$1 million during a 12-month period.

(f) Approval of Modification No. 2 is necessary to allow the continuation of these vital services. Without this approval, Cisco Systems, Inc., cannot be paid for services provided in excess of \$13,000,000.00 during Option Year One.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification No. 2 to Contract No. CW30750 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-611

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to confirm the salary of the Executive Director of the Criminal Code Reform Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Criminal Code Reform Commission Executive Director Salary Approval Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The Criminal Code Reform Commission (“Commission”) was established by section 3122 of the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775)(“Act”), as an independent agency tasked with submitting to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District’s criminal statutes.

(b) The Commission consists of the Executive Director, Richard Schmechel, and 4 additional full-time employees.

(c) As Executive Director, Richard Schmechel is responsible for overseeing the daily operations of the Commission, supervising Commission staff, and developing and instituting internal policies, procedures, and processes to ensure efficient operations.

(d) Pursuant to section 3122(c)(1) of the Act, the Executive Director of the Commission shall be paid at a rate of compensation as may be established from time to time by the Council.

(e) As the Commission officially began its work on October 1, 2016, there is an immediate need to confirm the salary of Richard Schmechel.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Criminal Code Reform Commission Executive Director Salary Approval Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-612

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to amend the Fiscal Year 2017 Budget Support Act of 2016 to clarify provisions supporting the Fiscal Year 2017 budget.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fiscal Year 2017 Budget Support Clarification Emergency Declaration Resolution of 2016”.

Sec. 2. (a) On June 21, 2016, the Council passed Bill 21-669, the Fiscal Year 2017 Budget Support Act of 2016 (“Act”). Following the passage of the Act, staff at the Office of the Chief Financial Officer and the Council identified certain provisions in the Act that need to be clarified or amended to effectuate their intent.

(b) The proposed modifications include conforming amendments, clarifying provisions, or other minor amendments that must go into effect immediately to clarify the law and implement the Fiscal Year 2017 Budget and Financial Plan as approved by the District.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2017 Budget Support Clarification Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-613

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with the respect to the need amend the Student Access to Treatment Act of 2007 to authorize employees and agents of public schools certified under the Office of the State Superintendent of Education's epinephrine administration training program to administer a designated epinephrine auto-injector to a student to whom it is prescribed.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Access to Emergency Epinephrine in Schools Clarification Emergency Declaration Resolution of 2016".

Sec. 2. (a) In 2015, the Council passed the Access to Emergency Epinephrine in Schools Amendment Act of 2015, effective March 9, 2016 (D.C. Law 21-77; 63 DCR 756) ("Access to Emergency Epinephrine in Schools Act"), in order to increase access to epinephrine for students and adults in schools.

(b) Epinephrine, a self-injectable medication, is a first-line treatment for anaphylaxis reactions. Without immediate treatment, anaphylaxis can worsen quickly and lead to severe injury or death within 15 minutes. This window is often not enough time for emergency response units to arrive and administer this medication. For this reason, the legislation authorized public schools to possess undesignated epinephrine auto-injectors and directed the Office of the State Superintendent of Education ("OSSE") to develop and implement a standalone epinephrine administration training program for employees and agents of a school. Undesignated epinephrine auto-injectors are obtained without a prescription for a particular person.

(c) Before the passage of the Access to Emergency Epinephrine in Schools Act, the only way an employee or agent of a school could legally administer epinephrine to a person suffering an episode of anaphylaxis was through completing the Department of Health's Administration of Medicine ("AOM") training program for school-based personnel. AOM is comprehensive in nature and requires staff to take 3 1/2 days off of work to complete. The length of the AOM training program limits the number of staff that can be trained in epinephrine administration. The Council's goal was to increase access in this regard.

(d) OSSE has created an online training module on the administration of epinephrine that can be completed by staff in a matter of minutes. Similar standalone trainings are offered in other

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jurisdictions that require a school to stock epinephrine, including neighboring Maryland and Virginia.

(e) After OSSE released draft regulations on September 9, 2016 to implement the Access to Emergency Epinephrine in Schools Act, it came to the Council's attention that the law still has a barrier to increasing access to epinephrine.

(f) The Access to Emergency Epinephrine in Schools Act states that an employee or agent of a school who is certified through OSSE may administer an undesignated epinephrine auto-injector to a student who the employee or agent believes in good faith to be suffering or about to suffer an anaphylactic episode. Although there is no difference in training necessary for administering a designated versus undesignated epinephrine auto-injector, the law is being interpreted to mean that employees or agents of a school certified through OSSE's training program can only administer undesignated epinephrine auto-injectors. Thus, if a student with a known allergy is suffering an anaphylactic episode and has his or her own designated epinephrine auto-injector stored at the school, only school-based staff that has completed the Department of Health's AOM training would legally be able to administer the life-saving medication.

(g) The Council's intent in passing the Access to Emergency Epinephrine in Schools Act was to increase access to emergency epinephrine in schools in a number of ways, including increasing the number of school-based employees who are trained in administering the medication.

(h) Therefore, there is an immediate need to amend existing law to ensure that an employee or agent of a school that is certified through OSSE's administration of epinephrine training can legally administer both designated and undesignated epinephrine auto-injectors to a student who the employee or agent believes in good faith to be suffering or about to suffer an anaphylactic episode. The comment period on OSSE's notice of emergency and proposed rulemaking ends on October 11, 2016.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Access to Emergency Epinephrine in Schools Clarification Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-614

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to declare a sense of the Council on maintaining late-night service hours on Metrorail.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of Late Night Metrorail Service Hours Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The Washington Metropolitan Area Transit Authority’s (“WMATA”) Metrorail system is a critical transportation network that connects the entire national capital region.

(b) The region is highly dependent on the hospitality and service industries for employment, attracting new residents and visitors, and tax revenue.

(c) Workers, many of whom work late-night hours, as well as patrons, of hotels, restaurants, and other establishments that stay open late, rely on the Metrorail system for late-night service hours.

(d) Other major cities, such as London, are moving towards longer and later service hours to ensure late-night connections between communities and employment centers.

(e) It is vital that transit by the Metrorail, which continues to be a safer alternative to driving, particularly at night when drivers are fatigued and the risk of drunk driving is greatest, continues to operate to meet the needs of its riders.

(f) The WMATA Board of Directors will be holding a public hearing and receiving comment on October 20, 2016. It is important that the Sense of the Council in Support of Late Night Metrorail Service Hours Emergency Resolution of 2016 be transmitted to the Board of Directors as soon as possible.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council in Support of Late Night Metrorail Service Hours Emergency Resolution of 2016 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare, on an emergency basis, the sense of the Council in support of maintaining late-night service hours on Metrorail.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of Late Night Metrorail Service Hours Emergency Resolution of 2016”.

Sec. 2. The Council finds that:

(1) The Washington Metropolitan Area Transit Authority’s Metrorail system is a critical transportation network that connects the entire national capital region.

(2) The region is highly dependent on the hospitality and service industries for employment, attracting new residents and visitors, and tax revenue.

(3) Workers, many of whom work late-night hours, rely on the Metrorail system to connect them with their places of employment and their homes.

(4) Other major cities, such as London, are moving towards longer and later service hours to ensure late-night connections between communities and employment centers.

(5) The many people, visitors and residents alike, who participate in the District’s vibrant night life, such as patrons of hotels, restaurants, and other establishments that stay open late, also rely on late-night service hours.

(6) Transit continues to be a safer alternative to driving, particularly at night when drivers are fatigued and the risk of drunk driving is greatest.

Sec. 3. It is the sense of the Council that the Metrorail system should continue to operate until 3 a.m. on Friday and Saturday nights and until midnight on Sundays. While we recognize the need for additional maintenance time to restore the Metrorail system, the Council believes that late night service on Fridays, Saturdays, and Sundays is critical to the safe transportation of residents of, and visitors to, the District, Maryland, and Virginia.

Sec. 4. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor and to the Washington Metropolitan Area Transit Authority.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-616

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency, due to congressional review, with respect to the need to order the closing of a portion of 14th Street, N.E., adjacent to Squares 3954 and 4024 and Parcel 143/45, and to accept the dedication of portions of land in Squares 3953, 3954, 4024, and 4025 and Parcel 143/45 for public street and alley purposes in Ward 5.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Closing of Public Streets and Dedication of Land for Street and Alley Purposes in and abutting Squares 3953, 3954, 4024, 4025, and Parcel 143/45, S.O. 14-20357, Congressional Review Emergency Declaration Resolution of 2016”.

Sec. 2. (a) On July 12, 2016, the Council passed an emergency measure, the Closing of Public Streets and Dedication of Land for Street and Alley Purposes in and abutting Squares 3953, 3954, 4024, 4025, and Parcel 143/45, S.O. 14-20357, Emergency Act of 2016, effective July 21, 2016 (D.C. Act 21-479; 63 DCR 10191), to permit a proposed redevelopment project to proceed without unnecessary and undue delay. That emergency measure will expire on October 19, 2016.

(b) A permanent version of the emergency measure, the Closing of Public Streets and Dedication of Land for Street and Alley Purposes in and abutting Squares 3953, 3954, 4024, 4025, and Parcel 143/45, S.O. 14-20357, Act of 2016, passed on 1st reading on July 12, 2016 (Engrossed version of Bill 21-445), will be considered by the Council on second reading on October 11, 2016. Because the emergency measure will expire before the permanent legislation becomes law, it is necessary to adopt an additional emergency to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of Public Streets and Dedication of Land for Street and Alley Purposes in and abutting Squares 3953, 3954, 4024, 4025, and Parcel 143/45, S.O. 14-20357, Congressional Review Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-617

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. CW46293 with Motorola Solutions, Inc. to provide support, service and maintenance for, and upgrade of the District's P25 Public Safety Radio System.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CW46293 Approval Emergency Declaration Resolution of 2016".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the Office of Unified Communication, proposes to enter into a multiyear task-order agreement with Motorola Solutions Inc., pursuant to Cooperative Purchasing Agreement No. RA05-15.19 between Motorola Solutions, Inc. and the Houston-Galveston Area Council, to provide support, service and maintenance for, and upgrade of the District's P25 Public Safety Radio System.

(b) The fixed price under this 5-year multiyear contract with Motorola Solutions, Inc. is in the not-to-exceed amount of \$15,525,538.43.

(c) Approval is necessary to allow the District to receive the benefit of these vital services in a timely manner from Motorola Solutions, Inc.

(d) These critical services can only be obtained through an award of the multiyear contract with Motorola Solutions, Inc.

Sec 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CW46293 Emergency Approval Resolution of 2016 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-618

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To approve, on an emergency basis, multiyear Contract No. CW46293 with Motorola Solutions, Inc. to provide support, service and maintenance for, and upgrade of the District’s P25 Public Safety Radio System.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. CW46293 Emergency Approval Resolution of 2016”.

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW46293 with Motorola Solutions, Inc., to provide support, service and maintenance for, and upgrade of the District’s P25 Public Safety Radio System, in the not-to-exceed amount of \$15,525,538.43, for a contract term to end 60 months from the date of award.

Sec. 3. Transmittal.

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

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-619

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCKA-2012-C-0110 with Outfront Media VW Communications LLC for advertising for the Capital Bikeshare Program, and to authorize payment in the total amount of \$3,050,000 for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. DCKA-2012-C-0110 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need to approve Contract No. DCKA-2012-C-0110 with Outfront Media VW Communications LLC for advertising for the Capital Bikeshare Program and to authorize payment for the goods and services received and to be received under that contract.

(b) The Office of Contracting and Procurement (“OCP”), on behalf of the District Department of Transportation, entered into a letter contract on April 8, 2014, with Van Wagner Communications, LLC for advertising for the Capital Bikeshare Program for 60 days.

(c) By Modification No. 1, dated June 8, 2014, OCP extended the letter contract for 30 days until July 8, 2014, at no additional cost.

(d) By Modification No. 3, dated July 9, 2014, OCP extended the letter contract until October 31, 2014, at no additional cost.

(e) By Modification No. 5, dated October 31, 2014, OCP extended the letter contract until December 31, 2014, at no additional cost.

(f) By unsigned Modification No. 7, OCP extended the letter contract until February 27, 2015, at no additional cost.

(g) By Modification No. 8, dated February 26, 2015, OCP extended the letter contract until March 27, 2015, at no additional cost.

(h) On March 23, 2015, Van Wagner Communications, LLC notified OCP that it changed its name to Outfront Media VW Communications LLC.

(i) By Modification No. 9, dated March 27, 2015, OCP extended the letter contract until May 29, 2015, at no additional cost.

(j) By Modification No. 11, dated May 29, 2015, OCP extended the letter contract until June 19, 2015, at no additional cost.

ENROLLED ORIGINAL

(k) By Modification No. 12, dated June 19, 2015, OCP extended the letter contract until July 31, 2015, at no additional cost.

(l) By Modification No. 13, dated July 31, 2015, OCP extended the letter contract until October 31, 2015, at no additional cost.

(m) By unsigned Modification No. 15, OCP extended the letter contract until December 31, 2015, at no additional cost.

(n) By Modification No. 16, dated December 23, 2015, OCP extended the letter contract until February 29, 2016, at no additional cost.

(o) By Modification No. 17, dated February 29, 2016, OCP extended the letter contract until April 30, 2016, at no additional cost.

(p) By Modification No. 18, dated April 30, 2016, OCP extended the letter contract until June 30, 2016, at no additional cost.

(q) OCP now desires to definitize multiyear Contract No. DCKA-2012-C-0110.

(r) The estimated total expenditures for the 5-year base term of this multiyear contract with Outfront Media VW Communications LLC is in the amount of \$3,050,000. In addition, Outfront Media VW Communications LLC will pay the District a lump sum payment of \$1,000,001.

(s) Council approval is necessary to allow the District to receive and continue to receive the benefit of the vital services that Outfront Media VW Communications LLC provides and to receive the lump sum payment.

(t) These critical services can only be obtained through an award of the multiyear contract to Outfront Media VW Communications LLC.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKA-2012-C-0110 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-620

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To declare the existence of an emergency with respect to the need to approve the Credible Messenger Initiative Grant and Modification No. 1 to the Credible Messenger Initiative Grant, to The Community Foundation for the National Capital Region for the purpose of providing Court-Involved Youth Services, and to authorize payment in the aggregate amount of \$2,300,000.00 for the goods and services provided and to be provided under the grant and modification.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Credible Messenger Initiative Grant and Modification No. 01 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to approve the Credible Messenger Initiative Grant (the “Grant”), and Modification No. 1 to the Grant, to The Community Foundation for the National Capital Region for the purpose of providing Court-Involved Youth Services, and to authorize payment for the goods and services provided and to be provided under the Grant and modification.

(b) The Grant was awarded to The Community Foundation for the National Capital Region in the amount of \$915,761.98.

(c) Thereafter, the District issued Modification No. 01 to the Grant in an amount not to exceed \$1,384,238.02, increasing the aggregate amount of the Grant to \$2,300,000.00.

(d) Council approval of the Grant and Modification No. 1 to the Grant is necessary because the Grant and Modification No. 1 to the Grant involve the expenditure of more than \$1 million during a 12-month period.

(e) Approval of the Grant and Modification No. 1 to the Grant in an aggregate amount not to exceed \$2,300,000.00 is necessary to compensate The Community Foundation for the National Capital Region for the goods and services provided and to be provided under the Grant and modification.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Credible Messenger Initiative Grant and Modification No. 01 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize Sibley Memorial Hospital for incorporating extensive sustainable infrastructure in the construction of the New Sibley building and for being nationally recognized as one of the greenest hospitals in the nation.

WHEREAS, the incorporation of environmentally friendly technology and infrastructure was a priority in the renewal of the Sibley Memorial Hospital campus—a project that encompassed a 460,000-square-foot addition and 9,000-square-foot renovation;

WHEREAS, the New Sibley building represents a substantial expansion of the number of patient services available to the community;

WHEREAS, new and upgraded services include a new Emergency Department, the addition of 200 fully private patient rooms, expanded outpatient medical oncology and radiation oncology, and a new Women's and Infant's Services Department;

WHEREAS, the New Sibley building's sustainable features include: 2 of the largest vegetative roofs of any healthcare facility in the District that will prevent approximately 310,000 gallons of water from entering the storm water system; 2 large cisterns that will divert runoff rain water to be used for the hospital's lawns and plants; one of the largest gabion walls in the District of Columbia area that supports animal and plant life and has saved over 200 yards of concrete; 5 rain gardens that serve as retention ponds to collect runoff water from parking lots; and the relocation of existing large trees and the planting of dozens of new trees on the property;

WHEREAS, the Radiation Oncology Center is Leadership in Energy & Environmental Design ("LEED") Gold certified by the U.S. Green Building Council and the New Sibley building is on track to meet LEED gold certification;

WHEREAS, Sibley Memorial Hospital was recognized by Becker's Hospital Review as one of the 50 greenest hospitals in the nation by reducing energy and waste, choosing safer and less-toxic products, and serving healthy meals through its participation in the Healthy Hospital Initiatives Challenge; and

ENROLLED ORIGINAL

WHEREAS, the District of Columbia is a national leader in the promotion and implementation of environmentally conscious policies and strives to celebrate local efforts to protect the environment through sustainable building design and construction.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sibley Memorial Hospital New Sibley Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes Sibley Memorial Hospital’s efforts to incorporate environmentally friendly technology into state-of-the-art patient care.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To declare the week of September 19, 2016, as “DC Calls It Quits Week” in the District of Columbia and to promote smoking cessation as critical in efforts to protect the health of Washington, D.C. residents.

WHEREAS, tobacco use is the single-most-preventable cause of disease, disability, and death in the United States with over 20% of adults in Washington, D.C. smoking;

WHEREAS, the total economic cost burden of smoking in the United States exceeds \$300 billion annually, including \$170 billion spent on direct medical care for adults;

WHEREAS, stopping smoking is associated with reduced heart disease risk within one to 2 years of quitting, along with lowered risk for lung cancer and many other types of cancer;

WHEREAS, nearly 7 in 10 adult smokers would like to quit smoking, and over 61% of District of Columbia smokers have made a quit attempt within the past year;

WHEREAS, the U.S. Department of Health and Human Services recognizes tobacco dependence as a chronic disease that often requires repeated intervention and multiple attempts to quit;

WHEREAS, of the over 40 million people in the United States who smoke cigarettes, only 5% are able to quit without assistance from healthcare providers;

WHEREAS, counseling and medication are both effective for treating tobacco dependence and using them together is more effective than using either one alone;

WHEREAS, smokers desiring to quit should have access to approved therapies, such as counseling, nicotine replacement therapy, and pharmaceutical interventions, as well as multiple channels for outreach and support;

ENROLLED ORIGINAL

WHEREAS, Washington, D.C. residents may be unaware of the smoking cessation treatments and services available to them to help them quit, or lack the support they need in order to successfully quit;

WHEREAS, DC Calls It Quits is a smoking cessation campaign that raises awareness of the burden of tobacco on the Washington, D.C. community; and

WHEREAS, by providing smokers with the support needed to help quit, DC Calls It Quits aims to support the Washington, D.C. community in quitting its addiction to tobacco.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Calls It Quits Week Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia declares September 19 through September 25, 2016, as “DC Calls It Quits Week” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To declare the month of September 2016 as “Sickle Cell Awareness Month” in the District of Columbia and to recognize the need to address the problem of Sickle Cell Disease at both national and local levels.

WHEREAS, Sickle Cell Month was officially recognized in 1983 when the House of Representatives unanimously passed the resolution, introduced by the Congressional Black Caucus, asking President Reagan to designate September as "National Sickle Cell Anemia Awareness Month";

WHEREAS, Sickle Cell Disease (“SCD”) results in an abnormality in the oxygen-carrying protein haemoglobin found in red blood cells;

WHEREAS, SCD is the most common genetic blood disease in the United States, affecting between 90,000 and 100,000 Americans;

WHEREAS, about 2.5 million people in the United States have sickle cell trait, which occurs when a person inherits one copy of the globin gene;

WHEREAS, SCD is usually diagnosed at birth via blood test during routine newborn screenings;

WHEREAS, currently, all 50 states in the U.S. require newborn screening programs for SCD;

WHEREAS, SCD can lead to recurrent and chronic pain, lung disease, leg ulcers, and other complications, several of which have a high mortality rate;

WHEREAS, impaired blood flow associated with SCD can potentially cause damage to most organ systems of the body, including the kidneys, livers, spleen, and eyes;

ENROLLED ORIGINAL

WHEREAS, SCD occurs in about one out of every 365 Black or African-American births, and about one out of every 16,300 Hispanic-American births;

WHEREAS, there are approximately 2,000 people living in the District of Columbia with SCD, and 118,000 with the sickle cell trait, according to the Center for Sickle Cell at Howard University;

WHEREAS, Wards 5, 6, 7, and 8 provide approximately 65% of the total number of SCD patient services in the District;

WHEREAS, because children with SCD are at increased risk of infection and other health complications, early diagnosis and treatment to prevent problems is critical;

WHEREAS, the annual cost of medical care in the United States for individuals who suffer from SCD exceeds \$1.1 billion; and

WHEREAS, the cure for SCD, only recently discovered, involves a stem cell transplantation from a healthy, tissue-matched donor, eliminating the need for chemotherapy to prepare the patient to receive the transplanted cells and offering the prospect of a disease-free life for tens of thousands of suffering adults.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sickle Cell Awareness Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia declares the month of September 2016 as “Sickle Cell Awareness Month” in the District of Columbia and urges citizens to reflect on the children and adults whose lives, education, and careers have been affected by Sickle Cell Disease.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-258

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize the month of October 2016 as “Breast Cancer Awareness Month” in the District of Columbia.

WHEREAS, women in the District of Columbia have the highest rate of breast cancer mortality in the nation;

WHEREAS, approximately 246,660 new cases of invasive breast cancer will be diagnosed in women before the end of 2016; of those cases, about 430 will occur in women in the District;

WHEREAS, the American Cancer Society estimates that about 40,450 women in the United States will die from the disease in 2016; of those cases, about 80 will be women in the District;

WHEREAS, approximately 2,600 new cases of invasive breast cancer will be diagnosed in men before the end of 2016; of those cases, about 440 men will die from the disease;

WHEREAS, there are several types of breast cancer—divided into non-invasive and invasive types—which can be diagnosed at different stages of development and can grow at different rates;

WHEREAS, if cancer is detected at an early stage, it can be treated before it spreads to other parts of the body;

WHEREAS, the exact cause of breast cancer is not fully understood, but there are many factors that increase the likelihood of developing it, including age and family medical history;

WHEREAS, the American Cancer Society is a 103-year-old, community-based, voluntary health organization, located both nationwide and in the District of Columbia, which is dedicated to eliminating cancer as a major health problem;

ENROLLED ORIGINAL

WHEREAS, the American Cancer Society established Breast Cancer Awareness Month in 1985 to promote mammography as the most-effective weapon in the fight against breast cancer; and

WHEREAS, the District of Columbia anticipates the day when no woman or man has to be treated for this disease.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Breast Cancer Awareness Month Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia honors breast cancer patients, survivors, and their families and declares October 2016 as “Breast Cancer Awareness Month” in the District of Columbia to promote research for a cure.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize and celebrate the career of Bernard S. Arons, M.D., who has dedicated a long career of service to the well-being of the District’s citizens through his provision of mental health services and to the improvement of the quality of health care through his service on the Board of Medicine.

WHEREAS, Dr. Arons served as Medical Director of Saint Elizabeths Hospital for over 7 years with great distinction and a record of significant accomplishments;

WHEREAS, Dr. Arons is a well-respected national leader in the behavioral health field and has served in a number of high-level governmental positions;

WHEREAS, Dr. Arons served as a physician member on the Board of Medicine for 4 years;

WHEREAS, under Dr. Arons leadership, along with others with whom he served, the District of Columbia was able to successfully achieve all obligations under a Department of Justice Settlement Agreement;

WHEREAS, Dr. Arons completed his service at Saint Elizabeths Hospital and completed his term on the Board of Medicine with a strong reputation as a caring and compassionate leader who strived to foster a healthy working environment for staff and a welcoming and supportive atmosphere for patients, citizens, and their families; and

WHEREAS, Dr. Arons will continue to serve the citizens of the District of Columbia through his services at Green Door Behavioral Health programs, an organization dedicated to empowering the lives of individuals and families through delivering exceptional behavioral health care and support services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Bernard S. Arons, M.D. Recognition Resolution of 2016”.

ENROLLED ORIGINAL

Sec. 2. The District of Columbia is grateful for Dr. Arons' work and continuing commitment to the health and well-being of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To commemorate Vermont Avenue Baptist Church, located at 1630 Vermont Avenue, N.W., on its 150th anniversary.

WHEREAS, in 1866, with certification of the Nineteenth Baptist Church, 7 former slaves formed the Fifth Baptist Church;

WHEREAS, Reverend John Henry Brooks, a former Union army wagon driver, became their pastor;

WHEREAS, over the past 150 years, numerous changes have been made, including changing the name to Vermont Avenue Baptist Church;

WHEREAS, there have been but only a few pastor rotations in the last 150 years;

WHEREAS, after Reverend John Henry Brooks presided from 1866 to 1864, Reverend George W. Lee presided from 1885 to 1910, Reverend James E. Willis from 1911 to 1928, Reverend Chasteen T. Murray from 1929 to 1969, Reverend John R. Wheeler from 1969 to 2007, and Reverend Cornelius R. Wheeler from 2007 to 2016, and the congregation is currently led by interim Reverend Isaac A. Fox;

WHEREAS, the Vermont Avenue Baptist Church impact is global, as it is a dedicated partner to the Lott Carey Foreign Missionary, a Christian institution focused on providing high quality education in Liberia;

WHEREAS, Vermont Avenue Baptist Church has created strong ties to the local community, providing, in coordination with the Central Union Mission, spiritual programming and emergency shelter to the homeless;

WHEREAS, the church runs “Suits for Success,” a program designed to support victims of domestic violence transition into the work place; and

WHEREAS, the church organizes numerous outreach programs geared toward mentoring the community’s youth, headed by Reverend Wayne Quick and Deaconess Rose B. Freeman.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “150th Anniversary of Vermont Avenue Baptist Church Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Vermont Avenue Baptist Church, located at 1630 Vermont Avenue, N.W., on its 150th anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-261

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize the Irish American Unity Conference for its steadfast non-violent advocacy for a United Ireland.

WHEREAS, the Irish American Unity Conference is a nonprofit, non-sectarian human rights organization whose mission is to advocate for a United Ireland through peaceful non-violent means and to work for equal justice in the North of Ireland;

WHEREAS, formed in 1983, the Irish American Unity Conference has grown to over 500 members nationwide;

WHEREAS, the Irish American Unity Conference advocates to end to British colonial occupation and for the peaceful reunification of Ireland;

WHEREAS, the Irish American Unity Conference works with the Ballymurphy Massacre victims and families to obtain an independent inquiry; supports peace and reconciliation organizations, including the Pat Finucane Centre and Relatives for Justice; provides support for victims of the “Troubles” in Northern Ireland; and campaigns for retention of the MacBride Principles;

WHEREAS, this past spring the statue of Robert Emmet, an Irish patriot, was rededicated in Washington, D.C. to commemorate his resolute belief Ireland should be an independent republic; and

WHEREAS, Robert Emmet continues to be an important figure in the hearts and minds of many Irish, Irish Americans, and those members of the Irish American Unity Conference.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Irish American Unity Conference Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes the Irish American Unity Conference, and commends the organization for its advocacy of a United Ireland through peaceful measures.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To declare the month of October 2016 as “Domestic Violence Awareness and Prevention Month” in the District of Columbia.

WHEREAS, domestic violence is a pattern of abusive behavior used to exert power and control over an intimate partner;

WHEREAS, the dignity, safety, and well-being of all residents is the foundation of a vibrant and healthy community;

WHEREAS, intimate partner violence is a public health crisis in the District of Columbia, which is injurious to all;

WHEREAS, domestic violence does not discriminate on the basis of age, gender, sexual identity, sexual orientation, disability, socio-economic status, or race;

WHEREAS, an estimated one out of 4 women will experience domestic violence at some point in her lifetime, and based on those numbers, there may be as many as 88,000 victims of domestic violence residing in the District;

WHEREAS, 34,966 domestic violence-related calls were made to the Metropolitan Police Department in 2015, which represents a 6 % percent increase over 2014;

WHEREAS, from January 1 to August 23, 2016, 8 individuals were murdered in the District of Columbia in cases related to intimate partner violence;

WHEREAS, from January 1 to August 23, 2016, 15 individuals were murdered in the District of Columbia in cases related to domestic violence;

WHEREAS, 5,867 people sought help in 2015 at the Superior Court of the District of Columbia’s Domestic Violence Intake Centers, which assist individuals in obtaining civil protection orders, safety planning, and referrals for legal assistance, housing, and social services;

ENROLLED ORIGINAL

WHEREAS, all forms of domestic violence, including physical, psychological, emotional, and economic abuse, have devastating long-term effects on victims and place a strain on the District's legal, social services, and healthcare systems;

WHEREAS, many victims are forced to remain in dangerous situations due to their inability to access long-term affordable housing;

WHEREAS, according to the 2015 Homeless Point-in-Time Count Report, 27% of the District's homeless families reported a history of domestic violence, and 15% were currently homeless as a direct result of a violent incident;

WHEREAS, domestic violence negatively affects employment, resulting in \$3 to \$5 billion annually in lost wages and reduced productivity;

WHEREAS, domestic violence has a major impact on children and teens, who must be taught to understand the building blocks of healthy relationships and the consequences of abuse; and

WHEREAS, the District has taken important steps to help victims of domestic violence, including by providing life-saving public emergency services, establishing 24-hour hotlines, and through the efforts of the Office of Victim Services and Justice Grants, ensuring that high-quality services are available to every victim seeking help.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Domestic Violence Awareness and Prevention Month Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia declares the month of October 2016 as "Domestic Violence Awareness and Prevention Month" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To honor and recognize Superior Court of the District of Columbia Chief Judge Lee F. Satterfield for his contributions to the District of Columbia and its judicial system.

WHEREAS, Chief Judge Lee F. Satterfield was born in the District of Columbia and graduated from St. John's College High School in Ward 3 in 1976;

WHEREAS, Chief Judge Satterfield attended the University of Maryland, graduating in 1980 with a Bachelor of Arts in Economics, and the George Washington University School of Law, where he received his Juris Doctor in 1983;

WHEREAS, Chief Judge Satterfield served as a judicial law clerk to the Honorable Paul R. Webber, III, then an Associate Judge of the Superior Court of the District of Columbia;

WHEREAS, following his clerkship, Chief Judge Satterfield was appointed an Assistant United States Attorney for the District of Columbia;

WHEREAS, in 1988, he joined the firm of Sachs, Greenebaum and Taylor, where he handled civil and criminal matters;

WHEREAS, Chief Judge Satterfield then returned to public service as a trial attorney with the Organized Crime and Racketeering Section of the United States Department of Justice;

WHEREAS, in 1992, he was appointed to the Superior Court of the District of Columbia by President George H.W. Bush, where he served in the Criminal, Civil, and Family Divisions, and the Domestic Violence Unit;

WHEREAS, in 1994, Chief Judge Satterfield became one of the Superior Court of the District of Columbia's first Drug Court judges;

WHEREAS, between January 1998 and December 1999, Chief Judge Satterfield served as the Presiding Judge of the Domestic Violence Unit and as a member of a National Advisory Committee on Domestic Violence;

WHEREAS, in 2001, Chief Judge Satterfield was designated Presiding Judge of the Family Division, and following the enactment of the District of Columbia Family Court Act in 2002, was designated Presiding Judge of the Family Court, until December 2005;

ENROLLED ORIGINAL

WHEREAS, on September 24, 2008, he was sworn in as Chief Judge of the Superior Court of the District of Columbia;

WHEREAS, Chief Judge Satterfield chaired and served on the Family Court Management and Oversight Committee, the Family Court Implementation Committee, the Family Court Advisory Rules Committee, and several mayoral committees addressing issues related to mental health, child welfare, and juvenile justice;

WHEREAS, Chief Judge Satterfield served as Vice Chairperson of the District of Columbia Juvenile Justice Reform Task Force and as Co-Chair of the Juvenile Detention Alternative Initiative Committee and the Citywide Truancy Task Force;

WHEREAS, Chief Judge Satterfield has been actively involved in improving the administration of the District's courts, having served on the Joint Committee on Judicial Administration, the Superior Court's Strategic Planning Leadership Council, the Superior Court Rules Committee, the Judicial Education Committee, and the Committee on the Selection and Tenure of Magistrate Judges;

WHEREAS, Chief Judge Satterfield was a member of the Board of Trustees of the National Council of Juvenile and Family Court Judges and currently serves on the boards of directors of the National Association of Presiding Judges and Court Executives, the National Center for State Courts, and the Advanced Science & Technology Adjudication Resource Center;

WHEREAS, he is a member of the faculty of the National Judicial Institute on Domestic Violence, which conducts educational programs for judges on domestic violence matters; and

WHEREAS, during Chief Judge Satterfield's 2 terms as Chief Judge, he oversaw several major changes to the Superior Court of the District of Columbia, including the creation of a new behavioral court for juveniles, expanded access for tenants, and improvements to the administration of jury service.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Superior Court of the District of Columbia Chief Judge Lee F. Satterfield Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes and honors Chief Judge Lee F. Satterfield for his distinguished service to the District of Columbia and its judicial system.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-264

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize the month of September 2016 as “Infant Mortality Awareness Month” in the District of Columbia.

WHEREAS, infant mortality rates serve as an indicator of a community’s overall wellness;

WHEREAS, the District of Columbia’s infant mortality rate is higher than the national rate;

WHEREAS, among capital cities in high-income countries, the District has the highest infant mortality rate, at more than 3 times the rates of Tokyo and Stockholm;

WHEREAS, in 2014, for every 1,000 live births to District of Columbia residents, approximately 7 infants died before reaching their first birthday, down from 12 in 2004;

WHEREAS, Wards 5, 8, and 7, respectively, have the highest infant mortality rates in the District;

WHEREAS, in 2013, the infant mortality rate in Ward 5 was 11.9%, with 14 infant deaths under one year of age, while the rate in Ward 2 was 0% and Ward 3 was 1.2%;

WHEREAS, in 2013, the infant mortality rate for births to black mothers in the District was 9.9%, while the rate for births to white mothers was 1.7%;

WHEREAS, premature births in the District of Columbia increased from 9.9% in 2012 to 10.6% in 2013, and almost 60% of pre-term infants who died had mothers aged 15 to 34 years;

WHEREAS, the leading maternal risk factors for infant mortality in the District are obesity, tobacco use, chronic disease, diabetes, high stress, and high blood pressure;

WHEREAS, infant mortality is largely preventable;

ENROLLED ORIGINAL

WHEREAS, in 2007, the Department of Health released the Infant Mortality Action Plan, a comprehensive 5-year road map that focused on (1) increasing the capacity of home visitation for pregnant women; (2) enhancing collaboration within the department and between other agencies; and (3) increasing coordination between the District government and community organizations;

WHEREAS, the District of Columbia created the multidisciplinary Infant Mortality Review Team under the supervision of the Office of the Chief Medical Examiner;

WHEREAS, expansion of primary care, behavioral health, and dental services have been implemented in Wards 5, 7, and 8 to better address the health needs of women in childbearing years;

WHEREAS, the District, in partnership with area hospitals and in particular, with Children’s National Health System, continues to strive towards an infant mortality rate of zero; and

WHEREAS, the District’s infant mortality rate decreased by 40% between 2006 and 2013.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Infant Mortality Awareness Month Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia declares the month of September 2016 as “Infant Mortality Awareness Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-265

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize and honor Cathy L. Lanier for her years of service to the District of Columbia as the Chief of Police for the Metropolitan Police Department.

WHEREAS, Cathy Lanier received her Bachelor of Science degree in Management from John Hopkins University, with honors; her Masters of Science degree in Management from John Hopkins University, with honors; and her Master of Arts degree in Homeland Security and Defense from the Naval Postgraduate School, with honors;

WHEREAS, Cathy Lanier is a graduate of the Federal Bureau of Investigation National Academy and the Drug Enforcement Administration’s Drug Unit Commanders Academy;

WHEREAS, Cathy Lanier has served as a sworn member of the Metropolitan Police Department (“MPD”) since 1990;

WHEREAS, Cathy Lanier spent more than 10 years in the Uniform Patrol Division;

WHEREAS, Cathy Lanier served as Commander of the Fourth District and created the Latino Advisory Council, which later expanded into the Latino Liaison Unit;

WHEREAS, Cathy Lanier served as the Commanding Officer of the Special Operations Division for 4 years where she managed members of the Emergency Response Team; Explosive Ordinance Unit; Aviation and Harbor Units; Horse Mounted and Canine Units; Domestic Security Unit; Special Events/Dignitary Protection Branch; and the Department’s Civil Disturbance Unit;

WHEREAS, MPD’s Office of Homeland Security and Counter-Terrorism was created in 2006, and Cathy Lanier was chosen to be its first Commanding Officer, with responsibility for all counter-terrorism operations, including terrorism investigations in partnership with the Federal Bureau of Investigation Joint Terrorist Task Force;

WHEREAS, Cathy Lanier was appointed as the Chief of Police on January 2, 2007, by Mayor Adrian Fenty and unanimously confirmed by the Council on April 3, 2007;

ENROLLED ORIGINAL

WHEREAS, Cathy Lanier was the first woman appointed and confirmed by the Council to lead the MPD;

WHEREAS, Cathy Lanier served as Chief of Police for 9 ½ years under 3 mayoral administrations;

WHEREAS, Cathy Lanier has received numerous awards for her commitment and dedication to policing, including the Police Executive Research Forum Gary P. Hayes Memorial Award, given annually to police executives who recognize the broad nature of the police function and engage the community and police professionals in bringing about change;

WHEREAS, from 2007 to 2016, the District of Columbia experienced a 10% reduction in homicides;

WHEREAS, from 2007 to 2016, the District of Columbia experienced a 23% reduction in violent crime;

WHEREAS, under Cathy Lanier's leadership, MPD is deploying more than 2,800 body-worn cameras to 7 police districts and 3 substations in 2016 with the goals of promoting transparency and increasing accountability;

WHEREAS, Cathy Lanier's management and leadership styles emphasized community engagement and tailoring policing to the unique needs of each neighborhood;

WHEREAS, MPD conducts extensive outreach efforts, reaching more than 30,000 youth and adults in 2015 through events such as National Night Out, Beat the Streets, movie nights, Halloween Safe Haven, holiday parties, Senior Bingo, and Play Street; and

WHEREAS, under Cathy Lanier's leadership, MPD has worked collaboratively with partners in the community and social service agencies to build positive relationships between youth and law enforcement on projects such as Youth Creating Change, the Junior Cadet Program, and the Junior Police Academy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Cathy L. Lanier Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes and honors Cathy L. Lanier for her years of service to the District of Columbia as the Chief of Police for the Metropolitan Police Department.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-266

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize and honor Frederick P. Allen for his educational and civic contributions to the District of Columbia.

WHEREAS, Frederick P. Allen is a native Washingtonian, born on September 16, 1942 and baptized at Incarnation Catholic Church of Deanwood;

WHEREAS, Frederick P. Allen was educated in the District of Columbia, attending both Catholic and public schools, and graduating from Theodore Roosevelt High School;

WHEREAS, Frederick P. Allen first began his government service on September 17, 1964, at the U.S. Government Printing Office in the Engineering Division, Industrial Cleaning Section;

WHEREAS, in November of 1964, Frederick P. Allen joined Local 713 of the International Printing Pressmen and Assistants Union of North America;

WHEREAS, he then transferred to the hand section of the Composing Division and was elected Chapel Chairman on the night shift in April 1966;

WHEREAS, in that position, he was required to recruit and train Section Chapel Chairpersons, and he served as a member of the Local's first Negotiating Committee;

WHEREAS, Frederick P. Allen led the movement for mass reclassification of all positions in the bargaining unit at a time when non-craft unions were not permitted to negotiate wages;

WHEREAS, in 1972, Frederick P. Allen was elected to the office of Organizer Serviceman and Delegate to the International Convention, which was held in Miami Beach, Florida;

ENROLLED ORIGINAL

WHEREAS, there, he gained international recognition as he was selected to represent the Local at the very first Black Caucus meeting, and articulated the issues so well that he was elected by a unanimous vote of all Caucus members to be the spokesperson for the group;

WHEREAS, Frederick P. Allen was appointed to the position of Special Assistant to the President of the Local, and represented Local 713 on the Council of Craft at the U.S. Government Printing Office (“GPO”);

WHEREAS, in 1974, Frederick P. Allen announced he was a candidate for the Office of President of Local 713, Washington Federal Printing Worker’s Union, and won;

WHEREAS, Frederick P. Allen was able to convince the membership to join the Metropolitan Washington Central Labor Council, AFL-CIO, and in 1977 he was elected to the Executive Board;

WHEREAS, in 1983, Frederick P. Allen was elected to the General Board of the New Graphics Communication International Union, representing the Atlantic Region;

WHEREAS, Frederick P. Allen worked tirelessly to bring about change that would improve the quality of work life for all GPO employees: he won full wage negotiations for all non-craft blue collar workers at GPO, eliminated barriers that prevented women from being promoted to positions traditionally reserved for men, and eliminated the policy of reducing wage rates to accept an apprenticeship; and

WHEREAS, Frederick P. Allen has been working with the Metropolitan Washington Central Labor Council, AFL-CIO in various capacities by contributing substantial leadership and services to the labor community for 39 years, including his positions as Secretary Treasurer and Chairman of the COPE and Evening with Labor Dinner.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Frederick P. Allen Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes Frederick P. Allen and his contributions to the District as a community leader.

Sec. 3. This resolution shall take effect immediately upon the first day of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-267

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize and honor Mt. Zion United Methodist Church on the occasion of its 200th anniversary.

WHEREAS, Mt. Zion United Methodist Church (“Mt. Zion”) is celebrating the journey to 200 years of ministry with community events, service, and worship, themed “Footprints of the Past -Forming Blueprints of the Future”;

WHEREAS, Mt. Zion has been an integral and vital part of Georgetown and has served the religious, educational, and social needs of a significant portion of the Washington, D.C. community since its establishment 200 years ago;

WHEREAS, the founders of Mt. Zion, along with other free and enslaved black Methodists worshipped at the Montgomery Street Church (now Dumbarton United Methodist Church), founded in 1772;

WHEREAS, dissatisfied with the segregation they faced, some 15 black parishioners left the Montgomery Street Church and in 1816 founded their own congregation, which operated under the supervision of the Montgomery Street Church;

WHEREAS, until the abolition of slavery, Mt. Zion served as one of the stations on the Underground Railroad and in 1864 the Reverend John H. Brice was appointed as Mt. Zion’s first black minister;

WHEREAS, Reverend Johnnie W. Cogman serves as Mt. Zion’s Pastor and is the first African American female pastor of this historic church;

WHEREAS, Mt. Zion continues a 15-year tradition of service to the Georgetown community and Greater Washington by serving as the home for the weekly Georgetown Saturday Suppers that serve hot meals to our shelter-challenged friends in the District of Columbia; and

ENROLLED ORIGINAL

WHEREAS, Mt. Zion also has a partnership with a neighborhood middle school and its parishioners serve as trained mentors in the District of Columbia Department of Human Services' "One Congregation, One Family" program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mt. Zion United Methodist Church Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes Mt. Zion United Methodist Church and its celebration of 200 years of ministry and tradition of service.

Sec. 3. This resolution shall take effect immediately upon the first day of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-273

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To declare the week of September 26 through October 1, 2016, as “Adult Education and Family Literacy Week” in the District of Columbia.

WHEREAS, literacy is integral to the quality of life and necessary to create productive workers, family members, and citizens of all ages;

WHEREAS, nearly a fifth of District of Columbia adult residents lack basic literacy skills, and more than 60,000 are without a high school credential;

WHEREAS, 18% of District of Columbia residents without a high school diploma are unemployed – nearly double that of residents with some college and over 6 times that of residents with a bachelor’s degree;

WHEREAS, the need for a highly literate community continues to grow rapidly as the District of Columbia’s economy grows increasingly knowledge-based and technology-driven;

WHEREAS, adults with at least some postsecondary education are more likely to find jobs that pay family-sustaining wages and are therefore better able to provide a stable home for themselves and their families;

WHEREAS, the most-effective way to improve the academic success of a child is to improve the educational level of their parents; and

WHEREAS, literacy skills impact every aspect of an adult’s life, including the ability to read to their child and be involved in their education, earn a family-supporting wage, make informed healthcare decisions, and understand voting issues and other civic engagements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Adult Education and Family Literacy Week Recognition Resolution of 2016”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia declares September 26 through October 1, 2016, as “Adult Education and Family Literacy Week” in the District of Columbia and encourages District of Columbia residents to learn more about the importance of literacy at all ages and become involved with adult learners and literacy programs in our community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize Hispanic Heritage Month by honoring the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America.

WHEREAS, Hispanic heritage was first observed in 1968 as Hispanic Heritage Week under President Lyndon B. Johnson;

WHEREAS, Hispanic Heritage Week was expanded to a month by President Ronald Reagan on August 17, 1988;

WHEREAS, Hispanic Heritage Month is observed from September 15 to October 15;

WHEREAS, September 15 is significant because it is the anniversary of the independence of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua;

WHEREAS, September 16 and September 18 are significant because Mexico and Chile celebrate their independence days on those dates, respectively;

WHEREAS, Hispanic Heritage Month extends to October because October 12 is Día de la Raza;

WHEREAS, many Hispanic Americans are the descendants of the Arawaks (Puerto Rico), the Aztecs (Mexico), the Incas (South America), the Maya (Central America), and the Tainos (in Cuba, Puerto Rico, and other places), and many came from Africa and Spain;

WHEREAS, the Mayor’s Office on Latino Affairs was established in 1976 by the Council as a key component of the District of Columbia Latino Community Development Act, D.C. Law 1-86, and consequently strengthened the relationship between the community and the Mayor, the Council, District government agencies, private businesses, and community-based organizations;

WHEREAS, Pedro Casanave was a Spanish merchant who became the fifth mayor of Georgetown (modern-day District of Columbia);

ENROLLED ORIGINAL

WHEREAS, notable Hispanic Americans include Franklin R. Chang-Díaz (Costa Rican American, astronaut), Ileana Ros-Lehtinen (Cuban American, congresswoman), Fernando Bujones (Cuban American, ballet dancer), Nancy Lopez (Mexican American, professional golfer), Ellen Ochoa (Mexican American, astronaut), Sandra Cisneros (Mexican American, author), and Sonia Sotomayor (Puerto Rican American, Supreme Court Justice,); and

WHEREAS, Hispanics have had a profound and positive influence on the United States and the District through centuries-old traditions and customs that are embraced and valued in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Hispanic Heritage Month Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes the exceptional contribution of Hispanic residents during Hispanic Heritage Month.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

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

BILLS

- | | |
|---------|--|
| B21-918 | State Board of Education Omnibus Amendment Act of 2016

Intro. 10-12-16 by Councilmember Grosso and referred to the Committee on Education |
| <hr/> | |
| B21-919 | Nationals Park Graphics and Entertainment Regulatory Amendment Act of 2016

Intro. 10-18-16 by Councilmembers Allen, McDuffie, Grosso, May, Nadeau, Evans, Todd and Alexander and referred to the Committee of the Whole, Subcommittee on Consumer Affairs |
| <hr/> | |
| B21-920 | Resident-Owned Business Clarification Amendment Act of 2016

Intro. 10-17-16 by Councilmember Evans referred to the Committee of the Whole, Subcommittee on Local Business Development and Utilities |

PROPOSED RESOLUTIONS

- | | |
|----------|--|
| PR21-964 | Criminal Code Reform Commission Code Revision Advisory Group Donald Braman Appointment Resolution of 2016

Intro. 10-7-16 by Councilmember McDuffie and Chairman Mendelson and Retained by the Council |
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- PR21-965 Criminal Code Reform Commission Code Revision Advisory Group
Paul Butler Appointment Resolution of 2016

Intro. 10-7-16 by Councilmember McDuffie and Chairman Mendelson and
Retained by the Council
-
- PR21-966 Apprenticeship Council Violet Carter Confirmation Resolution of 2016

Intro. 10-7-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee of the Whole, Subcommittee on Workforce
-
- PR21-967 Apprenticeship Council Stephen Lanning Confirmation Resolution of 2016

Intro. 10-7-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee of the Whole, Subcommittee on Workforce
-
- PR21-968 Apprenticeship Council Frederick Howell Confirmation Resolution of 2016

Intro. 10-7-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee of the Whole, Subcommittee on Workforce
-
- PR21-969 Apprenticeship Council Frank Chiaramonte Confirmation Resolution of 2016

Intro. 10-7-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee of the Whole, Subcommittee on Workforce
-
- PR21-970 Apprenticeship Council Leroy Watson Confirmation Resolution of 2016

Intro. 10-7-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee of the Whole, Subcommittee on Workforce
-
- PR21-971 Commission on African-American Affairs Gregory Neal Jackson, Jr.
Confirmation Resolution of 2016

Intro. 10-7-16 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Housing and Community Development
-
- PR21-973 Commission on Re-Entry and Returning Citizens Affairs Marcus
Bullock Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and
referred to the Committee on Judiciary
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PR21-974 Commission on Re-Entry and Returning Citizens Affairs Tanisha L. Murden
Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-975 Commission on Re-Entry and Returning Citizens Affairs Paula Thompson
Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-976 Commission on Re-Entry and Returning Citizens Affairs Alan
Hanson Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-977 Commission on Re-Entry and Returning Citizens Affairs Corwin Knight
Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-978 Commission on Re-Entry and Returning Citizens Affairs Stenise Rolle Sanders
Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-979 Commission on Re-Entry and Returning Citizens Affairs Clarence Johnson
Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-980 Commission on Re-Entry and Returning Citizens Affairs Esther Ford
Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-981 Commission on Re-Entry and Returning Citizens Affairs Tony D. Lewis
Confirmation Resolution of 2016

Intro. 10-11-16 by Chairman Mendelson at the request of the Mayor and
referred to the Committee on Judiciary

PR21-982 Proposed Contract with The Warrenton Group, LLC and the NHP
Foundation Approval Resolution of 2016

Intro. 10-14-16 by Chairman Mendelson and Councilmembers Cheh and White
and Retained by the Council

PR21-984 Director of the Department of General Services Greer Gillis Confirmation
Resolution of 2016

Intro. 10-14-16 by Chairman Mendelson at the request of the Mayor and
referred to the Committee on Transportation and the Environment

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY
NOTICE OF PUBLIC HEARING**

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

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

ANNOUNCES A PUBLIC HEARING ON

**B21-0442, THE “POLITICAL ACTION COMMITTEE CONTRIBUTION REGULATION
AMENDMENT ACT OF 2015”**

**B21-0509, THE “CITIZENS FAIR ELECTION PROGRAM AMENDMENT ACT OF
2015”**

B21-0511, THE “CLEAN ELECTIONS AMENDMENT ACT OF 2015”

B21-0565, THE “ELUCIDATING YOUR ELECTIONS AMENDMENT ACT OF 2016”

**B21-0622, THE “CAMPAIGN FINANCE TRANSPARENCY AND ACCOUNTABILITY
AMENDMENT ACT OF 2016”**

**Wednesday, November 16, 2016, 10:00 a.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, November 16, 2016, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on the Judiciary, will hold a public hearing on Bill 21-0442, the “Political Action Committee Contribution Regulation Amendment Act of 2015”; Bill 21-0509, the “Citizens Fair Election Program Amendment Act of 2015”; Bill 21-0511, the “Clean Elections Amendment Act of 2015”; Bill 21-0565, the “Elucidating Your Elections Amendment Act of 2016”; and Bill 21-0622, the “Campaign Finance Transparency and Accountability Amendment Act of 2016”. The hearing will be held in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 10:00 a.m.

The stated purpose of Bill 21-0442 is to amend Chapter 30 of Title 3 of the District of Columbia Municipal Regulations to limit contributions to political action committees year round.

The stated purpose of Bill 21-0509 is to reform campaign financing and to provide for publically funded political campaigns.

The stated purpose of Bill 21-0511 is to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to clarify when candidates or public officeholders are considered to control or coordinate with election-related committees and to specify that only individuals may contribute to political committees and constituent- service programs.

The stated purpose of Bill 21-0565 is to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to require independent expenditure committees and political action committees to report quarterly each year in which there is no election, and to limit contributions to political action committees to \$2,000.

The stated purpose of Bill 21-0622 is to require political action committees to direct their contributions through regulated accounts that are designated for that purpose; clarify that expenditures coordinated with a candidate or campaign are considered contributions to that candidate or campaign; require political committees and independent expenditure committees to certify that the donations they have received have not been coordinated with any candidate or campaign; enhance disclosure of independent expenditures; prohibit candidates, public officials, and their affiliated political committees from soliciting donations to any independent expenditure committee or political action committee; close the loophole allowing unlimited contributions to a political action committee in a year when the committee is not supporting candidates; disqualify individuals and corporations from large contracts or other significant business with the District if they have recently contributed to certain covered recipients; regulate Hatch Act employee designations by requiring them to be for a principal campaign or exploratory committee, requiring employees to use either annual or unpaid leave, requiring designated employees to disclose their designation to the Board of Ethics and Government Accountability, and requiring the Board to post designated-employee information on its website; and require members of boards and commissions to obtain ethics training from the Board at the beginning of their service.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee at (202) 727-8275, or via e-mail at judiciary@dccouncil.us, and provide their name, telephone number, organizational affiliation, and title (if any) **by close of business, November 10, 2016**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty, single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on November 23, 2016.**

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

Bill 21-658, the “Extension of Time to Dispose of the Strand Theater Amendment Act of 2016”
Bill 21-816, the “Dedication of Land for Street Purposes in Square 1112E (S.O. 16-25908) Act of 2016”
Bill 21-848, the “West End Parcels Development Omnibus Act of 2016”

and

Bill 21-857, the “Extension of Time to Dispose of the Strand Theater Act of 2016”

on

November 7, 2016
11:30 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 Bill 21-658, the “Extension of Time to Dispose of the Strand Theater Amendment Act of 2016”, Bill 21-816, the “Dedication of Land for Street Purposes in Square 1112E (S.O. 16-25908) Act of 2016”, Bill 21-848, the “West End Parcels Development Omnibus Act of 2016”, and Bill 21-857, the “Extension of Time to Dispose of the Strand Theater Act of 2016.” The hearing will be held at 11:30 a.m. on Monday, November 7, 2016 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of **Bill 21-658** and **Bill 21-857** is similar to amend the law to permit an extension of the time limit for the disposition of certain District-owned real property, commonly called the Strand Theater, located at 5131 Nannie Helen Burroughs Avenue, N.E. The purpose of these measures is to facilitate a mixed-use development project on the Strand Theater site. The stated purpose of **Bill 21-816** is to accept the dedication and the designation of Burke Street, S.E.; C Street, S.E.; Massachusetts Avenue, S.E.; and 20th Street, S.E., all in Northeast Washington, D.C. in Ward 7. The stated purpose of **Bill 21-848** is to authorize the use of the West End Library and Fire Station Maintenance Fund for specific uses and to designate the District of Columbia Public Library and the Department of General Services as joint managers of the fund.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or email Randi Powell, Legislative Policy Advisor at cow@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Thursday, November 3, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 3, 2016 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. Copies of Bill 21-658, 21-816, 21-848 and 21-857 can be obtained on <http://lims.dccouncil.us>, or through the Legislative Services Division (Room 10) of the Secretary of the Council’s office.

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 Monday, November 14, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
SUBCOMMITTEE ON LOCAL BUSINESS DEVELOPMENT AND
UTILITIES

NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE OF THE WHOLE: SUBCOMMITTEE ON LOCAL BUSINESS
DEVELOPMENT AND UTILITIES

ANNOUNCES A PUBLIC HEARING ON

**Bill 21-0911, “Electric Company Infrastructure Improvement Financing
Amendment Act of 2016”**

on

**Thursday, November 10, 2016, 10 a.m.
Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Charles Allen, Chairperson of the Subcommittee on Local Business Development and Utilities, announces a public hearing on **B21-0911**, the “Electric Company Infrastructure Improvement Financing Amendment Act of 2016”. The hearing will be held at 10:00 a.m. on Thursday, November 10, 2016 in room 500 of the John A. Wilson Building.

The stated purpose of **B21-0911** is to amend the Electric Company Infrastructure Improvement Financing Act of 2014 to clarify that the DDOT Underground Electric Company Infrastructure Improvement Charges will be imposed on the electric company.

The Subcommittee invites the public to testify. Those who wish to testify are asked to contact Ms. Jamie Gorosh, Legal Fellow with the Subcommittee on Local Business Development and Utilities, via email at jgorosh@dccouncil.us or at (202) 741-0929 to provide your name, address, telephone number, organizational affiliation and title (if any), by close of business Tuesday, November 8, 2016. Persons wishing to testify are encouraged to bring 15 copies of written testimony to the hearing. If electronic testimony is submitted by the close of business on November 8, 2016 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. A copy of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or at <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to jgorosh@dccouncil.us or to the Subcommittee on Local Business Development and Utilities, 1350 Pennsylvania Avenue, N.W., Suite 406, Washington, D.C. 20004. The record will close at 5:00 p.m. on November 18, 2016.

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

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC HEARING**

on

Bill 21-918, “State Board of Education Omnibus Amendment Act of 2016”

on

**Monday, November 14, 2016
2:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public hearing of the Committee on Education on Bill 21-918, “State Board of Education Omnibus Amendment Act of 2016.” The hearing will be held at 2:00 p.m. on Monday, November 14, 2016 in Room 412 of the John A. Wilson Building.

The stated purpose of Bill 21-918 is to amend the Public Education Reform Amendment Act of 2007 to update the State Board of Education authorizing statute to conform to federal law and to update the authority and responsibilities of the Office of the Public Education Ombudsman; and to amend the Parent and Student Empowerment Amendment Act of 2013 to update the authority and responsibilities of the Office of the Student Advocate.

Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Thursday, November 10. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Witnesses appearing on his or her own behalf should limit their testimony to three minutes; witnesses representing organizations should limit their testimony to five minutes.

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 on Education, Council of the District of Columbia, Suite 116 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 November 21, 2016.

**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:

**PR 21-918, the “Commission on the Arts and Humanities Elvie Moore Confirmation Resolution of 2016”
PR 21-919, the “Commission on the Arts and Humanities Josef Palermo Confirmation Resolution of 2016”
PR 21-920, the “Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of 2016”
Bill 21-905, the “Downtown DC Business Improvement District Amendment Act of 2016”
Bill 21-906, the “Bryant Street Tax Increment Financing Act of 2016”**

**Wednesday, November 16, 2016
11:00 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, November 16, 2016 at 11:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR21-918, the “Commission on the Arts and Humanities Elvie Moore Confirmation Resolution of 2016” would confirm the reappointment of Ms. Elvie Moore as a member of the Commission on the Arts and Humanities for a term to end June 30, 2019.

PR21-919, the “Commission on the Arts and Humanities Josef Palermo Confirmation Resolution of 2016” would confirm the appointment of Mr. Josef Palermo as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2019.

PR21-920, the “Commission on the Arts and Humanities Rhona Friedman Confirmation Resolution of 2016” would confirm the reappointment of Ms. Rhona Friedman as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2019.

Bill 21-905, the “Downtown DC Business Improvement District Amendment Act of 2016” would amend the Business Improvement District (BID) Act of 1996 to change the residential rate for the Downtown DC BID to allow for residential properties within the boundaries of the Downtown DC BID to petition to join the BID.

Bill 21-906, the “Bryant Street Tax Increment Financing Act of 2016” would authorize the issuance of tax increment financing (TIF) bonds of up to \$24 million to create a Bryant Street TIF area and to support certain infrastructure and site costs for a portion of the land located within 400-700 Rhode island Avenue, NE.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 11:00 a.m. on Tuesday, November 15, 2016. Witnesses should bring 15 copies of their written testimony to the hearing. 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 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

PR 21-928, Zoning Commission Peter Shapiro Confirmation Resolution of 2016

on

**Thursday, November 10, 2016
1:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a Public Hearing by the Committee of the Whole on PR 21-928, the “Zoning Commission Peter Shapiro Confirmation Resolution of 2016.” The public hearing will be held Thursday, November 10, 2016 at 1:00p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The purpose of the public hearing is to provide the public an opportunity to comment on the Mayor’s nomination of Peter Shapiro for appointment to the Zoning Commission. Peter Shapiro would replace Marcie Cohen, for a term to end February 3, 2019.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Sydney Hawthorne, Legislative Counsel at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business Tuesday, November 8, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 8, 2016 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. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on November 14, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW, Suite 410
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 21-983, the “University of the District of Columbia Career, Educational, and Legal Service Non-Collective Bargaining Unit Employees Compensation System Changes Approval Resolution of 2016” to allow for the proposed resolution to be considered at the November 1, 2016 meeting of the Council. The abbreviated notice is necessary to allow the Council to approve compensation changes for the University of the District of Columbia’s (UDC) career, educational and legal service non-union employees. The UDC Board of Trustees approved the compensation changes at its July 26, 2016 meeting.

Pursuant to D.C. Official Code § 1-617.17(j), the Council has 30 days after the Mayor transmits compensation changes to approve them. If the Council fails to do so within the 30 day period, the compensation changes are deemed approved. As the changes were transmitted to the Council on October 13, 2016, the Council has until November 12, 2016 to approve them. Given that the Council will have only one legislative meeting within this 30 day period, it is imperative that the Council act on PR 21-983 at the November 1st legislative meeting.

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 reprogrammings are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 21-229: Request to reprogram \$1,900,000 of Fiscal Year 2016 Special Purpose Revenue funds budget authority from the Office of Cable Television, Film, Music, and Entertainment (OCTFME) to the Pay-As-You-Go (Paygo) Capital Fund was filed in the Office of the Secretary on October 13, 2016. This reprogramming ensures that OCTFME will be able to support infrastructure upgrades at its 1899 9th Street location, including television/radio station build-out and upgrades to HVAC and electrical systems.

RECEIVED: 14 day review begins October 14, 2016

Reprog. 21-230: Request to reprogram \$800,000 of Fiscal Year 2016 Local funds budget authority from the Office of the Inspector General (OIG) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 13, 2016. This reprogramming is needed to pay for Information Technology infrastructure upgrades that include stronger system security and address current requirements.

RECEIVED: 14 day review begins October 14, 2016

Reprog. 21-231: Request to reprogram \$1,112,512 of Fiscal Year 2016 Local funds budget authority within the Deputy Mayor for Planning and Economic Development (DMPED) was filed in the Office of the Secretary on October 13, 2016. This reprogramming will align the budget with projected year-end expenditures; specifically, it will cover personal services costs in certain programmatic areas where funds were not sufficiently budgeted.

RECEIVED: 14 day review begins October 14, 2016

Reprog. 21-232: Request to reprogram \$475,000 of Fiscal Year 2016 Local funds budget authority from the Department of Corrections (DOC) to the Pay-As-You-Go (Paygo) Capital Fund Agency was filed in the Office of the Secretary on October 14, 2016. This reprogramming ensures the replacement of the Offenders management System that is 12 years old and inadequate to support the information needs and business processes of the department of Corrections, the Criminal Justice partner agencies, and the District.

RECEIVED: 14 day review begins October 17, 2016

Reprog. 21-233: Request to reprogram \$655,000 of Fiscal Year 2016 Local funds budget authority within the Office of the Chief Financial Officer (OCFO) was filed in the Office of the Secretary on October 14, 2016. This reprogramming covers shortfalls in the personal services object category because of higher-than-anticipated salary costs related to the implementation of the Modernized Integrated Tax System and the shifting of position costs from non-Local to Local funds.

RECEIVED: 14 day review begins October 17, 2016

Reprog. 21-234: Request to reprogram \$9,987,814 of Fiscal Year 2016 Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 14, 2016. This reprogramming will ensure the proper recordation of capitalized leases as long-term debt according to the requirement of Generally Accepted Accounting Principles (GAAP).

RECEIVED: 14 day review begins October 17, 2016

Reprog. 21-235: Request to reprogram \$512,888 of Fiscal Year 2016 Local funds budget authority from the District Department of Transportation (DDOT) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 17, 2016. This reprogramming ensures that DDOT is able to complete the design of stormwater work to mitigate flooding in the Bloomingdale neighborhood.

RECEIVED: 14 day review begins October 18, 2016

Reprog. 21-236: Request to reprogram \$1,445,738 of Fiscal Year 2016 Local funds budget authority from the District Department of Transportation (DDOT) to the Pay-As-You-Go (Paygo) was filed in the Office of the Secretary on October 17, 2017. This reprogramming ensures that DDOT is able to purchase additional equipment outside of the FY 2017 fleet replacement schedule in order to meet service level commitments in a more efficient and effective manner.

RECEIVED: 14 day review begins October 18, 2016

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-100340

License Class/Type: C Tavern

Applicant: Belay Abere

Trade Name: Amsterdam Lounge

ANC: 1B12

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

1208 U ST NW, WASHINGTON, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	24 hours -	11 am - 2 am	6 pm - 2 am
Monday:	6 am - 5 am	11 am - 2 am	6 pm - 2 am
Tuesday:	6 am - 5 am	11 am - 2 am	6 pm - 2 am
Wednesday:	6 am - 5 am	11 am - 2 am	6 pm - 2 am
Thursday:	24 hours -	11 am - 2 am	6 pm - 2 am
Friday:	24 hours -	11 am - 3 am	6 pm - 3 am
Saturday:	24 hours -	11 am - 3 am	6 pm - 3 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	11 am - 2 am	11 am - 2 am
Monday:	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 3 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No.: ABRA-102866
Licensee: Basque Bar, LLC
Trade Name: Anxo Cidery & Pintxos Bar
License Class: Retailer's Class "C" Tavern
Address: 711 Kennedy Street, N.W.
Contact: Rachel Fitz, Owner: 202-997-6499

WARD 4

ANC 4D

SMD 4D01

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Wine Pub Endorsement.

CURRENT HOURS OF OPERATION

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

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

HOURS OF WINE PUB

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-026466

License Class/Type: C Tavern

Applicant: Marabu, Inc.

Trade Name: Bukom Cafe

ANC: 1C03

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

2442 18TH ST NW, Washington, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	9 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	9 pm - 2 am
Saturday:	11 am - 3 am	11 am - 3 am	9 pm - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-073821

License Class/Type: C Tavern

Applicant: BBH, LLC

Trade Name: Cleveland Park Bar & Grill

ANC: 3C04

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

3421 CONNECTICUT AVE NW, Washington, DC 20008

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1:30 am	11 am - 1:30 am	-
Monday:	5 pm - 1:30 am	5 pm - 1:30 am	-
Tuesday:	5 pm - 1:30 am	5 pm - 1:30 am	-
Wednesday:	5 pm - 1:30 am	5 pm - 1:30 am	-
Thursday:	5 pm - 1:30 am	5 pm - 1:30 am	-
Friday:	5 pm - 3 am	5 pm - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	11 am - 1:30 am	11 am - 1:30 am
Monday:	5 pm - 1:30 am	5 pm - 1:30 am
Tuesday:	5 pm - 1:30 am	5 pm - 1:30 am
Wednesday:	5 pm - 1:30 am	5 pm - 1:30 am
Thursday:	5 pm - 1:30 am	5 pm - 1:30 am
Friday:	5 pm - 3 am	5 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-071833

License Class/Type: C Tavern

Applicant: Hunam Inn Inc.

Trade Name: Cobalt/ 30 Degrees/Level One

ANC: 2B04

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

1639 - 1641 R ST NW, WASHINGTON, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 12 am	11 am - 12 am
Monday:	11 am - 12 am	11 am - 12 am
Tuesday:	11 am - 12 am	11 am - 12 am
Wednesday:	11 am - 12 am	11 am - 12 am
Thursday:	11 am - 12 am	11 am - 12 am
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-100316

License Class/Type: C Tavern

Applicant: DC Live, LLC

Trade Name: XO

ANC: 6C06

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

15 K ST NE, WASHINGTON, DC 20002

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-099603

License Class/Type: C Tavern

Applicant: 1336 U Street, LLC

Trade Name: Hawthorne

ANC: 1B12

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

1336 U ST NW, WASHINGTON, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Thursday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Friday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	10 am - 2 am	10 am - 2 am
Monday:	10 am - 2 am	10 am - 2 am
Tuesday:	10 am - 2 am	10 am - 2 am
Wednesday:	10 am - 2 am	10 am - 2 am
Thursday:	10 am - 2 am	10 am - 2 am
Friday:	10 am - 3 am	10 am - 3 am
Saturday:	10 am - 3 am	10 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-087045

License Class/Type: C Tavern

Applicant: Market Bars LLC

Trade Name: DC Reynolds

ANC: 1A08

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

3628 GEORGIA AVE NW, WASHINGTON, DC 20010

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10am - 2am	10am - 2am	6pm - 2am
Monday:	9am - 2am	9am - 2am	6pm - 2am
Tuesday:	9am - 2am	9am - 2am	6pm - 2am
Wednesday:	9am - 2am	9am - 2am	6pm - 2am
Thursday:	9am - 2am	9am - 2am	6pm - 2am
Friday:	9am - 3am	9am - 3am	6pm - 3am
Saturday:	9am - 3am	9am - 3am	6pm - 3am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	10am - 2am	10am - 2am
Monday:	10am - 2am	10am - 2am
Tuesday:	10am - 2am	10am - 2am
Wednesday:	10am - 2am	10am - 2am
Thursday:	10am - 2am	10am - 2am
Friday:	10am - 3am	10am - 3am
Saturday:	10am - 3am	10am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-094013

License Class/Type: C Tavern

Applicant: Benti Lounge, LLC

Trade Name: Peace Lounge

ANC: 1B03

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

2632 GEORGIA AVE NW, WASHINGTON, DC 20001

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Monday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Tuesday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Wednesday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Thursday:	6 am - 2 am	8 am - 2 am	11 am - 2 am
Friday:	6 am - 3 am	8 am - 3 am	11 am - 3 am
Saturday:	6 am - 3 am	8 am - 3 am	11 am - 3 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	8 am - 12 am	8 am - 12 am
Monday:	8 am - 12 am	8 am - 12 am
Tuesday:	8 am - 12 am	8 am - 12 am
Wednesday:	8 am - 12 am	8 am - 12 am
Thursday:	8 am - 12 am	8 am - 12 am
Friday:	8 am - 12 am	8 am - 12 am
Saturday:	8 am - 12 am	8 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-084731

License Class/Type: C Tavern

Applicant: Desperados Pizza, LLC

Trade Name: Desperados Pizza

ANC: 1B12

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

1342 U ST NW, WASHINGTON, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	12 pm - 2 am	12 pm - 2 am	6 pm - 2 am
Tuesday:	12 pm - 2 am	12 pm - 2 am	6 pm - 2 am
Wednesday:	12 pm - 2 am	12 pm - 2 am	6 pm - 2 am
Thursday:	12 pm - 2 am	12 pm - 2 am	6 pm - 2 am
Friday:	12 pm - 3 am	12 pm - 3 am	6 pm - 3 am
Saturday:	10 am - 3 am	10 am - 3 am	6 pm - 3 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	12 pm - 1 am	12 pm - 1 am
Monday:	12 pm - 1 am	12 pm - 1 am
Tuesday:	12 pm - 1 am	12 pm - 1 am
Wednesday:	12 pm - 1 am	12 pm - 1 am
Thursday:	12 pm - 1 am	12 pm - 1 am
Friday:	12 pm - 1 am	12 pm - 1 am
Saturday:	12 pm - 1 am	12 pm - 1 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-086093

License Class/Type: C Tavern

Applicant: Walking Stick Management, LLC

Trade Name: Bier Baron Hotel & Tavern

ANC: 2B02

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

1523 22ND ST NW, WASHINGTON, DC 20037

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-078057

License Class/Type: C Tavern

Applicant: Pocomo, LLC

Trade Name: Bayou

ANC: 2A02

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

2519 PENNSYLVANIA AVE NW, Washington, DC 20037

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2:15 am	11 am - 2 am	11 am - 2:15 am
Monday:	11 am - 2:15 am	11 am - 2 am	11 am - 2:15 am
Tuesday:	11 am - 2:15 am	11 am - 2 am	11 am - 2:15 am
Wednesday:	11 am - 2:15 am	11 am - 2 am	11 am - 2:15 am
Thursday:	11 am - 2:15 am	11 am - 2 am	11 am - 2:15 am
Friday:	11 am - 3:15	11 am - 3 am	11 am - 3:15
Saturday:	11 am - 3:15 am	11 am - 3 am	11 am - 3:15 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	11 am - 2:15 am	11 am - 2 am
Monday:	11 am - 2:15 am	11 am - 2 am
Tuesday:	11 am - 2:15 am	11 am - 2 am
Wednesday:	11 am - 2:15 am	11 am - 2 am
Thursday:	11 am - 2:15 am	11 am - 2 am
Friday:	11 am - 3:15	11 am - 3 am
Saturday:	11 am - 3:15 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-060131

License Class/Type: C Tavern

Applicant: Restaurant Enterprises, Inc.

Trade Name: Smith Point

ANC: 2E03

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

1338 WISCONSIN AVE NW, Washington, DC 20007

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 1:30 am	11 am - 1:30 am	-
Monday:	8 am - 1:30 am	5 pm - 1:30 am	-
Tuesday:	8 am - 1:30 am	5 pm - 1:30 am	-
Wednesday:	8 am - 1:30 am	5 pm - 1:30 am	-
Thursday:	8 am - 1:30 am	11 am - 1:30 am	-
Friday:	8 am - 2:30 am	11 am - 2:30 am	-
Saturday:	8 am - 2:30 am	11 am - 2:30 am	-

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	11 am - 1:30 am	11 am - 1:30 am
Monday:	11 am - 1:30 am	11 am - 1:30 am
Tuesday:	11 am - 1:30 am	11 am - 1:30 am
Wednesday:	11 am - 1:30 am	11 am - 1:30 am
Thursday:	11 am - 1:30 am	11 am - 1:30 am
Friday:	11 am - 2:30 am	11 am - 2:30 am
Saturday:	11 am - 2:30 am	11 am - 2:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-011277

License Class/Type: C Tavern

Applicant: Backdoor Inc.

Trade Name: Bachelor's Mill/Back Door Pub

ANC: 6B04

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

1104 8TH ST SE, Washington, DC 20003

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	4 pm - 2 am	4 pm - 2 am	8 pm - 12 am
Monday:	4 pm - 2 am	4 pm - 2 am	6 pm - 1 am
Tuesday:	4 pm - 2 am	4 pm - 2 am	6 pm - 1 am
Wednesday:	4 pm - 2 am	4 pm - 2 am	6 pm - 1 am
Thursday:	4 pm - 2 am	4 pm - 2 am	10 pm - 2 am
Friday:	4 pm - 3 am	4 pm - 3 am	10 pm - 3 am
Saturday:	4 pm - 3 am	4 pm - 3 am	10 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-095113

License Class/Type: C Tavern

Applicant: Darnell Perkins & Associates LLC

Trade Name: Darnell's

ANC: 1B11

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

944 FLORIDA AVE NW, Washington, DC 20002

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 11 pm	10 am - 11 pm	6 pm - 11 pm
Monday:	8 am - 11 pm	10 am - 11 pm	6 pm - 11 pm
Tuesday:	8 am - 11 pm	10 am - 11 pm	6 pm - 11 pm
Wednesday:	8 am - 11 pm	10 am - 11 pm	6 pm - 11 pm
Thursday:	8 am - 11 pm	10 am - 11 pm	6 pm - 11 pm
Friday:	8 am - 1 am	10 am - 1 am	6 pm - 1 am
Saturday:	8 am - 1 am	10 am - 1 am	6 pm - 1 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	8 am - 11 pm	10 am - 11 pm
Monday:	8 am - 11 pm	10 am - 11 pm
Tuesday:	8 am - 11 pm	10 am - 11 pm
Wednesday:	8 am - 11 pm	10 am - 11 pm
Thursday:	8 am - 11 pm	10 am - 11 pm
Friday:	8 am - 12 am	10 am - 12 am
Saturday:	8 am - 12 am	10 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-089950

License Class/Type: C Tavern

Applicant: Spork LLC

Trade Name: A n D

ANC: 2F06

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

1314 9TH ST NW, WASHINGTON, DC 20001

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1 am	11 am - 1 am	-
Monday:	11 am - 1 am	11 am - 1 am	-
Tuesday:	11 am - 1 am	11 am - 1 am	-
Wednesday:	11 am - 1 am	11 am - 1 am	-
Thursday:	11 am - 1 am	11 am - 1 am	-
Friday:	11 am - 2 am	11 am - 2 am	-
Saturday:	11 am - 2 am	11 am - 2 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-072472

License Class/Type: C Tavern

Applicant: Pilar Hospitality Group, LLC

Trade Name: Bar Pilar

ANC: 1B12

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

1833 14TH ST NW, Washington, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	6 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 3 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 2 am	11 am - 2 am
Monday:	11 am - 2 am	11 am - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am
Thursday:	11 am - 2 am	11 am - 2 am
Friday:	11 am - 3 am	11 am - 3 am
Saturday:	11 am - 3 am	11 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-099684

License Class/Type: C Tavern

Applicant: TDJ LLC

Trade Name: Left Door

ANC: 1B12

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

1345 S ST NW, WASHINGTON, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-103008

License Class/Type: C Tavern

Applicant: Service Bar, LLC

Trade Name: Service Bar

ANC: 1B02

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

926 - 928 U ST NW, WASHINGTON, DC

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Monday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Thursday:	9 am - 2 am	9 am - 2 am	6 pm - 2 am
Friday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am
Saturday:	9 am - 3 am	9 am - 3 am	6 pm - 3 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	9 am - 2 am	9 am - 2 am
Monday:	9 am - 2 am	9 am - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am
Thursday:	9 am - 2 am	9 am - 2 am
Friday:	9 am - 3 am	9 am - 3 am
Saturday:	9 am - 3 am	9 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-024613

License Class/Type: C Nightclub

Applicant: Kelemewa Corporation

Trade Name: Pure Nightclub & Lounge

ANC: 1B12

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

1326 U ST NW, Washington, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	9 am - 2 am	10 am - 2 am	-
Monday:	4 pm - 2 am	4 pm - 2 am	-
Tuesday:	4 pm - 2 am	4 pm - 2 am	-
Wednesday:	4 pm - 2 am	4 pm - 2 am	-
Thursday:	4 pm - 2 am	4 pm - 2 am	-
Friday:	4 pm - 4 am	4 pm - 3 am	-
Saturday:	4 pm - 4 am	4 pm - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-097687

License Class/Type: C Tavern

Applicant: TNR Mass Ave Corp.

Trade Name: Philos Mezze & Wine Bar

ANC: 6E05

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

401 MASSACHUSETTS AVE NW, WASHINGTON, DC 20001

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1:30 am	11 am - 1:30 am	9 pm - 11 pm
Monday:	11 am - 1:30 am	11 am - 1:30 am	9 pm - 11 pm
Tuesday:	11 am - 1:30 am	11 am - 1:30 am	9 pm - 11 pm
Wednesday:	11 am - 1:30 am	11 am - 1:30 am	9 pm - 11 pm
Thursday:	11 am - 1:30 am	11 am - 1:30 am	9 pm - 11 pm
Friday:	11 am - 2:30 am	11 am - 2:30 am	9 pm - 12 am
Saturday:	11 am - 2:30 am	11 am - 2:30 am	9 pm - 12 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 11:30 pm	11 am - 11:30 pm
Monday:	11 am - 11:30 pm	11 am - 11:30 pm
Tuesday:	11 am - 11:30 pm	11 am - 11:30 pm
Wednesday:	11 am - 11:30 pm	11 am - 11:30 pm
Thursday:	11 am - 11:30 pm	11 am - 11:30 pm
Friday:	11 am - 11:30 pm	11 am - 11:30 pm
Saturday:	11 am - 11:30 pm	11 am - 11:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-102179

License Class/Type: C Tavern

Applicant: WW 1328 Florida Avenue LLC

Trade Name: WeWork

ANC: 1B04

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

1328 FLORIDA AVE NW, WASHINGTON, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-001273

License Class/Type: C Nightclub

Applicant: Kittrell, Edith Mae & Jessie L

Trade Name: Vegas Lounge

ANC: 2F02

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

1415 P ST NW, Washington, DC 20005

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 2 am	12 pm - 1:45 am	-
Monday:	12 pm - 2 am	12 pm - 1:45 am	-
Tuesday:	12 pm - 2 am	12 pm - 1:45 am	-
Wednesday:	12 pm - 2 am	12 pm - 1:45 am	-
Thursday:	12 pm - 2 am	12 pm - 1:45 am	-
Friday:	12 pm - 3 am	12 pm - 2:45 am	-
Saturday:	12 pm - 3 am	12 pm - 2:45 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-098528

License Class/Type: C Tavern

Applicant: Basque Bar LLC

Trade Name: ANXO Cidery & Pintxos Bar

ANC: 5E06

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

300 FLORIDA AVE NW, WASHINGTON, DC 20001

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7am - 2am	8am - 2am	-
Monday:	7am - 2am	8am - 2am	-
Tuesday:	7am - 2am	8am - 2am	-
Wednesday:	7am - 2am	8am - 2am	-
Thursday:	7am - 2am	8am - 2am	-
Friday:	7am - 3am	8am - 3am	-
Saturday:	7am - 3am	8am - 3am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	7am - 12am	8am - 12am
Monday:	7am - 12am	8am - 12am
Tuesday:	7am - 12am	8am - 12am
Wednesday:	7am - 12am	8am - 12am
Thursday:	7am - 12am	8am - 12am
Friday:	7am - 1am	8am - 1am
Saturday:	7am - 1am	8am - 1am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-100573

License Class/Type: C Tavern

Applicant: Passenger II,LLC

Trade Name: The Passenger

ANC: 6E02

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

1539 7TH ST NW, WASHINGTON, DC 20001

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7am - 2am	8am - 2am	6pm - 2am
Monday:	7am - 2am	8am - 2am	6pm - 2am
Tuesday:	7am - 2am	8am - 2am	6pm - 2am
Wednesday:	7am - 2am	8am - 2am	6pm - 2am
Thursday:	7am - 2am	8am - 2am	6pm - 2am
Friday:	7am - 3am	8am - 3am	6pm - 3am
Saturday:	7am - 3am	8am - 3am	6pm - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-098042

License Class/Type: C Tavern

Applicant: I Before E LLC

Trade Name: Trinity

ANC: 6E01

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

1606 7TH ST NW, WASHINGTON, DC 20001

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10AM - 2AM	10AM - 145AM	10AM - 10PM
Monday:	4PM - 2AM	4PM - 1:45AM	NONE -
Tuesday:	4PM - 2AM	4PM - 1:45AM	NONE -
Wednesday:	4PM - 2AM	4PM - 1:45AM	NONE -
Thursday:	4PM - 2AM	4PM - 1:45AM	NONE -
Friday:	11AM - 3AM	11AM - 2:45AM	11AM - 10PM
Saturday:	10AM - 3AM	10AM - 2:45AM	10AM - 10PM

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	-	10AM - 145AM
Monday:	-	4PM - 1:45AM
Tuesday:	-	4PM - 1:45AM
Wednesday:	-	4PM - 1:45AM
Thursday:	-	4PM - 1:45AM
Friday:	-	11AM - 2:45AM
Saturday:	-	10AM - 2:45AM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-099263

License Class/Type: C Tavern

Applicant: BAR 14 LLC

Trade Name: SAKERUM

ANC: 1B04

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

2204 14TH ST NW, WASHINGTON, DC

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 2 am	10 am - 2 am	6 pm - 2 am
Monday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	8 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	8 am - 3 am	8 am - 3 am	6 pm - 3 am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	8 am - 2 am	10 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-095111

License Class/Type: C Tavern

Applicant: Angelika Film Center Union Market, LLC

Trade Name: Angelika Pop-Up

ANC: 5D01

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

550 PENN ST NE, WASHINGTON, DC 20002

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	-
Monday:	7 am - 2 am	8 am - 2 am	-
Tuesday:	7 am - 2 am	8 am - 2 am	-
Wednesday:	7 am - 2 am	8 am - 2 am	-
Thursday:	7 am - 2 am	8 am - 2 am	-
Friday:	7 am - 3 am	8 am - 3 am	-
Saturday:	7 am - 3 am	8 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-090430

License Class/Type: C Tavern

Applicant: Bardo LLC

Trade Name: Bardo

ANC: 5D02

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

1200 - 1216 BLADENSBURG RD NE, WASHINGTON, DC 20002

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11am - 2am	11am - 2am	-
Monday:	11am - 2am	11am - 2am	-
Tuesday:	11am - 2am	11am - 2am	-
Wednesday:	11am - 2am	11am - 2am	-
Thursday:	11am - 2am	11am - 2am	-
Friday:	11am - 3am	11am - 3am	-
Saturday:	11am - 3am	11am - 3am	-

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	11am - 2am	11am - 2am
Monday:	11am - 2am	11am - 2am
Tuesday:	11am - 2am	11am - 2am
Wednesday:	11am - 2am	11am - 2am
Thursday:	11am - 2am	11am - 2am
Friday:	11am - 3am	11am - 3am
Saturday:	11am - 3am	11am - 3am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-102576

License Class/Type: C Tavern

Applicant: Tillman Group LLC

Trade Name: Vieux Carre

ANC: 2F05

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

1413 K ST NW, WASHINGTON, DC

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Monday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Tuesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Thursday:	7 am - 2 am	8 am - 2 am	6 pm - 2 am
Friday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am
Saturday:	7 am - 3 am	8 am - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-086231

License Class/Type: C Tavern

Applicant: SBII LLC

Trade Name: The Codmother

ANC: 1B12

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

1334 U ST NW, #A, WASHINGTON, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	6am - 2am	10am - 2am	6 pm - 2 am
Monday:	6am - 2am	8am - 2am	6 pm - 2 am
Tuesday:	6am - 2am	8am - 2am	6 pm - 2 am
Wednesday:	6am - 2am	8am - 2am	6 pm - 2 am
Thursday:	6am - 2am	8am - 2am	6 pm - 2 am
Friday:	6am - 3am	8am - 3am	6 pm - 3 am
Saturday:	6am - 3am	8am - 3am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-098370

License Class/Type: C Tavern

Applicant: Anyado Group LLC

Trade Name: XO Restaurant & Lounge

ANC: 2F05

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

1426 L ST NW, WASHINGTON, DC 20005

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7AM - 2AM	8AM - 2AM	6pm - 2AM
Monday:	7AM - 2AM	8AM - 2AM	6PM - 2AM
Tuesday:	7AM - 2AM	8AM - 2AM	6PM - 2AM
Wednesday:	7AM - 2AM	8AM - 2AM	6PM - 2AM
Thursday:	7AM - 2AM	8AM - 2AM	6PM - 2AM
Friday:	7AM - 3AM	8AM - 3AM	6PM - 3AM
Saturday:	7AM - 3AM	8AM - 3AM	6PM - 3AM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-088119

License Class/Type: C Tavern

Applicant: Twin T's LLC

Trade Name: DC Shenanigans

ANC: 1C03

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

2450 18th ST NW, WASHINGTON, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11am - 2am	11am - 2am	9pm - 1:15am
Monday:	11am - 2am	11am - 2am	9pm - 1:15am
Tuesday:	11am - 2am	11am - 2am	9pm - 1:15am
Wednesday:	11 am - 2am	11am - 2am	9pm - 1:15am
Thursday:	11am - 2am	11am - 2am	9pm - 1:15am
Friday:	11am - 3am	11am - 3am	9pm - 2:15am
Saturday:	11am - 3am	11am - 3am	9pm - 2:15am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016
Protest Hearing Date: February 15, 2017

License No.: ABRA-103505
Licensee: Decades, LLC
Trade Name: Decades
License Class: Retailer's Class "C" Nightclub
Address: 1219 Connecticut Avenue, N.W.
Contact: Danielle Balmelle: (202) 714-2976

WARD 2 ANC 2B SMD 2B05

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 February 15, 2017 at 1:30 pm.

NATURE OF OPERATION

Late night lounge with entertainment, dancing, and cover charge. Total Occupancy Load: 800. Total number of seats: 400. Total number of Summer Garden seats: 150.

HOURS OF OPERATION FOR PREMISES AND SUMMER GARDEN

Sunday through Saturday 8 am - 4 am

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-095632

License Class/Type: C Tavern

Applicant: NPB Group, LLC

Trade Name: Georgetown Piano Bar

ANC: 2E05

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

3287 M ST NW, Washington, DC 20007

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 2 am	12 pm - 2 am	6 pm - 2 am
Monday:	4 pm - 2 am	4 pm - 2 am	6 pm - 2 am
Tuesday:	4 pm - 2 am	4 pm - 2 am	6 pm - 2 am
Wednesday:	4 pm - 2 am	4 pm - 2 am	6 pm - 2 am
Thursday:	4 pm - 2 am	4 pm - 2 am	6 pm - 2 am
Friday:	4 pm - 3 am	4 pm - 3 am	6 pm - 3 am
Saturday:	12 pm - 3 am	12 pm - 3 am	6 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-087558

License Class/Type: C Tavern

Applicant: Hoost, LLC

Trade Name: Nomad Hookah Bar

ANC: 6A01

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

1200 H ST NE, WASHINGTON, DC 20002

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	-
Monday:	11 am - 2 am	11 am - 2 am	-
Tuesday:	11 am - 2 am	11 am - 2 am	-
Wednesday:	11 am - 2 am	11 am - 2 am	-
Thursday:	11 am - 2 am	11 am - 2 am	-
Friday:	11 am - 3 am	11 am - 3 am	-
Saturday:	11 am - 3 am	11 am - 3 am	-

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 11 pm	11 am - 11 pm
Monday:	11 am - 11 pm	11 am - 11 pm
Tuesday:	11 am - 11 pm	11 am - 11 pm
Wednesday:	11 am - 11 pm	11 am - 11 pm
Thursday:	11 am - 11 pm	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No. ABRA-085710
Licensee: Canal 5, LLC
Trade Name: The Brig
License Class: Retailer's Class "C" Tavern
Address: 1007 8th St. SE

WARD: 6

ANC: 6B

SMD: 6B04

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the agreement(s) are: Canal 5, LLC t/a Bavarian Beer Garden (former Licensee) and Advisory Neighborhood Commission 6B (Protestant), dated January 11, 2011. This license was previously located at 720 L Street, SE.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No. ABRA-088119
Licensee: Twin T's, LLC
Trade Name: DC Shenanigans
License Class: Retailer's Class "C" Tavern
Address: 2450 18th Street, NW

WARD: 1

ANC: 1C

SMD: 1C03

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the agreement(s) are: Adams Morgan Partners, LLC t/a Angry Inch (former Licensee) and ANC 1C, and the Kalorama Citizens Association (Protestant), dated April 4, 2007.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No. ABRA-026466
Licensee: Marabu, Inc.
Trade Name: Bukom Cafe
License Class: Retailer's Class "C" Tavern
Address: 2442 18th Street, NW

WARD: 1

ANC: 1C

SMD: 1C03

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the agreement(s) are: Marabu, Inc. t/a Bukom Café (Licensee) and ANC 1C, and the Kalorama Citizens Association (Protestant), dated March 1, 2006.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No. ABRA-096137
Licensee: Songbyrd, LLC
Trade Name: Songbyrd
License Class: Retailer's Class "C" Tavern
Address: 2477 18th Street, NW

WARD: 1

ANC: 1C

SMD: 1C07

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the agreement(s) are: Haca Ventures, Inc. t/a Saki (former Licensee) and ANC 1C, and the Kalorama Citizens Association (Protestant), dated September 24, 2008.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No. ABRA-087558
Licensee: Raso Corporation
Trade Name: Nomad Hookah
License Class: Retailer's Class "C" Tavern
Address: 2442 18th Street, NW

WARD: 6

ANC: 6A

SMD: 6A01

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the agreement(s) are: Raso Corporation t/a Nomad Hookah (formerly t/a Central) (Licensee) and ANC 6A, (Protestant), dated January 21, 2012.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No. ABRA-095632
Licensee: NPB Group, LLC
Trade Name: Georgetown Piano Bar
License Class: Retailer's Class "C" Tavern
Address: 3287 M Street, NW

WARD: 2

ANC: 2E

SMD: 2E05

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the agreement(s) are: Georgetown Bibliotheque, Inc. t/a Sports Fans (former Licensee) and ANC 2E and the Citizens Association of Georgetown, (Protestant), dated June 1, 2001.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No. ABRA-100340
Licensee: Belay Abere
Trade Name: Amsterdam Lounge
License Class: Retailer's Class "C" Tavern
Address: 1208 U Street, NW

WARD: 1

ANC: 1B

SMD: 1B12

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the agreement(s) are: Wilson Concepts, LLC t/a Indulj (former Licensee) and ANC 1B and the Citizens Association of Georgetown, (Protestant), dated February 19, 2009.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016

License No. ABRA-000899
Licensee: 3124 Corporation
Trade Name: The Good guys Restaurant
License Class: Retailer's Class "C" Tavern
Address: 2311 Wisconsin Avenue, NW

WARD: 3

ANC: 3B

SMD: 3B02

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the agreement(s) are: 3124 Corporation t/a The Good guys Restaurant (Licensee) and ANC 3B, (Protestant), dated December 22, 2007.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

****READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-001200

License Class/Type: C Tavern

Applicant: Allen J. Carroll

Trade Name: Phase I

ANC: 6B03

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

525 8TH ST SE, Washington, DC 20003

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

12/05/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Monday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Tuesday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Wednesday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Thursday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Friday:	7 pm - 3 am	7 pm - 3 am	7 pm - 3 am
Saturday:	7 pm - 3 am	7 pm - 3 am	7 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/30/2016

****RESCIND**

Notice is hereby given that:

License Number: ABRA-001200

License Class/Type: C Tavern

Applicant: Allen J. Carroll

Trade Name: Phase I

ANC: 6B03

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

525 8TH ST SE, Washington, DC 20003

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

11/14/2016

A HEARING WILL BE HELD ON:

11/28/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Monday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Tuesday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Wednesday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Thursday:	7 pm - 2 am	7 pm - 2 am	7 pm - 2 am
Friday:	7 pm - 3 am	7 pm - 3 am	7 pm - 3 am
Saturday:	7 pm - 3 am	7 pm - 3 am	7 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-096137

License Class/Type: C Tavern

Applicant: Songbyrd, L.L.C.

Trade Name: Songbyrd

ANC: 1C07

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

2477 18TH ST NW, Washington, DC 20009

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	N/A - N/A
Monday:	11 am - 2 am	11 am - 2 am	8 pm - 2 am
Tuesday:	11 am - 2 am	11 am - 2 am	8 pm - 2 am
Wednesday:	11 am - 2 am	11 am - 2 am	8 pm - 2 am
Thursday:	11 am - 2 am	11 am - 2 am	8 pm - 2 am
Friday:	11 am - 3 am	11 am - 3 am	8 pm - 3 am
Saturday:	11 am - 3 am	11 am - 3 am	8 pm - 3 am

Hours Of Sidewalk Cafe Operation

Hours Of Sales Sidewalk Cafe

Sunday:	11 am - 2 am	11 am - 1:30 am
Monday:	11 am - 2 am	11 am - 1:30 am
Tuesday:	11 am - 2 am	11 am - 1:30 am
Wednesday:	11 am - 2 am	11 am - 1:30 am
Thursday:	11 am - 2 am	11 am - 1:30 am
Friday:	11 am - 3 am	11 am - 2:30 am
Saturday:	11 am - 3 am	11 am - 2:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016
Protest Date: February 15, 2017

License No.: ABRA-104296
Licensee: Briceno, LLC
Trade Name: Taqueria Rosticeria Fresca
License Class: Retailer's Class "C" Restaurant
Address: 701 H Street, N.E.
Contact: Jeff Jackson: (202) 251-1566

WARD 6

ANC 6C

SMD 6C05

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 February 15, 2017 at 4:30 pm.

NATURE OF OPERATION

New restaurant with 50 seats and a Total Occupancy Load of 50. Serving Mexican cuisine. Restaurant also has a Sidewalk Café with 48 seats.

HOURS OF OPERATION ON PREMISE

Sunday through Thursday 6 am – 2 am, Friday and Saturday 6 am - 3 am.

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON PREMISE

Sunday through Thursday 9 am – 2 am, Friday and Saturday 9 am - 3 am

HOURS OF OPERATION FOR SIDEWALK CAFE

Sunday through Thursday 6 am – 11 pm, Friday and Saturday 6 am - 12 am

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

Sunday through Thursday 9 am – 11 pm, Friday and Saturday 9 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-085710

License Class/Type: C Tavern

Applicant: Canal 5 LLC

Trade Name: The Brig

ANC: 6B04

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

1007 8TH ST SE, WASHINGTON, DC

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

ENDORSEMENT(S): Entertainment Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 1 am	11 am - 1 am	12pm - 12am
Monday:	11 am - 1 am	11 am - 1 am	6pm - 12am
Tuesday:	11 am - 1 am	11 am - 1 am	6pm - 12am
Wednesday:	11 am - 1 am	11 am - 1 am	6pm - 12am
Thursday:	11 am - 1 am	11 am - 1 am	6 pm - 12 am
Friday:	11 am - 3 am	11 am - 3 am	12pm - 2 am
Saturday:	11 am - 3am	11 am - 3 am	12pm - 2am

Hours of Summer Garden Operation

Hours of Sales Summer Garden

Sunday:	12am - 11pm	12 am - 11pm
Monday:	12pm - 11pm	12 am - 11pm
Tuesday:	12pm - 11pm	12pm - 11pm
Wednesday:	12pm - 11pm	12pm - 11pm
Thursday:	12pm - 11pm	12pm - 11pm
Friday:	11 am - 1am	11 am - 1am
Saturday:	11 am - 1am	11 am - 1am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-000899

License Class/Type: C Nightclub

Applicant: 3124 Corporation

Trade Name: The Good Guys Restaurant

ANC: 3B02

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

2311 WISCONSIN AVE NW, Washington, DC 20007

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	3 pm - 2 am	3 pm - 2 am	-
Monday:	9 am - 2 am	9 am - 2 am	-
Tuesday:	9 am - 2 am	9 am - 2 am	-
Wednesday:	9 am - 2 am	9 am - 2 am	-
Thursday:	9 am - 2 am	9 am - 2 am	-
Friday:	9 am - 3 am	9 am - 3 am	-
Saturday:	9 am - 3 am	9 am - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/7/2016

Notice is hereby given that:

License Number: ABRA-075548

License Class/Type: C Nightclub

Applicant: Park Place, Inc.

Trade Name: The Park Place at 14th

ANC: 2F05

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

920 14TH ST NW, WASHINGTON, DC 20005

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

11/21/2016

A HEARING WILL BE HELD ON:

12/5/2016

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

ENDORSEMENT(S): Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	8 am - 3 am	8 am - 2 am	-
Monday:	8 am - 3 am	8 am - 2 am	-
Tuesday:	8 am - 3 am	8 am - 2 am	-
Wednesday:	8 am - 3 am	8 am - 2 am	-
Thursday:	8 am - 3 am	8 am - 2 am	-
Friday:	8 am - 4 am	8 am - 3 am	-
Saturday:	8 am - 4 am	8 am - 3 am	-

Hours of Sidewalk Cafe Operation

Hours of Sales Sidewalk Cafe

Sunday:	8 am - 2 am	8 am - 2 am
Monday:	8 am - 2 am	8 am - 2 am
Tuesday:	8 am - 2 am	8 am - 2 am
Wednesday:	8 am - 2 am	8 am - 2 am
Thursday:	8 am - 2 am	8 am - 2 am
Friday:	8 am - 3 am	8 am - 3 am
Saturday:	8 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 21, 2016
Petition Date: December 5, 2016
Hearing Date: December 19, 2016
Protest Hearing Date: February 15, 2017

License No.: ABRA-104111
Licensee: Cafe Circuit, LLC
Trade Name: The Wydown
License Class: Retailer's Class "C" Restaurant
Address: 600 H Street, N.E.
Contact: Chad McCracken: (202) 507-8411

WARD 6 ANC 6C SMD 6C05

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 February 15, 2017 at 1:30 pm.

NATURE OF OPERATION

A coffee shop with a small bakery serving coffee, espresso, baked goods, juices and healthy snacks. In the afternoon and evenings, wine and beer will be served with desserts. Total Occupancy Load: 64. Total number of seats: 27. Total Occupancy Load of Summer Garden: 16.

HOURS OF OPERATION FOR PREMISES/ SUMMER GARDEN

Sunday through Saturday 6 am – 1 am

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

Sunday through Saturday 8 am – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
10/21/2016

Notice is hereby given that:

License Number: ABRA-001273

License Class/Type: C Nightclub

Applicant: Kittrell, Edith Mae & Jessie L

Trade Name: Vegas Lounge

ANC: 2F02

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

1415 P ST NW, Washington, DC 20005

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

12/5/2016

A HEARING WILL BE HELD ON:

12/19/2016

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 2 am	12 pm - 1:45 am	-
Monday:	12 pm - 2 am	12 pm - 1:45 am	-
Tuesday:	12 pm - 2 am	12 pm - 1:45 am	-
Wednesday:	12 pm - 2 am	12 pm - 1:45 am	-
Thursday:	12 pm - 2 am	12 pm - 1:45 am	-
Friday:	12 pm - 3 am	12 pm - 2:45 am	-
Saturday:	12 pm - 3 am	12 pm - 2:45 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF NEW SCHOOL LOCATION**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Eagle Academy Public Charter School's (Eagle Academy PCS) intent to relocate its Ward 6 facility to 2403 Naylor Road SE, Washington D.C., 20020 in the school year 2017-2018. After recently learning that its leased facility in Ward 6 will be sold by the building's owner in August 2017, the school has decided to relocate its Capitol Riverfront campus from 1017 New Jersey Avenue, SE in Ward 6 to a new facility located at 2403 Naylor Road, SE in Ward 8, effective for SY 2017-2018. The school's Capitol Riverfront campus currently serves approximately 150 students, and the school reports its enrollment for this campus will remain the same after its relocation in SY 2017-2018. A public hearing regarding this item will be held on November 21, 2016 at 6:30 p.m.; a vote will be held on December 19, 2016 at 6:30 p.m. To submit public comments, you may do so by one of the actions below.

All comments must be submitted on or before November 21, 2016 at 4:00pm. For questions, please contact Laterica (Teri) Quinn, Equity and Fidelity Specialist, at 202-328-2660 or lquinn@dcpsb.org.

Submitting Public Comment:

1. Submit a written comment via:
 - (a) E-mail: public.comment@dcpsb.org
 - (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - (c) Hand Delivery/Courier*: Same as postal address above
 - (d) Phone: 202-328-2660
2. Sign up to testify in-person at the public hearing on November 21, 2016, by emailing a request to public.comment@dcpsb.org by no later than 4 p.m. on Thursday, November 17, 2016.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, DECEMBER 14, 2016
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 TWO

17549A **Application of Georgetown Visitation Preparatory School**, pursuant to
ANC-2E 11 DCMR Subtitle Y § 704, for a modification of significance of BZA Order No.
17549, now requesting special exception relief under the R-use requirements of
Subtitle U § 203.1(l), to complete additions to existing academic buildings,
increase student enrollment to 530, and increase faculty and staff to 125 for an
existing private school in the R-3 Zone at premises 1524 35th Street N.W.
(Square 1292, Lot 202).

WARD SIX

18690A **Application of Rito Loco LLC**, pursuant to 11 DCMR Subtitle Y § 704, for a
ANC-6E modification of significance of BZA Order No. 18690, now requesting special
exception relief under the penthouse requirements of Subtitle C § 1500.3(c), to
construct a roof deck above an existing fast food establishment in the MU-4 Zone
at premises 606 Florida Avenue N.W. (Square 441, Lot 838).

WARD TWO

19374 **Appeal of Dupont Circle Citizens Association**, pursuant to 11 DCMR §§
ANC-2B 3100 and 3101, from a July 18, 2016 decision by the Zoning Administrator,
Department of Consumer and Regulatory Affairs, to issue Building Permit No.
B1603105, for the conversion of one-family dwelling into a four-unit apartment
house in the R-5-B District at premises 1514 Q Street N.W. (Square 194, Lot 27).

WARD SEVEN

19379 **Application of DC Department of General Services**, pursuant to 11
ANC-7C DCMR Subtitle X, Chapter 9, for special exceptions under the off-street parking
requirements of Subtitle C § 703.2, the bicycle parking requirements of Subtitle
C § 802.1, and the penthouse requirements of Subtitle D § 5205.1, to replace an
existing recreation center with a new recreation center in the R-2 Zone at
premises 6201 Banks Place N.E. (Square 189, Lot 22).

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WARD FIVE

18386 **Application of IREI 22nd St LLC**, pursuant to 11 DCMR Subtitle X,
ANC-5C Chapter 9, for a special exception under the side yard requirements of Subtitle D
 § 307.1, to construct a new one-family dwelling in the R-1-B Zone at premises
 3702 22nd Street N.E. (Square 4226, Lot 42).

WARD ONE

19387 **Application of Graham Smith and Alexis Diao**, pursuant to 11 DCMR
ANC-1A Subtitle X, Chapters 9 and 10, for a special exception under the RF-use
 requirements of Subtitle U §§ 320.2 and 320.2(a), and a variance from the 900
 square feet per dwelling unit requirements of Subtitle U § 320.2(d), to permit the
 conversion of a flat into a three-unit apartment house in the RF-1 Zone at
 premises 3616 11th Street N.W. (Square 2829, Lot 169).

**THIS CASE WAS RESCHEDULED AT THE APPELLANT’S REQUEST FROM THE
PUBLIC HEARING OF NOVEMBER 2, 2016:**

WARD SIX

19360 **Appeal of Southwest Business Improvement District**, pursuant to 11
ANC-6D DCMR §§ 3100 and 3101, from a June 24, 2016 decision by the Zoning
 Administrator, Department of Consumer and Regulatory Affairs, that a proposed
 use meets the definition of a community-based residential facility in the C-3-C
 District at premises 475 School Street, S.W. (Square 494, Lot 860).

**THIS CASE WAS RESCHEDULED FROM THE PUBLIC HEARING OF NOVEMBER 2,
2016:**

WARD SIX

19361 **Appeal of ANC 6D**, pursuant to 11 DCMR §§ 3100 and 3101, from a June 24,
ANC-6D 2016 decision by the Zoning Administrator, Department of Consumer and
 Regulatory Affairs, that a proposed use meets the definition of a community-
 based residential facility in the C-3-C District at premises 475 School Street,
 S.W. (Square 494, Lot 860).

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

BZA PUBLIC HEARING NOTICE
DECEMBER 14, 2016
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Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 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.

**Note that party status is not permitted in Foreign Missions cases.*

Do you need assistance to participate?

Amharic

ለሙከራ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

BZA PUBLIC HEARING NOTICE

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Spanish

¿Necesita ayuda para participar?

Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

FREDERICK L. HILL, CHAIRPERSON
ANITA BUTANI D'SOUZA, VICE CHAIRPERSON
JEFFREY L. HINKLE, NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2014 Repl. & 2016 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl. & 2016 Supp.)), hereby gives notice of the adoption of amendments to Chapter 42 (Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking implements parts of the amendment to the Home and Community-Based Services Waiver for Persons who are Elderly and Individuals with Physical Disabilities (EPD Waiver), approved by the Centers for Medicare and Medicaid Services (CMS) as effective on October 20, 2015, and updates previously published final rules governing service plans and case management under the EPD Waiver. This final rule achieves the following: (1) amends Section 4202 (Written Individualized Service Plan Required) by aligning the EPD Waiver with the person-centered planning requirements CMS finalized in 2014, which are codified at 42 C.F.R. § 441.301; (2) updates Section 4208 (Reimbursement Rates: Case Management Services) by implementing a per member per month reimbursement for case management, also in accordance with the 2015 EPD Waiver Amendment; and (3) updates Section 4217 (Program Services: Case Management Services) by mirroring the goal and scope of case management reflected in the 2015 EPD Waiver Amendment including adding transitional case management to the list of case management services. Transitional case management incorporates the enhanced level of coordination needed to reintegrate a beneficiary into home and community based settings following discharge from the hospital or a nursing facility.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 27, 2016 at 63 DCR 007999. No comments were received. This Notice of Final Rulemaking was amended to include non-substantive changes to correct clerical errors and clarify existing information in the emergency notice.

The Director of DHCF adopted these rules as final on October 13, 2016, and they shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 42, HOME AND COMMUNITY-BASED SERVICES WAIVER FOR PERSONS WHO ARE ELDERLY AND INDIVIDUALS WITH PHYSICAL DISABILITIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 4202, WRITTEN INDIVIDUALIZED SERVICE PLAN REQUIRED, is amended to read as follows:

4202 WRITTEN PERSON-CENTERED SERVICE PLAN (PCSP) REQUIRED

- 4202.1 Home and community-based services under the District's Waiver for Persons who are Elderly and Individuals with Physical Disabilities (EPD) Waiver shall be provided to eligible beneficiaries pursuant to a written Person-Centered Service Plan (PCSP) developed for each individual.
- 4202.2 The PCSP shall be developed by the Case Manager in full consideration of the beneficiary's needs, preferences, strengths, and goals, which are key hallmarks of person-centered planning as defined in Section 4217. A PCSP shall be subject to the approval of DHCF, or its designee.
- 4202.3 A PCSP shall be updated and revised at least annually or whenever a change in a beneficiary's health needs warrants updates to the plan.
- 4202.4 Except in the circumstances outlined in Subsection 4202.7, a PCSP shall be required for the initiation and provision of any EPD Waiver service and shall be reviewed by the Case Manager at least quarterly.
- 4202.5 A PCSP shall, at a minimum, address and/or document the following:
- (a) The beneficiary's, strengths, positive attributes, and preferences for plan development at the beginning of the plan including:
 - (1) Consideration of the beneficiary's significant milestones, and important people in the beneficiary's life; and
 - (2) The beneficiary's preferences in order to tailor the plan to reflect any unique cultural/spiritual needs or be developed in a language or literacy level that the beneficiary and/or representative can understand;
 - (b) The beneficiary's goals, including:
 - (1) Consideration of the beneficiary's current employment, education, and community participation along with aspirations for changing employment, continuing education, and increasing level of community participation; and
 - (2) How the goals tie to the amount, duration, and scope of services that will be provided;
 - (c) Other contributors selected by the beneficiary and invited to engage in planning and monitoring of the PCSP;
 - (d) End of life plan, as appropriate;
 - (e) Medicaid and non-Medicaid services and supports preferred by the

beneficiary, including supports from family, friends, faith-based entities, recreation centers, or other community resources;

- (f) The specific individuals, health care providers, and/or other entities currently providing services and supports;
- (g) Potential risks faced by the beneficiary and a risk-mitigation plan to be addressed by the beneficiary and his/her interdisciplinary team;
- (h) Approaches to be taken to prevent duplicative, unnecessary, or inappropriate services;
- (i) Assurances regarding the health and safety of the beneficiary, and if restrictions on his or her physical environment are necessary, descriptions and/or inclusion of the following:
 - (1) Explicit safety need(s) with explanation of related condition(s);
 - (2) Positive interventions used in the past to address the same or similar risk/safety need(s) and assurances that the restriction will not cause harm to the beneficiary;
 - (3) Necessary revisions to the PCSP to address risk(s)/safety need(s), including the time needed to evaluate effectiveness of the restriction, results of routine data collection to measure effectiveness, and continuing need for the restriction; and
 - (4) Beneficiary's and/or representative's understanding and consent to proposed modification(s); and
- (j) Components of self-direction (if the beneficiary has chosen self-directed delivery under the *Services My Way* program, set forth in Chapter 101 of Title 29 DCMR).

4202.6 Upon completion of development of the PCSP, the Case Manager shall ensure the following:

- (a) The PCSP receives final approval and signature from all those who participated in its planning and development, including the Case Manager, beneficiary, and/or beneficiary's representative; and
- (b) All contributors and others who were included in PCSP development receive a copy of the completed plan or any specific component of the plan, as determined by the beneficiary.

4202.7 A beneficiary may access waiver services in the absence of a Department of

Health Care Finance-approved PCSP under the following circumstances:

- (a) DHCF determines a delay in the receipt of services would put the beneficiary’s health and safety at risk; or
- (b) DHCF determines, in accordance with Subsection 4217.9(d), services are needed to effectuate a timely discharge from a hospital or nursing facility.

4202.8 If waiver services are provided in accordance with Subsection 4202.7, a PCSP shall be completed within thirty (30) days of the date that services were initiated.

Section 4208, REIMBURSEMENT RATES: CASE MANAGEMENT SERVICES, is amended to read as follows:

4208 REIMBURSEMENT RATES: CASE MANAGEMENT SERVICES

4208.1 Case management services shall be reimbursable on a per member per month (PMPM) basis.

4208.2 The PMPM reimbursement rate during Waiver Year 5 shall be two hundred forty-five dollars and ninety-six cents (\$245.96), contingent on performance of the monthly and ongoing care coordination activities outlined in Section 4217.

4208.3 In order for a case management agency to receive reimbursement for case management services, each Case Manager must perform case management duties either on a full-time or on a part-time basis. At any point in time, no more than forty-five (45) beneficiaries shall be assigned to each Case Manager.

4208.4 The case management agency shall ensure case management services are available during regular business hours and shall be on call during weekends and evenings in case of emergency.

4208.5 Reimbursement for transitional case management services provided during a hospital or nursing facility (*i.e.*, institutional) stay shall not exceed one hundred twenty (120) days. Reimbursement shall be contingent on the Case Manager’s performance of activities during the institutional stay that facilitate transition to the community, consistent with the transitional case management standards set forth in Subsection 4217.9.

4208.6 Reimbursement for transitional case management services shall be made only after the beneficiary returns to the home or community setting and not during the beneficiary’s institutional stay.

Section 4217, PROGRAM SERVICES: CASE MANAGEMENT SERVICES, is amended to read as follows:

4217 PROGRAM SERVICES: CASE MANAGEMENT

- 4217.1 The goal of case management shall be to ensure EPD Waiver beneficiaries have access to the services and supports needed to live in the most integrated setting including:
- (a) EPD Waiver Services,
 - (b) Non-waiver Medicaid funded services under the Medicaid State Plan; and
 - (c) Other public, and private services including medical, social, and/or educational services and supports.
- 4217.2 Case management shall consist of the following:
- (a) Initial evaluation of the beneficiary's current and historical medical, social, and functional status to determine levels of service needs;
 - (b) Person-centered process for service planning ("person-centered planning"), including development and maintenance of the Person-Centered Service Plan (PCSP) in accordance with Section 4202;
 - (c) Monthly and/or ongoing care coordination activities, in accordance with Subsection 4217.8 and transitional case management services set forth in Subsection 4217.9; and
 - (d) Annual reassessment activities, in accordance with Subsection 4217.14.
- 4217.3 Consistent with Subsection 4217.2, each Case Manager shall conduct an in-person initial evaluation of the beneficiary within forty-eight (48) hours of receiving notice of his or her enrollment in the EPD Waiver.
- 4217.4 The Case Manager shall develop, complete, and submit the PCSP to DHCF, or its designee, within ten (10) business days of conducting the initial evaluation.
- 4217.5 The Case Manager shall use a person-centered planning process to develop the PCSP, described in Section 4202, with consideration of the following:
- (a) The beneficiary's personal preferences in developing goals to meet the beneficiary's needs;
 - (b) Convenience of time and location for the beneficiary and any other individuals included in the planning, including potential in-person discussions with all parties and representatives of the beneficiary's interdisciplinary team;
 - (c) Incorporating feedback from the beneficiary's interdisciplinary team and other key individuals who cannot attend in-person discussions where the

beneficiary is present;

- (d) Ensuring information aligns to the beneficiary's acknowledged cultural preferences and communicated in a manner that ensures the beneficiary and/or any representative(s) understand the information;
- (e) Ensuring access to effective, understandable, and respectful services in accordance with the U.S. Department of Health and Human Services' National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care, <http://www.minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53>, and providing auxiliary aids and services, if necessary;
- (f) Providing interpreters and translated written documents for those with low literacy or Limited English Proficiency (LEP) to ensure meaningful access for beneficiaries and/or their representatives;
- (g) Incorporating a strengths-based approach which identifies the beneficiary's positive attributes, and assesses strengths, preferences, and needs;
- (h) Exploration of housing and employment in integrated settings, where planning is consistent with the goals and preferences of the beneficiary; and
- (i) Ensuring that a beneficiary under guardianship, other legal assignment, or who is being considered as a candidate for such an arrangement, has the opportunity to address concerns related to the PCSP development process.

4217.6 Except for services approved to be delivered sooner, DHCF, or its designee, shall prior authorize the services recommended in the PCSP within seven (7) business days of its receipt.

4217.7 Following approval of services by DHCF, or its designee, the Case Manager shall follow-up with the selected service providers within five (5) working days to ensure services are in place at the quantity and quality that is sufficient to meet the beneficiary's needs, unless services are needed earlier and not receiving them would place the beneficiary's health in jeopardy.

4217.8 In order for case management services to be reimbursable, a Case Manager shall perform the following ongoing and/or monthly care coordination activities:

- (a) Direct observation of the beneficiary, including the evaluation described in Subsection 4217.3;

- (b) Follow-up to ensure DHCF, or its designee, timely uploads the beneficiary's level of care determinations into DHCF's electronic management system;
- (c) PCSP development and monitoring in accordance with Section 4202 and Subsection 4217.4;
- (d) Assist the beneficiary to select eligible EPD Waiver providers;
- (e) Coordinate the beneficiary's waiver services to ensure safe, timely, and cost effective delivery;
- (f) Provide information, assistance, and referrals to the beneficiary , where appropriate, related to public benefits and community resources, including other Medicaid services, Medicare, SSI, transit, housing, legal assistance, and energy assistance;
- (g) Support for the beneficiary and family as needed through additional visits, and telephone calls;
- (h) Monitor performance of supplies and equipment and refer malfunction(s) to appropriate providers;
- (i) Maintain records related to EPD Waiver services a beneficiary receives and upload all information into DHCF's electronic case management system;
- (j) Ensure all information uploaded into DHCF's electronic management system is legible, including monthly assessment/status updates and telephone contacts;
- (k) Assess appropriateness of beneficiary's continued participation in the waiver;
- (l) Provide information to the beneficiary, authorized representative(s), family members, and/or legal guardian(s) about the beneficiary's rights, Waiver provider agency procedures for protecting confidentiality, and other matters relevant to the beneficiary's decision to accept services;
- (m) Identify and resolve problems as they occur;
- (n) Acknowledge and respond to beneficiary inquiries within twenty-four (24) hours of receipt, unless a quicker response is needed to address emergencies;

- (o) Develop and implement a utilization review plan to achieve appropriate service delivery, ensure non-duplication of services, and evaluate the appropriateness, efficiency, adequacy, scope, and coordination of services;
- (p) Conduct at least monthly, or more frequently as needed, in-person monitoring visits in the beneficiary's home;
- (q) Supplement in-person monitoring visits described in Subsection 4217.8(p) with ongoing telephone contact, as required by the individual needs of the beneficiary;
- (r) Respond to requests received during monitoring activity within forty-eight (48) hours, making necessary updates to the PCSP within seven (7) days of monitoring activity or the beneficiary and/or representative's request to update the PCSP, and ensure the process and all updates comport with Section 4202, including in-person requirements;
- (s) Ensure that the updated PCSP is conducted in-person with the beneficiary, the interdisciplinary team, and others chosen by the person and other requirements of the PCSP planning and development process described in this section;
- (t) Review the implementation of the PCSP at least quarterly, and as needed, in accordance with Subsection 4217.13;
- (u) Promptly communicate any major updates, issues, or problems to DHCF, or its designee;
- (v) Conduct all other activities related to the coordination of EPD Waiver services, including ensuring that services are utilized and are maintaining the beneficiary in the community;
- (w) Provide transitional case management services for a period not to exceed one hundred twenty (120) days during an institutional stay in order to facilitate the beneficiary's transition back to the community, in accordance Subsection 4217.9; and
- (x) Perform other service-specific responsibilities and annual reassessment activities described in Subsections 4217.10 and 4217.13.

4217.9 In order for transitional case management services to be reimbursable by Medicaid, a Case Manager shall perform the following activities:

- (a) Maintain contact with the beneficiary and/or representative during the institutional stay;

- (b) Ensure the beneficiary stays connected to community resources (*e.g.*, housing) during the institutional stay and provide assistance to connect to new or reconnect to existing community resources upon discharge;
- (c) Participate in-person in the discharge planning meetings at the institutional care provider's site; and
- (d) Secure prior authorization(s) for service(s) to ensure they are in place on the first day of the beneficiary's discharge.

4217.10 In addition to the duties described under Subsections 4217.8 and 4217.9, a Case Manager shall perform the following service-specific care coordination responsibilities, if applicable:

- (a) Ensure occupational or physical therapy services are provided within the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) are fully utilized and waiver services neither replace nor duplicate EPSDT services for a beneficiary ages eighteen (18) through twenty-one (21);
- (b) Examine existing responsibilities of the landlord or homeowner pursuant to the lease agreement (or other applicable residential contracts, laws, and regulations) prior to ordering chore aide services through the PCSP if the beneficiary needs chore aide services and resides in a rental property or a residential facility (*e.g.*, assisted living); and
- (c) Assist the beneficiary with home adaptation assessments, evaluations, or bids in accordance with this Chapter if the beneficiary requires EAA services.

4217.11 In accordance with Chapter 101 of Title 29 DCMR, for the participant directed services program, *Services My Way*, Case Managers shall complete a standard training course on that program conducted by DHCF and participate in all required, ongoing training. Case Managers shall also perform activities related to *Services My Way* as follows:

- (a) Provide waiver applicants/beneficiaries with information about *Services My Way* as follows: at the time an EPD Waiver beneficiary is initially evaluated; when a beneficiary is reassessed for continued EPD Waiver eligibility; when the PCSP is updated; and at any other time upon request of the beneficiary or authorized representative;
- (b) Assist applicants/beneficiaries who want to enroll in *Services My Way* by overseeing the beneficiary's completion of enrollment forms and incorporating program goals into the initial PCSP or a revision of an existing PCSP;

- (c) Submit all *Services My Way* forms to the designated DHCF program coordinator;
 - (d) Communicate with support brokers to address health and safety concerns identified for *Services My Way* participants; and
 - (e) Facilitate transition from *Services My Way* to agency-based personal care aide services when a beneficiary is voluntarily or involuntarily terminated from the program.
- 4217.12 Case Managers shall also perform any other duties specified under the individual program services sections of this chapter.
- 4217.13 When conducting PCSP quarterly reviews, the Case Manager shall perform the following activities:
- (a) Review and update risk factors;
 - (b) Review stated goals, identified outcomes, services, and supports to ensure the beneficiary is receiving appropriate services for his or her needs;
 - (c) Review service utilization;
 - (d) Communicate with other providers regarding the beneficiary's goals and progress;
 - (e) Identify and resolve problems;
 - (f) Provide referrals or linkages to community resources;
 - (g) Revise the PCSP, if needed, to reflect changes in needs, goals, and services; and
 - (h) Document results of PCSP quarterly reviews in DHCF's electronic case management system, including a summary of the status of the beneficiary's receipt of services and supports.
- 4217.14 The Case Manager shall ensure a beneficiary timely completes Medicaid reassessment(s) as part of the annual recertification requirements. This includes, but is not limited to, the following activities:
- (a) Collecting and submitting documentation to DHCF, or its designee, such as medical assessments and clinician authorization forms;

- (b) Assisting the beneficiary to receive an annual, and as needed, level of care assessment from DHCF, or its designee, to verify the beneficiary's need for EPD Waiver services;
- (c) Ensuring information is uploaded to DHCF's electronic case management system at least sixty (60) days prior to the expiration of the beneficiary's current certification period;
- (d) Collecting financial eligibility (*i.e.*, income) information from the beneficiary and/or the authorized representative and transmitting to DHCF, or its designee;
- (e) Reevaluating the beneficiary's goals, level of service and support needs, and updating and/or revising the PCSP to reflect any updates;
- (f) Assessing progress in meeting established goals, as documented in the PCSP and ensuring that the information is forwarded to DHCF;
- (g) Coordinating any change requests, including adding new services; and
- (h) After the approval of services by DHCF, or its designee, following-up with selected service providers within five (5) working days of authorization to ensure services are in place.

DEPARTMENT OF HEALTH**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Health (“Director”), pursuant to § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Health Occupations Revision Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2012 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 48 (Chiropractic) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The rules set forth amendments regarding educational requirements, licensure requirements, examination, continuing education requirements, standards of conduct, and scope of practice to bring the D.C. Board of Chiropractic up to date with current standards and best practices in the regulation of the chiropractic profession. Consistent with the aim of the Health Occupations Revision Act, this rulemaking will enhance professionalism within the community and operate in support of the health and welfare of the public.

These amendments were published as Notice of Proposed Rulemaking in the *D.C. Register* on July 22, 2016, at 63 DCR 009700. No comments were submitted in response to this Notice of Proposed Rulemaking during the thirty (30)-day comment period and no changes have been made to the rulemaking.

The Director took final action to adopt these rules on September 27, 2016 and they will become effective upon publication in the *D.C. Register*.

Chapter 48, CHIROPRACTIC, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**Section 4805, DISTRICT EXAMINATION, is amended as follows:****Subsection 4805.4 is amended to read as follows:**

- 4805.4 The District examination may include questions on the following:
- (a) The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2007 Repl.));
 - (b) Title 17, Chapter 48 of the District of Columbia Municipal Regulations;
 - (c) Title 17, Chapters 40 and 41 of the District of Columbia Municipal Regulations;
 - (d) Scope of practice; and

- (e) Ethics and boundaries.

Subsection 4805.6 is amended to read as follows:

- 4805.6 A passing score on the District Examination shall be seventy-five percent (75%). After failing to obtain a score of at least seventy-five percent (75%) on two (2) successive District examinations, the applicant shall appear before the Board before being permitted to retake the examination a third time. In the event of a third failure, the applicant shall not be permitted to sit for a fourth attempt for a period of one (1) year. An applicant practicing under the supervision of a licensed chiropractor while waiting to sit for the District Examination, who twice fails the examination, shall have the pending application status suspended for a period of ninety (90) days.

Subsection 4805.7 is amended to read as follows:

- 4805.7 Pursuant to the Act, an applicant approved for an initial license to sit for the next scheduled examination may request the Board's permission to practice under the direct supervision of a District licensed chiropractor for a period not to exceed six (6) months.

Section 4806, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 4806.4 is amended to read as follows:

- 4806.4 An applicant for renewal of a license expiring on December 31, 2018 and all subsequent licensure terms shall submit proof upon request of the Board pursuant to § 4806.7 of having completed thirty (30) hours of approved continuing education credit during the two (2) year period preceding the date the license expires that include three (3) hours in communicable disease (including HIV-AIDS), two (2) hours in cultural competence and appropriate clinical treatment specifically for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression, and five (5) hours in any combination of ethics, risk management, documentation and record keeping, or cultural competency.

Subsection 4806.5 is amended to read as follows:

- 4806.5 A person in inactive status, within the meaning of § 511 of the Act, may qualify for a license by submitting an application to reactivate a license and submitting proof, pursuant to § 4806.7, of having completed fifteen (15) hours of approved continuing education credit for each license year after December 31, 1990, that the applicant was in inactive status.

Subsection 4806.6 is amended to read as follows:

4806.6 To qualify for a license, an applicant for reinstatement of a license shall submit proof, pursuant to § 4806.7, of having completed fifteen (15) hours of approved continuing education credit for each year that the license was expired.

Section 4807, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:

Subsection 4807.1 is amended to read as follows:

- 4807.1 The Board shall accept for credit continuing education programs provided or sponsored by the following:
- (a) A chiropractic college accredited by the Council on Chiropractic Education;
 - (b) The America Chiropractic Association;
 - (c) The International Chiropractors Association;
 - (d) The Federation of Chiropractic Licensing Boards Providers of Approved Continuing Education (PACE) Program; or
 - (e) Approved by the District of Columbia Board of Chiropractic.

Section 4809, STANDARDS OF CONDUCT, is amended by adding a Subsection 4809.16 to read as follows:

- 4809.16 A licensee shall not make any false, misleading, or deceptive communication in any form of advertising nor shall the licensee utilize any form of advertising that has the capacity or tendency to deceive, mislead, or confuse the recipient in any manner including the following:
- (a) Advertising that contains a misrepresentation of any fact including advertising that has the capacity or tendency to mislead, deceive, or confuse any potential recipient, either through false or misleading claims, or by failing to disclose relevant or material facts;
 - (b) Advertising that conveys the impression of professional superiority or other superior attributes that cannot be substantiated. A licensee shall not advertise that he or she has a certification or has attained diplomate status without having been conferred the title of diplomate or having received a certification;
 - (c) Advertising that has the capacity or tendency to create false or unjustified expectations of beneficial treatment or successful cures;

- (d) Advertising that contains any guarantee of the results of any service;
- (e) Advertising a service that the licensee is not licensed to perform in the District of Columbia;
- (f) Advertising under a heading that may foster confusion about the professional status of the chiropractor or under a professional heading in which the chiropractor is not licensed; or
- (g) Advertising a transaction that is in itself illegal.

Section 4811, SCOPE OF PRACTICE, is amended as follows:

Subsection 4811.1 is amended to read as follows:

- 4811.1 A chiropractor who is licensed to practice in the District of Columbia under the provisions of this chapter may provide the following chiropractic services:
- (a) Locating, diagnosing, and analyzing subluxated vertebrae as follows:
 - (1) By x-ray of the spinal column;
 - (2) By physical examination; and
 - (3) By employing other non-invasive procedures such as MRI and CAT scan;
 - (b) Correcting vertebral subluxation displacement by applying specific localized force to the spine;
 - (c) Advising and instructing a patient about exercise, stress management, and nutrition;
 - (d) Referring a patient for specialized diagnostic testing, which may be necessary for chiropractic treatment or patient safety;
 - (e) Referring a patient to other healthcare practitioners as the chiropractor deems necessary; and
 - (f) Diagnosing and treating bodily articulations by means of manipulation or adjustments.

Subsection 4811.2 is amended to read as follows:

4811.2 A chiropractor who is certified by the Board to perform ancillary procedures pursuant to § 4803.3 may perform any physiotherapy for which the chiropractor has received specialized training at a program or institution listed in § 4807.1 provided the physiotherapy is preparatory or complementary to chiropractic care.

Section 4811 is amended to have these subsections added as follows:

4811.3 A chiropractor not licensed to practice in the District of Columbia but who is licensed and in good standing in any other state, territory, or jurisdiction of the United States or any other nation or foreign jurisdiction may engage in the practice of chiropractic if he or she is employed or designated in his or her professional capacity by a sports or performing arts entity visiting the District of Columbia for a specific sports or performing arts event subject to the following restrictions and rules:

- (a) The practice of chiropractic subject to this rule shall be limited to members, coaches, or official staff of the team or event for which that chiropractor is designated. If services are requested by a specific athlete or performer, the practice of chiropractic shall be limited to services performed for that individual only;
- (b) The practice of chiropractic as authorized by this rule shall be limited to the designated venue of the event or designated treatment area for the event. The Board, in its discretion, may audit, review, or inspect the venue and chiropractic services rendered;
- (c) A chiropractor practicing under the authority of this section may use only those practices and procedures that are within the scope of chiropractic practice in the District of Columbia as authorized by statute and the rules governing chiropractic practice in the District of Columbia; and
- (d) Unless otherwise determined by the Board, the visiting chiropractor shall request and receive written permission from the Board at least sixty (60) days before the start of practice in the District, and the visiting chiropractor may practice chiropractic in the District no more than fourteen (14) days during any calendar year.

4811.4 A student enrolled at an approved chiropractic college may perform chiropractic procedures provided the student has successfully completed at least one (1) academic year of schooling and the chiropractic procedures are performed under the supervision and direction of an authorized instructor duly licensed to practice chiropractic in the District of Columbia.

4811.5 A student enrolled at an approved chiropractic college may perform chiropractic procedures at a location other than the premises of the chiropractic college at

which the student is enrolled, provided the student has successfully completed a minimum of three (3) academic years of chiropractic college and has met all of the chiropractic college's requirements concerning its student/preceptor program. The chiropractic procedures performed by the student shall be performed under the supervision and direction of a Chiropractic Preceptor. A duly authorized instructor or Chiropractic Preceptor shall be within the immediate patient treatment area, the clinic proper, and available to the student at all times.

- 4811.6 A student performing chiropractic procedures at a location other than the premises of the chiropractic college at which the student is enrolled and under the supervision and direction of a Chiropractic Preceptor shall be known as a "Chiropractic Intern" and shall not represent him or her self to the public as a licensed Chiropractor or use terms such as "Chiropractor", "Doctor of Chiropractic" or "D.C."
- 4811.7 The Chiropractic Preceptor shall be approved by the Board before supervising a chiropractic student. To qualify as a Chiropractic Preceptor, the chiropractor shall:
- (a) Be licensed to practice chiropractic in the District of Columbia for not less than five (5) years;
 - (b) Not have had any public or private sanction against his or her license to practice chiropractic in the District of Columbia or any other state;
 - (c) Disclose if he or she has been convicted or found guilty of a violation of any law other than a minor traffic violation within seven years prior to his or her application to serve as a preceptor; and
 - (d) Have the written approval of the chiropractic student's chiropractic college to serve as an adjunct faculty member for the purpose of a student/preceptor program.
- 4811.8 Any chiropractic procedure performed by a chiropractic student shall be in compliance with all laws, rules, and regulations regarding the practice of chiropractic in the District of Columbia.
- 4811.9 The primary responsibility for the programming and treatment of the patient by the chiropractic student shall rest with the Chiropractic Preceptor or other authorized instructor.
- 4811.10 Documentation of all programming and treatment of the patient and all changes to the programming and treatment plans shall be reviewed and approved by the authorized instructor or Chiropractic Preceptor.

- 4811.11 The chiropractic college shall notify the Board of the specific dates that a Chiropractic Intern shall be serving as a Chiropractic Intern under the supervision and direction of a Chiropractic Preceptor.
- 4811.12 The Board's approval for any chiropractor serving as a Chiropractic Preceptor shall expire December 31st of each even-numbered year. The chiropractic college shall submit to the Board for reapproval the required documentation concerning each Chiropractic Preceptor during the last quarter of the even-numbered year.

Section 4899, DEFINITIONS, is amended to read as follows:

- 4899.1 For purposes of this chapter, the following terms shall have the meanings ascribed:

Act—The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.* (2007 Repl.)).

Ancillary—any physiotherapy procedure used on a patient prior to, and complimentary to, receiving a chiropractic treatment.

Applicant—A person applying for a license to practice chiropractic or certification to practice ancillary procedures under this chapter.

Board—The D.C. Board of Chiropractic, established by § 216 of the Health Occupations Revision Act, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.16 (2007 Repl.)).

CAT scan—A diagnostic, medical, radiological scan in which cross-sectional images of a part of the body are formed through computerized axial tomography and shown on a computer screen.

Chiropractic Preceptor—Any person licensed as a doctor of chiropractic in the District of Columbia who is approved by the Board to supervise chiropractic students in the performance of chiropractic at a location other than the premises of the chiropractic college in which the student is enrolled.

Chiropractor—A person licensed to practice chiropractic under the Health Occupations Revision Act, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1205.01 *et seq.* (2007 Repl.)).

MRI—An imaging technique that uses electromagnetic radiation to obtain images of the body's soft tissues by subjecting the body to a powerful magnetic field, allowing tiny signals from atomic nuclei to be detected and then processed and converted into images by a computer.

NBCE—The National Board of Chiropractic Examiners.

Physiotherapy—Any external modality that the chiropractor uses on a patient before receiving a chiropractic adjustment or manipulation, that creates a physiological change in the human tissue condition, and that contributes to the overall improvement of the condition for which the patient is being treated.

Spinal adjustment or manipulation—A specific thrust applied to a subluxated vertebra utilizing parts of the vertebra and contiguous structures as levers to directionally correct that particular articular malposition, and thus influencing neural integrity in that area.

Subluxation—A complex of functional or structural changes that occur in the spinal column that compromises neural integrity and thus may influence organ system function and general health.

Supervision—Having a licensed District of Columbia chiropractor in the same office on a continuous basis while the assistant is on duty. The supervising chiropractor should be immediately available for delegated acts that the chiropractic assistant performs. Telecommunication is insufficient for supervision purposes or as a means for directing delegated acts.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF FINAL RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of the adoption of the following amendment to Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR) by adding a new Section 822 (Administrative and Judicial Review of Barrings).

The purpose of the amendment is to provide for a judicial review of the administrative review of barring notices and provide a timeline for such review.

The Board of Library Trustees, through D.C. Official Code § 39-105(a)(10) (2016 Supp.), designated the Chief Librarian/Executive Director to establish rules and manage the day-to-day operations of the library. On August 16, 2016, the Executive Director of the District of Columbia Public Library (“DCPL”) approved the adoption of the emergency and proposed regulations. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* for a thirty (30) day public comment period on August 26, 2016 at 63 DCR 11002. There were no comments received during the 30-day comment period. The wording in this Final Rulemaking was changed to make the language easier to read and understand. The effect of the rule remains the same.

These rules were adopted as final August 16, 2016 and become effective immediately upon publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended to a new Section 822 as follows:

822 ADMINISTRATIVE AND JUDICIAL REVIEW OF BARRINGS

822.1 An individual who receives a Notice of Barring may request an administrative review if the bar is greater than seven (7) days. This request must be made within ten (10) business days of the date on the barring notice. A request for review should be submitted in writing to:

Director of Public Safety
Martin Luther King Jr. Memorial Library
901 G Street N.W.
Washington, D.C. 20001

- 822.2 The Director of Public Safety will issue a final decision on the administrative review of the bar within thirty (30) calendar days. The barred individual may appeal the final decision to the District of Columbia Superior Court's Civil Division within thirty (30) days of the date of the notice of final decision.

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

NOTICE OF FINAL RULEMAKING

The Director of the District of Columbia Office of Public-Private Partnerships (OP3), pursuant to the authority set forth the Public-Private Partnership Act of 2014, approved March 11, 2015 (D.C. Law 20-228, D.C. Official Code §§ 2-271.01 *et seq.* (2012 Repl. & 2016 Supp.)) (“P3 Act”), and the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501 *et seq.* (2012 Repl. & 2016 Supp.)), hereby gives notice of the adoption of a new Chapter 48 (Public-Private Partnerships) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (27 DCMR).

This final rulemaking action establishes the procedures for the operations of the District of Columbia Office of Public-Private Partnerships (“DC OP3” or “Office”), including the procurement process for public-private partnerships (“P3s”) in the District of Columbia (“District”). The DC OP3 is charged with building collaborations between private sector businesses and District government in support of large-scale projects such as infrastructure development and enhancements. The Office was established by the P3 Act to extend the utilization of P3s and expand economic opportunities for the District. These rules, which are the product of extensive public outreach and stakeholder feedback, lay out a clear, streamlined, and predictable framework for how the DC OP3 will operate and the process by which P3s projects of all kinds will be procured in the District of Columbia. Transparency and fairness are prioritized to ensure the highest level of competition and to maximize the public interest in building infrastructure that is critical to the growth and economic development in all eight (8) wards of the District.

This rulemaking outlines the process for the development, solicitation, evaluation, award, delivery, and oversight of solicited and unsolicited P3 projects. Additional requirements will be outlined in the procurement documents for each project and further, non-binding guidance is provided in the Guidelines and Procedures published on the website of the DC OP3 at <http://op3.dc.gov>.

The Notice of Proposed Rulemaking was published in the *District of Columbia Register* on April 29, 2016, at 63 DCR 6657. The DC OP3 received several comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on April 28, 2016. A copy of all comments received, a document summarizing the DC OP3’s responses to each comment, and a list of all meetings held to receive additional feedback on the rules is available at <http://op3.dc.gov>. Changes were made to correct grammar, clarify initial intent, clarify proposed procedures, or lessen the burdens established by the proposed rules. The changes do not substantially alter the intent, meaning, or application of the proposed rules or exceed the scope of the rules as published with the Notice of Proposed Rulemaking.

This rulemaking was submitted to the Council of the District of Columbia (“Council”) for a forty-five (45) day review period, excluding days of Council recess. Pursuant to § 301 of the P3 Act (D.C. Official Code § 2-274.01), the rulemaking was approved by the Council on October

11, 2016. The rules shall take effect upon publication of this notice in the *District of Columbia Register*.

A new Chapter 48, PUBLIC-PRIVATE PARTNERSHIPS, in Title 27, CONTRACTS AND PROCUREMENT, of the DCMR is added to read as follows:

CHAPTER 48 PUBLIC-PRIVATE PARTNERSHIPS

4800 GENERAL PROVISIONS

4800.1 This chapter implements the provisions of the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code §§ 2-271.01 *et seq.*) (P3 Act).

4800.2 This chapter outlines the process for the development, solicitation, evaluation, award, delivery, and oversight of solicited and unsolicited public-private partnership (P3) projects. Additional requirements will be outlined in the procurement documents for each project, further, non-binding guidance is provided in the Guidelines, and Procedures published on the website of the District of Columbia Office of Public-Private Partnerships (DC OP3) at <http://op3.dc.gov>.

4800.3 All public and private entities involved in a P3 project shall be subject to all applicable District and federal laws unless otherwise stated in the P3 Act or this chapter.

4801 SOLICITED PROCUREMENTS: REQUESTS FOR INFORMATION

4801.1 **Generally:** The DC OP3 may issue a Request for Information (RFI) at the beginning of the P3 procurement process to obtain information and insight from the private sector regarding a potential P3 project.

4801.2 **Publication:** The DC OP3 will publish notice of each RFI in the District of Columbia Register, the DC OP3 website, and any other publications deemed appropriate by the DC OP3.

4801.3 **Schedule:** Responses to an RFI will be accepted for a period of time to be determined by the DC OP3, and the deadline for responses will be included in the RFI. This schedule may include a pre-response public meeting to allow interested parties to meet with the DC OP3 and Owner Agencies to ask questions and obtain additional information regarding the proposed project and the requirements of the RFI.

4801.4 **Use of Responses to Request for Information:** Each response to an RFI shall become the property of the District, and the District may use any information or concepts within the response for whatever purpose it deems appropriate.

4801.5 **Proposer Presentations:** The DC OP3 and Owner Agencies may communicate with an entity that provides a response to an RFI or request the entity to give one (1) or more oral presentations to clarify its response and answer questions that will aid in the understanding of the response.

4802 SOLICITED PROCUREMENTS: REQUESTS FOR QUALIFICATION

4802.1 **Generally:** The DC OP3 may issue a request for qualifications (RFQ). The RFQ provides for a process of qualification for private sector proposers to submit qualifications for a solicited project. The RFQ, if issued, will be issued after the completion of the RFI process, if an RFI was issued.

4802.2 **Public Notice:** A notice of an RFQ for a P3 project will be published in the District of Columbia Register, posted on the DC OP3 website, and mailed to each affected Advisory Neighborhood Commission. In addition, the notice of an RFQ may be published in any publication deemed appropriate by the DC OP3 to achieve the optimal level of private sector response and public awareness.

4802.3 **Schedule:** The DC OP3 will determine the time limit for submittal of qualifications based on the complexity and specialization of the project. The deadline for responses will be included in the RFQ.

4802.4 **Minimum Required for Qualification:** The DC OP3 will determine requirements for the qualification of a private entity. At a minimum, in order to be qualified to submit a bid under a request for proposals, a private entity shall demonstrate:

- (a) The availability of sufficient sources of funding, capital, securities, or other financial resources necessary to carry out the P3 project if selected;
- (b) The availability and identification of key personnel, either through its staff, subcontractors, a consortium or joint venture agreement, that possess the managerial, organizational, technical capacity and experience working on projects of similar scope, scale and complexity as the type of project for which the proposer would be submitting a bid;
- (c) It will be qualified to lawfully conduct business in the District at the time of entering into a P3 agreement with the District; and
- (d) No director, officer, partner, owner, or other individual with direct and significant control over the policy or finances of the private entity has been convicted of corruption or fraud in any jurisdiction of the United States.

- 4802.5 **Other Requirements and Criteria for Qualification:** The RFQ shall set forth any other requirements for qualification and the criteria that the DC OP3 will use to determine which private entities qualify.
- 4802.6 **Certification of Qualification:** For each private entity that responds to the RFQ, the DC OP3 will determine if the entity possesses the qualifications appropriate for the P3 project, according to evaluation criteria established in the RFQ under Subsections 4082.4 and 4082.5. The DC OP3 reserves the right to issue an RFP to a short list of the private entities that were deemed to possess the qualification appropriate for the P3 project, rather than issuing the RFP to all private entities that were deemed to possess the qualifications appropriate for the P3 project.
- 4802.7 **Application Fee:** The DC OP3 may, if deemed appropriate, impose an application fee for prequalification not to exceed the actual direct cost of evaluation. The specific amount of the fee will be stated in the RFQ. This fee, if collected, shall be deposited in the Public-Private Partnerships Administration Fund (the Fund) for the use by the DC OP3 for costs associated with the review of responses to RFQs.
- 4802.8 **Modification and Cancellation of Request for Qualification:** The DC OP3 retains the right to modify or cancel the RFQ process at any time for any reason.
- 4802.9 **Use of Responses to Request for Qualification:** Each response to an RFQ shall become the property of the District, and the District may use any information or concepts within the response for whatever purpose it deems appropriate.
- 4802.10 **Proposer Presentations:** The DC OP3 and Owner Agencies may communicate with those entities that provide responses to an RFQ or require them to give one or more oral presentations to clarify their responses and answer questions that will aid in the understanding and evaluation of the responses.
- 4803 SOLICITED PROCUREMENTS: REVIEW OF DRAFT REQUEST FOR PROPOSALS**
- 4803.1 **Generally:** The final step in the solicitation phase is the issuance of a Request for Proposals (RFP). Before issuing an RFP, the DC OP3 will develop a draft RFP for public comment. In addition, by law the draft RFP must be approved by the Council of the District of Columbia (Council) before it is formally issued.
- 4803.2 **Public Review of Draft Request for Proposals:** The first step in the RFP process is the development of a draft RFP by the DC OP3 for public comment. DC OP3 will publish the draft RFP on its website for public comment and will hold at least one (1) public hearing on the proposed RFP. The hearing will be subject to the Open Meetings Act (D.C. Law 18-350; D.C. Official Code §§ 2-571 *et seq.*) and will be held at an accessible evening or weekend time and in an accessible location near the proposed P3 project. The DC OP3 will provide at

least thirty (30) days' notice of the public hearing to each affected ANC and will publicize the hearing by placing a notice in the District of Columbia Register at least fifteen (15) days before the hearing.

4803.3

Approval of Proposed Request for Proposals by the Council: By law, each RFP must be approved by the Council before the RFP is issued by the DC OP3. The Council approval process will follow one (1) of two (2) review tracks depending on the value and duration of the project. Each approval process starts with the Mayor submitting a resolution to the Council to approve the RFP. The two (2) review tracks are outlined below.

- (a) **Proposals for Projects over fifty million dollars (\$50,000,000) or ten (10) years:** Proposals for possible P3 projects that the DC OP3 estimates will cost fifty million dollars (\$50,000,000) or more (full life cycle cost) or extend for a contract term of ten (10) years or more will be deemed approved by the Council forty-five (45) calendar days after the Mayor submits the approval resolution to the Council, unless the Council votes to disapprove the resolution during that time period. The Council may also actively vote to approve the resolution at any time during the forty-five (45) day period. The forty-five (45) calendar day review period begins on the first day (excluding Saturdays, Sundays and holidays) following the receipt by the Office of the Secretary of the Council of the proposed resolution.
- (b) **Proposals for Projects less than fifty million dollars (\$50,000,000) or ten (10) years:** Proposals for possible P3 projects that are anticipated by the DC OP3 to cost less than fifty million dollars (\$50,000,000) (full life cycle cost) or extend for a contract term less than ten (10) years will be deemed approved by the Council ten (10) calendar days after the Mayor submits the approval resolution, unless during that ten (10) day period a Councilmember introduces a resolution to approve or disapprove the proposed RFP. If a Councilmember introduces such a resolution the ten (10) day Council review period is extended to forty-five (45) calendar days and the RFP will be deemed approved by the Council at the end forty-five (45) calendar day period, unless the Council votes to disapprove the resolution during that time period. The Council may also actively vote to approve the resolution at any time during the forty-five (45) day period. The ten (10) day and forty-five (45) day time periods begin on the first day (excluding Saturdays, Sundays and holidays) following the receipt by the Office of the Secretary of the Council of the proposed resolution.
- (c) **Expiration of Approval:** The Council's approval of an RFP expires two years after the date of approval. If the DC OP3 determines that a P3 agreement cannot be entered into within the two (2) year period, the Mayor may submit to the Council a resolution requesting an extension of the time period. The resolution must be submitted at least sixty (60) days

before the end of the two (2) year period. If the Council does not approve or disapprove the proposed extension resolution within thirty (30) days (excluding Saturdays, Sundays, legal holidays and days of Council recess) after receipt, the proposed resolution is deemed disapproved.

- (d) **Substantive Changes Requiring Approval; Notice of Changes:** If a substantive change is made to a previously approved RFP, the revised RFP must be resubmitted to the Council for re-approval. Notice of each change that is made to an RFP will be published in the District of Columbia Register and/or delivered to qualified bidders if the RFQ process is utilized under § 4802.

4804 SOLICITED PROCUREMENTS: SOLICITATION THROUGH REQUEST FOR PROPOSALS

4804.1 **Generally:** After the RFP has been approved by the Council, the DC OP3 will formally issue the RFP to solicit proposals from the qualified bidders.

4804.2 **Public Notice:** Each RFP will be posted on the DC OP3 website. A notice of the issuance of the RFP will also be published in the District of Columbia Register and mailed to each affected ANC. Notice of the issuance may also be published on websites or in printed publications deemed appropriate by the DC OP3.

4804.3 **Schedule:** The deadline to respond with a proposal will be stated in the RFP. Potential proposers will be given at least 30 days to respond, unless the DC OP3 determines that a shorter response period is appropriate. If the DC OP3 establishes a shorter response period, it shall describe the reason for the shorter response period in the RFP.

4804.4 **Requests for Proposals Requirements:** Each RFP will contain, at a minimum, the following information regarding the proposed P3 project:

- (a) A detailed description of the scope of the proposed P3 project;
- (b) The technical requirements and material terms and conditions applicable to the procurement and any resulting contract; and
- (c) The criteria for evaluation and selection of a proposal, which shall indicate the relative weight given to each criterion.

The DC OP3, working with the Owner Agency, may include more specific response requirements to address the unique aspects of the project.

4804.5 **Evaluation and Selection Criteria Requirements:** Each RFP issued by the DC OP3 will include a set of evaluation criteria by which proposals submitted by the

private sector will be scored. A relative scoring weight will be assigned in the RFP to each criterion.

At a minimum, the following evaluation criteria will be included in each RFP:

- (a) Cost;
- (b) Delivery time;
- (c) Financial commitment required of public entities;
- (d) Capabilities, related experience, facilities, or techniques of the proposer or unique combinations of these qualities that are integral factors for achieving the proposal objectives;
- (e) Value-for-money and public sector comparator analysis of the proposal;
- (f) Innovative methods, approaches, or concepts demonstrated by the proposal;
- (g) Scientific, technical, or socioeconomic merits of the proposal;
- (h) Potential contribution of the proposal to the mission of the District;
- (i) How the proposal benefits the public; and
- (j) Other factors as the DC OP3 deems appropriate to obtain the best value for the District.

The DC OP3, working with the Owner Agency, may include more specific evaluation criteria to address the unique aspects of the project in question.

4804.6 **Format for Responses and Executive Summaries:** Each response to an RFP must follow the guidance and format outlined in the RFP, including that the proposal has an executive summary and identifies those aspects of the proposal that are confidential or proprietary according to § 4804.12.

4804.7 **Proposer Presentations:** The DC OP3 and Owner Agencies may communicate with an entity that provides a response to an RFP or require them to give one (1) or more oral presentations to clarify its response and answer questions that will aid in the understanding and evaluation of the response.

4804.8 **Evaluation of Responses to Request for Proposals:** The DC OP3 will evaluate all responses to an RFP that are deemed to be responsive and meet the minimum requirements of the RFP. The evaluation of proposals will be based on the criteria stated in the RFP.

For most RFPs, the evaluation of responses to an RFP will be divided between two (2) committees matching the two (2) required packets outlined in the Guidelines. The two (2) review committees will consist of:

- (a) **Technical Review Committee:** The technical review committee will review all technical aspects of the proposal, including proposed project scope, innovative use of technology, engineering and design, and operation and maintenance of the project. Members of this committee will in most cases include technical staff from the Owner Agency and technical staff from associated District agencies.
- (b) **Financial Review Committee:** The financial review committee will review all financial aspects of each proposal including financing to be provided by the private partner, federal sources, and external sources and any fiscal obligations of the District to the project as proposed. Members of this committee will in most cases include financial staff from the Owner Agency, financial staff from associated District agencies, a representative from the Office of the Chief Financial Officer, and a representative from the Mayor's Office of Budget and Finance.

In some instances where the DC OP3 deems it appropriate, a single committee will review both technical and financial aspects of each proposal. This will be stated in the RFP and separate packets for technical and financial aspects of proposals will not be required.

The Director and Deputy Director of the DC OP3, as well as the Director (or his or her designee) of the Owner Agency may serve on both committees.

4804.9 **Selection of Preferred Bidder:** Based on the results of the evaluation committees, the DC OP3 will declare the proposer with the highest overall score the Preferred Bidder. The point of contact provided on the proposal of the Preferred Bidder will be notified by the DC OP3. The DC OP3 may also select a secondary bidder to be engaged in the event that an agreement is not reached between the District government and the Preferred Bidder. If it has been determined that a secondary bidder will also be selected, that secondary bidder will also be notified.

4804.10 **Publication of Responsive Executive Summaries:** Upon the selection of the preferred bidder, the DC OP3 will publish executive summaries of all responsive proposals on the DC OP3 website. The executive summary of each proposal will include the information outlined in the Guidelines and the following information:

- (a) The scoring for each proposal; and

- (b) The identity of the proposer including all listed members of the proposal team.

4804.11 **Payment of Stipends:** The DC OP3 may pay a stipend to an unsuccessful proposer in the following situations:

- (a) The DC OP3 cancels the procurement process fewer than 30 days before the date the bid or proposal is due; or
- (b) An unsuccessful proposer submits a proposal that is responsive and meets all requirements established by the DC OP3 for the P3 project.

Each RFP will state whether the DC OP3 is offering a stipend as part of the procurement process. If a stipend is being offered, the RFP will also state the amount of the stipend and the specific terms and conditions under which the stipend will be paid.

Stipends will generally be used to generate meaningful competition and to compensate bidders for novel concepts or information that is utilized in a P3 agreement.

4804.12 **Use of Responses to Request for Proposals:** Each response to an RFP shall become the property of the District, and the District may use any information or concepts within the response for whatever purpose it deems appropriate.

4804.13 **Confidential Information Included as Part of a Solicited Proposal:** The DC OP3 and Owner Agency understand the need for some information provided by private entities to remain confidential. In order to protect confidential or proprietary information, the proposer must identify those portions of its proposal, or other submitted materials, that it considers to be confidential or proprietary. For the confidential or proprietary information of a proposer to be exempt from public disclosure, the proposer must do all of the following when the proposal is submitted to the DC OP3:

- (a) Invoke exclusion on submission of the information or other materials for which protection is sought as part of the cover letter or executive summary of the proposal;
- (b) Identify, with conspicuous labeling, the data or other materials for which protection is sought;
- (c) State the reasons why protection is necessary; and
- (d) Fully comply with any applicable District law with respect to information that the proposer contends should be exempt from disclosure.

The DC OP3 will review information that a proposer designates as confidential or proprietary to determine if that designation is proper under applicable law. Where the proposer cannot justify the protection of information, DC OP3 may ask the proposer to revise its proposal accordingly. If an agreement cannot be reached between the proposer and the DC OP3 regarding the designation of information as confidential or proprietary, the proposer may withdraw its proposal from the procurement and all unused fees paid by the proposer will be returned to the proposer.

The DC OP3 and Owner Agency will not release or disclose any part of the proposal other than the executive summary and information required to be disclosed under §§ 108(f) and 114(a) of the P3 Act (D.C. Official Code §§ 2-273.03(f) and 2-273.09(a)) before the award of the P3 agreement and at the conclusion of any protest, appeal or other challenge to the award, absent an administrative or judicial order requiring such a disclosure. After the final award of the P3 agreement, the Freedom of Information Act shall apply to the proposal.

4805 UNSOLICITED PROCUREMENTS: SUBMISSION REQUIREMENTS

4805.1 The DC OP3 may accept unsolicited proposals for P3s.

4805.2 **Time Periods for Acceptance of Unsolicited Proposals:** The DC OP3 will accept unsolicited proposals during limited time periods to ensure that the proposals can be fully reviewed within the time limits stated in the P3 Act. The time periods during which the DC OP3 will accept unsolicited proposals will be published in the Guidelines and in the DC Register, on the DC OP3 website and any other publications deemed appropriate.

4805.3 **Discussions with DC OP3 before Submission of Unsolicited Proposal:** Private entities are encouraged to contact the DC OP3 to arrange a meeting to discuss their ideas and concepts for unsolicited proposals before developing or submitting an unsolicited proposal. These meetings, which may include the relevant Owner Agencies, will be useful for all parties to determine the viability and desirability of a P3 project before a proposal is written. This informal discussion process will aid the DC OP3 and private entities to maintain an environment of open communication needed to achieve the goals of the District P3 program. No proposals or project information will be accepted by the DC OP3, Owner Agencies or any other representative of the District government during these meetings. Such meetings will be confidential to the extent allowed by the Freedom of Information Act, including statutory exclusions that protect proprietary information among other things.

4805.4 **Structure and Format of Unsolicited Proposals:** An unsolicited proposal must follow the format outlined in the Guidelines and must include a signature of the authorized corporate officer of the proposer.

4806 UNSOLICITED PROPOSALS: PRELIMINARY EVALUATION

4806.1 **Preliminary Evaluation of Unsolicited Proposals:** An unsolicited proposal will be screened in a three-step process that includes a review to confirm that baseline requirements are met, a preliminary evaluation, and a comprehensive evaluation.

4806.2 **Baseline Requirements:** The DC OP3 will only accept an unsolicited proposal and undertake a preliminary evaluation of that unsolicited proposal if the proposal:

- (a) Is independently developed and drafted by the proposer without District supervision;
- (b) Includes sufficient detail and information for the DC OP3 to evaluate the proposal in an objective and timely manner under the comprehensive evaluation process outlined in § 4807; and
- (c) Adheres to the format outlined in the Guidelines, including that the proposal has an executive summary and identifies those aspects of the proposal that are confidential or proprietary according to § 4807.20.

4806.3 **Preliminary Evaluation Fee:** Private entities interested in submitting an unsolicited proposal are required to pay a non-negotiable Preliminary Evaluation Review Fee in an amount provided in the Guidelines at the time of submitting the proposal to the DC OP3 for review. This review fee will be deposited into the Fund to cover the costs of the preliminary evaluation only. Payment should be made by check or money order made out to the account listed in the Guidelines. If the fees paid to the DC OP3 exceed the DC OP3's total cost for the preliminary review, the DC OP3 will reimburse the remaining funds to the private entity at the end of the review process.

4806.4 **Preliminary Evaluation Results:** Within ninety (90) days after receiving an unsolicited proposal, the DC OP3 will complete its preliminary evaluation and report the result to the proposer. The result will be either "favorable" or "unfavorable" based on whether the proposal:

- (a) Addresses a need identified in a District or regional planning document, including the DC OP3 Project Pipeline;
- (b) Shows that the proposed project could benefit the District;
- (c) Includes a financing plan to allow the project to move forward pursuant to all applicable District budget and finance requirements, including the District's debt cap;

- (d) Provides a plan for the operation and maintenance of the proposed facility or facilities for the full life-cycle of the project; and,
- (e) Is consistent with priorities and agency performance goals of the Owner Agency or Agencies tasked with delivering infrastructure projects similar to the project proposed.

If the result is unfavorable, the DC OP3 will return the unsolicited proposal to the proposer with a letter explaining the reason for the determination. The proposer cannot appeal a preliminary evaluation resulting in an unfavorable determination and no further action on the proposal will be taken by the DC OP3 after such a determination. If the result of the preliminary evaluation is favorable, the unsolicited proposal will proceed to the comprehensive evaluation stage.

4807 UNSOLICITED PROPOSALS: REQUEST FOR ALTERNATIVE PROPOSALS AND COMPREHENSIVE EVALUATION

- 4807.1 **Comprehensive Evaluation of Unsolicited Proposal:** If the result of the preliminary evaluation is favorable, the unsolicited proposal will enter the comprehensive evaluation phase.
- 4807.2 **Unsolicited Proposal Clarification:** During the comprehensive evaluation phase the DC OP3 may communicate with the proposer (hereinafter referred to as the “Original Unsolicited Proposer”) for clarification of the proposal. This process will not be an opportunity for changes to be made to the unsolicited proposal; only for clarification of proposal aspects to allow an evaluation by the DC OP3.
- 4807.3 **Notification of the Unsolicited Proposer:** The DC OP3 will notify the Original Unsolicited Proposer that the unsolicited proposal has been deemed favorable. The DC OP3 will also notify the proposer of the alternative proposals process outlined in § 4807.4 and of the proposer’s ability to submit a modified proposal as part of the process outlined in § 4807.7.
- 4807.4 **Public Notice and Alternative Proposals:** The DC OP3 will publish the executive summary of the Original Unsolicited Proposer’s proposal and any non-proprietary aspects of the unsolicited proposal on the DC OP3 website. As part of its publication of the unsolicited proposal, the DC OP3 will also publish a request for alternative proposals (RFAP) soliciting other private parties to submit alternative proposals. The DC OP3 will also publish notice in the DC Register and in any other publication or on any website that the DC OP3 deems appropriate.
- 4807.5 **Schedule:** The DC OP3 will allow alternative proposals to be submitted in response to the RFAP for at least thirty (30) days after the notice is published in the *D.C. Register*. In most cases, the response period will be longer than thirty

(30) days in order to increase the competitive environment for the project. The response period will be expressly stated in the RFAP.

4807.6 **Requirements of Alternative Proposals:** All responses to the RFAP must meet all the requirements of an original unsolicited proposal as stated in § 4806. The requirements include the completion of the unsolicited proposal form and any other requirements included in the public notice issued under § 4807.4.

Each alternative proposer will be required to pay the preliminary evaluation fee described in § 4806.3 and the comprehensive evaluation fee described in § 4807.13.

4807.7 **Amended Submittals by the Original Unsolicited Proposer:** During the RFAP response period, the original unsolicited proposer may submit an amended proposal based upon the RFAP. The amended proposal may only update the original proposal to the extent necessary to be responsive to additional requirements or clarifications about the project that DC OP3 has requested in the RFAP or to respond to project-specific scoring criteria; the amended proposal may not constitute a completely new proposal. The original unsolicited proposer will not be required to pay an additional preliminary evaluation fee if it submits an amended proposal.

4807.8 **Comprehensive Evaluation:** After the end of the RFAP response period, the DC OP3 will evaluate the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals.

4807.9 **Comprehensive Evaluation Criteria:** The DC OP3 will evaluate the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals under the same criteria outlined in the RFAP, including the general criteria stated in § 4807.15.

4807.10 **Comprehensive Evaluation Period:** The DC OP3 will establish a time period for the comprehensive evaluation of the original unsolicited proposal, or amended original unsolicited proposal if one is submitted, and any alternative proposals. The time period will be shared with all proposers no more than ten (10) business days after the end of the RFAP response period. The DC OP3 may, at any time, revise the time period for review as needed.

4807.11 **Proposer Presentations:** The DC OP3 and Owner Agencies may communicate with proposers or require them to give one or more oral presentations to clarify their proposal and answer questions that will aid in the understanding and evaluation of the proposal.

4807.12 **Evaluation Committees:** The DC OP3 will evaluate all responses to an RFAP that are deemed to be responsive and meet the minimum requirements of the

RFAP. The evaluation of proposals will be based on the criteria stated in the RFAP, including the general criteria stated in § 4807.15.

For most RFAPs, the evaluation of responses to an RFAP will be divided between two committees matching the two required packets outlined in the Guidelines. The two review committees will consist of:

- (a) **Technical Review Committee:** The technical review committee will review all technical aspects of the proposal, including proposed project scope, innovative use of technology, engineering and design, and operation and maintenance of the project. Members of this committee will in most cases include technical staff from the Owner Agency and technical staff from associated District agencies.
- (b) **Financial Review Committee:** The financial review committee will review all financial aspects of each proposal including financing to be provided by the private partner, federal sources, and external sources and any fiscal obligations of the District to the project as proposed. Members of this committee will in most cases include financial staff from the Owner Agency, financial staff from associated District agencies, a representative from the Office of the Chief Financial Officer, and a representative from the Mayor's Office of Budget and Finance.

In some instances where the DC OP3 deems it appropriate, a single committee will review both technical and financial aspects of each proposal. This will be stated in the RFAP and separate packets for technical and financial aspects of proposals will not be required.

The Director and Deputy Director of the DC OP3, as well as the Director (or his or her designee) of the Owner Agency may serve on both committees.

4807.13

Comprehensive Evaluation Review Costs: The original unsolicited proposer and any alternative proposers will be required to pay a comprehensive evaluation fee. The fee will be set by the DC OP3 based on all direct costs reasonably anticipated by the DC OP3 for the comprehensive evaluation. The amount of the fee will be set forth in the public notice described in § 4807.4. Each alternative proposer will be required to submit the fee to the DC OP3 with its alternative proposal. The original unsolicited proposer must submit the fee to the DC OP3 by the end of the RFAP period (or with the submission of its amended proposal, if it submits an amended proposal). No unsolicited proposal or alternative proposal will be reviewed without payment of the Comprehensive Evaluation Review fee.

The comprehensive evaluation fees will be used to cover the costs of the comprehensive evaluation. If the fees paid to the DC OP3 exceed the DC OP3's total cost for the unsolicited review process, the DC OP3 will reimburse the remaining funds equally to all proposers at the end of the review period.

If an unsolicited proposer or alternative proposer does not wish to pay the comprehensive evaluation fee, it may withdraw its proposal without penalty.

4807.14 **Use of Unsolicited and Alternative Proposals:** Each unsolicited proposal and alternative proposal shall become the property of the District, and the DC OP3 and the District may use any information or concepts within such proposals for whatever purpose it deems appropriate.

4807.15 **Selection of a Preferred Bidder:** Based on the results of the evaluation committees, the DC OP3 will declare the proposer with the highest overall score the Preferred Bidder. The DC OP3 may also select a secondary bidder to be engaged in the event that an agreement is not reached between the District government and the Preferred Bidder. Unsolicited and alternative proposals will be reviewed under the criteria as stated in the RFAP, which will include, at a minimum, the following:

- (a) Cost;
- (b) Delivery time;
- (c) Financial commitment required of public entities;
- (d) Capabilities, related experience, facilities, or techniques of the proposer or unique combinations of these qualities that are integral factors for achieving the proposal objectives;
- (e) Value-for-money and public sector comparator analysis of the proposal;
- (f) Innovative methods, approaches, or concepts demonstrated by the proposal;
- (g) Scientific, technical or socioeconomic merits of the proposal;
- (h) Potential contribution of the proposal to the mission of the District, including how the proposal benefits the public;
- (i) The proposal must not duplicate an existing infrastructure project or services in a competitive way nor closely resemble a pending competitive proposal for a P3 or other procurement; and
- (j) Other factors as the DC OP3 deems appropriate to obtain the best value for the District.

4807.16 **OCFO Certification:** For the proposal to be selected, the Chief Financial Officer of the District of Columbia must also certify:

- (a) The availability of any funds, debts, or assets that the District will contribute to the project;
- (b) That no provision of the proposal would violate the District Anti-Deficiency Act of 2002; and
- (c) That the project is not likely to have a significant adverse impact on the District's bond ratings.

4807.17 **OAG Certification:** For the proposal to be selected, the Attorney General of the District of Columbia must certify that:

- (a) Proper indemnifications, including project insurance and bonding are included in the proposal; and
- (b) There are no interstate compact issues if the project involves multiple jurisdictions.

4807.18 **Notice of Selection of Preferred and Secondary Bidders:** When a Preferred Bidder has been selected, the point of contact provided on the proposal will be notified by the DC OP3. If it has been determined that a secondary bidder will also be selected, that secondary bidder will also be notified. The DC OP3 will provide public notice of this selection and its intent to commence negotiations. Negotiations will only begin with the secondary bidder if negotiations have been terminated with the Preferred Bidder.

4807.19 **Communication during the Procurement Process:** While the DC OP3 encourages communication during the procurement process, the point of contact listed in the procurement documents will serve as the sole official coordinator of communication with the party making the inquiry. To be relied upon by all parties, all official communication must be written. Communication during the procurement process that violates the communication policies set out in the procurement documents may result in penalties, including disqualification of a proposer.

4807.20 **Confidential Information Included as Part of an Unsolicited or Alternative Proposal:** The DC OP3 and Owner Agency understand the need for some information provided by private entities to remain confidential. In order to protect confidential or proprietary information, the proposer must identify those portions of its proposal, or other submitted materials, that it considers to be confidential or proprietary. For the confidential or proprietary information of a proposer to be exempt from public disclosure, the proposer must do all of the following when the proposal is submitted to the DC OP3:

- (a) Invoke exclusion on submission of the information or other materials for which protection is sought;
- (b) Identify, with conspicuous labeling, the data or other materials for which protection is sought;
- (c) State the reasons why protection is necessary; and
- (d) Fully comply with any applicable District law with respect to information that the proposer contends should be exempt from disclosure.

The DC OP3 will review information that a proposer designates as confidential or proprietary to determine if that designation is proper. Where the proposer cannot justify the protection of information, DC OP3 may ask the proposer to revise its proposal accordingly. If an agreement cannot be reached between the proposer and the DC OP3 regarding the designation of information as confidential or proprietary, the proposer may withdraw its proposal from the procurement and all unused fees paid by the proposer will be returned to the proposer. If an unsolicited proposal is rejected under Subsections 4806.2 and 4806.4 or withdrawn by the proposer prior to the comprehensive evaluation period, the DC OP3 will return all copies of the unsolicited proposal to the proposer and such proposals shall be confidential to the extent allowed by the Freedom of Information Act, including statutory exclusions that protect proprietary information among other things.

The DC OP3 and Owner Agency will not release or disclose any part of the proposal other than the executive summary and information required to be disclosed under §§ 109(b) and 114(a) of the P3 Act (D.C. Official Code §§ 2-273.04(b) and 2-273.09(a)) before the award of the P3 agreement and at the conclusion of any protest, appeal, or other challenge to the award, absent an administrative or judicial order requiring such a disclosure. After the final award of the P3 agreement, the Freedom of Information Act shall apply to the proposal except for statutory exclusions such as proprietary information.

4807.21 **Termination of the Process:** The DC OP3 may terminate the unsolicited proposal procurement process at any time. In the event of such a termination, the DC OP3 will return the unused funds paid by unsolicited or alternative proposers for the comprehensive evaluation process equally to all proposers.

4808 PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS

4808.1 **Generally:** If the DC OP3 selects a Preferred Bidder through either a solicited or unsolicited procurement process, the Owner Agency will negotiate with the preferred proposer to enter into a P3 agreement as the Owner Agency will be the designated public entity for all agreements.

4808.2 **Requirements for the Public-Private Partnership Agreement:** Each P3 agreement must include the following elements:

- (a) An agreement term length clearly defined to include the estimated construction and operational period, as needed, not to exceed 99 years from the date of full execution of the agreement;
- (b) A complete description of the P3 facility to be developed and the functions and responsibilities to be performed by the District and the private entity;
- (c) Risk mitigation plans and responsibilities for facility operations and maintenance for both the private entity and the Owner Agency;
- (d) Type of property interest, if any, that the private entity will have in the project facility during both the construction and operations phases;
- (e) Terms regarding the planning, acquisition, financing, development, design, construction, reconstruction, rehabilitation, replacement, improvement, maintenance, management, operation, repair, leasing, and ownership of the P3 facility;
- (f) The rights that the District and the private entity have, if any, in revenue generated as a result of the agreement;
- (g) The minimum quality standards, technical requirements, and key performance indicators applicable to the P3 project, including performance criteria, reporting requirements, incentives, cure periods, performance points systems, monitoring rights of the Owner Agency and the DC OP3, and penalties for failure to achieve these standards;
- (h) A maintenance plan for the full life cycle of the P3 project;
- (i) A hand-back plan that includes requirements regarding state of good repair of the facility;
- (j) Any compensation and/or revenue structure of the private entity, including the extent to which, and terms upon which, the private entity may charge fees to individuals and entities for the use of the P3 facility. Under the P3 Act, no new fees may be imposed nor may existing fees be amended unless authorized by a subsequent act of the Council;
- (k) A schedule for an annual independent audit report to be furnished by the private entity to the DC OP3 and Owner Agency covering all aspects of the agreement and the financial condition of the private party;

- (l) A requirement that the private entity maintain or cause to be maintained performance and payment bonds, letters of credit, or other acceptable forms of security in compliance with title VII of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-351.01 *et seq.*);
- (m) Insurance requirements for any facility to be operated by the private entity. The insurance must be in an amount that ensures coverage of tort liability for the District and the private entity, and its employees;
- (n) Grounds for termination of the P3 agreement by the Owner Agency or the District government in general and the financial impact of that termination;
- (o) Grounds for termination of the P3 agreement by the private entity and the financial impact of that termination;
- (p) Procedures for amending the P3 agreement;
- (q) Provisions for the termination of the P3 agreement and the disposition of the P3 facility upon termination;
- (r) All rights and remedies available to the District government for material breach of the agreement by the private entity, up to and including material default;
- (s) Identification of funding sources to be used to fully fund the capital, operation, maintenance, and other expenses under the P3 agreement;
- (t) Certification of compliance with applicable District and federal laws;
- (u) A plan for the sharing of refinancing gains between the private entity and the District in the event that the private partner generates a large financial benefit from the refinancing or restructuring of the P3 project; and,
- (v) Any additional provisions determined to be appropriate by the DC OP3 and Owner Agency.

4808.3 **Negotiation:** After the issuance of a notification that a preferred bidder and a secondary bidder have been selected as described in §§ 4804.8 or 4807.15, the DC OP3 and Owner Agency will commence negotiations with the preferred proposer.

4808.4 **Engagement of Secondary Bidder:** If negotiations with the preferred bidder fail to result in a P3 agreement after a reasonable period of time and good faith efforts by all parties as determined by the DC OP3 and Owner Agency, the DC OP3 and Owner Agency, in joint agreement, may terminate the negotiation with the

Preferred Bidder and choose to begin negotiations with the secondary bidder or to terminate the solicitation.

- 4808.5 **Facilities Plan Approval:** The DC OP3 and the Owner Agency have the right to review and approve the private partner's plans for the development, operation, maintenance, and financing of the P3 project facility before entering into a P3 agreement. Those plans, once approved, will become part of the P3 agreement. A material change in any of these aspects of the facility during the term of the agreement will require approval by the DC OP3 and the Owner Agency.
- 4808.6 **Prohibition Regarding Non-Compete Provisions:** The P3 agreement may not contain a non-compete provision that would prevent or inhibit any public entity from performing its government function.
- 4808.7 **Access and Right to Inspect:** During the term of the P3 agreement, the DC OP3 and Owner Agency shall have the right to access and inspect the P3 project facility at any time upon reasonable notice.
- 4808.8 **External Funding:** The DC OP3, with the Owner Agency, may apply for and accept funds from the District or federal government, as well as other sources of financial support to fund P3 projects or otherwise advance the cause of innovative project delivery in the District.
- 4808.9 **Projects of Regional Scope:** The DC OP3 and the Owner Agency may enter into P3 agreements with other local and state government agencies that are regional in scope as long as that regional aspect of the project is expressed in the request for proposal submitted to the Council pursuant to § 4803.3.
- 4808.10 **Sovereign Immunity:** In no way shall a P3 agreement or any element of a P3 agreement be construed as a waiver of the sovereign immunity of the District government, nor will a P3 agreement be viewed as a grant of sovereign immunity to any private entity.
- 4808.11 **Remedies:** A provision may be included in a P3 agreement providing that, in addition to any remedy available to the District, and any cure provisions within the agreement, in the event of a material default by the private partners, the District may elect to assume the responsibility and duties of the operator in the P3 project in partial or full capacity, and, in such instance, the District or a designated public entity shall succeed to all of the rights, titles, and interests in the P3 project.

The District Government may terminate, with cause, the P3 agreement and exercise any other rights and remedies that may be available to it under the law or in equity. If the District or a designated public entity elects to assume the responsibility and duties of a P3 project pursuant to this section, the District may develop or operate the P3 project, impose previously approved user fees, impose

and collect lease payments and comply with any service contracts as if it were the operator.

The assumption of the operation of the P3 project shall not obligate the DC OP3 or the District government to pay any obligation of the operator from sources other than revenue from the project.

4808.12 **Compliance with Federal and District Laws:** Under a P3 agreement, the private sector partner will be required to comply with all applicable federal and District laws governing infrastructure projects. Some of these applicable laws include, but are not limited to, the following:

- (a) §§ 202 (Council contract review), 415 (anti-collusion), title VII (bonding) and title X (appeals) of the Procurement Practices Reform Act of 2010, effective April 8, 2011, (D.C. Law 18-371; D.C. Official Code §§ 2-351.01 *et seq.*);
- (b) The First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code §§ 2-219.01 *et seq.*);
- (c) The Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.*), or the rate established by the use of a project labor agreement, notice of which must be provided by the DC OP3 and Owner Agency before soliciting bids or proposals for a P3;
- (d) The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code §§ 2-218.01 *et seq.*);
- (e) Subchapter II of Chapter 28 of Title 47 of the D.C. Official Code (Clean Hands Before Receiving a License or Permit);
- (f) The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code §§ 6-1451.01 *et seq.*);
- (g) The Anacostia Waterfront Environmental Standards Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code §§ 2-1226.31 *et seq.*);
- (h) The Davis-Bacon Act of 1931, approved March 3, 1931 (46 Stat. 494; 40 U.S.C. §§ 3141 *et seq.*);
- (i) The Hotel Development Projects Labor Peace Agreement Act of 2002, effective April 2, 2003 (D.C. Law 14-266; D.C. Official Code § 32-851); and

- (j) The District Anti-Deficiency Act of 2002, effective April 4, 2003 (D.C. Law 14-285; D.C. Official Code §§ 47-355.01 *et seq.*).

4808.13 **Repayment of Fees Paid by the Original Unsolicited Proposer:** If a P3 agreement is entered into with a proposer who is not the original unsolicited proposer, the DC OP3 may require, as a condition of entering into the P3 agreement, that the “winning” proposer repay the preliminary evaluation and comprehensive evaluation fees as well as any stipend authorized under § 4804.10 to the original unsolicited proposer. The District will not pay, or provide for the payment of, any additional proposal costs of the original unsolicited bidder.

4808.14 **Monitoring of P3 Agreement Performance:** The DC OP3 and Owner Agency will provide a performance monitoring plan for the agreement. The performance monitoring plan will provide detail on how the Owner Agency, with assistance from the DC OP3 as needed, will monitor the performance of the private entity for the full term of the agreement. This plan will include required skills and resources for monitoring, monitoring schedules, and performance schedules with possible performance-points systems.

4809 **FINAL APPROVAL OF THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT**

4809.1 **Generally:** Before executing a P3 agreement, the DC OP3 must submit a report to the Council and provide public notice of the report. In addition, the agreement itself must be submitted to the Council for its review and approval.

4809.2 **Council Report Requirements:** The P3 Act requires that, before entering into a P3 agreement, the DC OP3 and Owner Agency must submit to the Council a report containing details of the planned P3. The report will include the following information:

- (a) The name of the private partner and the names of all members of the private partner;
- (b) Significant terms of the P3 agreement;
- (c) Overall project cost;
- (d) Total estimated cost to the District for the full life cycle of the project;
- (e) Results of the value-for-money analysis and public sector comparator;
- (f) Estimated time for project construction;
- (g) Method to be used to deliver the project;

- (h) A list of the District agencies participating in the project;
- (i) A list of the private entities that responded to the RFP or RFAP;
- (j) A description of how the proposals were scored during the evaluation process; and
- (k) A description of how the private entity was selected according to the criteria and methodology for evaluation of responses to the RFP or RFAP.

The DC OP3 will also post the report on its website.

4809.3 **Council Approval of the Public-Private Partnership Agreement:** The P3 agreement also must be approved by the Council pursuant to § 451 of the District's Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 2-104.51). The P3 Agreement will be submitted to the Council for such approval with the project report.

4810 RESERVED RIGHTS

4810.1 The DC OP3 reserves the following rights as allowed by law:

- (a) To reject any and all proposals, at any stage of the procurement process and under either the solicited or unsolicited procurement processes for any reason at any time;
- (b) To terminate the review of any and all proposals, at any stage of the procurement process and under either the solicited or unsolicited procurement processes for any reason at any time;
- (c) To negotiate with a proposer, either solicited or unsolicited, at any time during the procurement process, without being bound to any provision in the proposal;
- (d) To request additional information or clarification regarding any proposal at any time;
- (e) To waive minor errors, omissions, or irregularities in a response to any requests and the right to determine if such occurrence is minor in nature;
- (f) To issue addenda to and/or cancel any procurement;
- (g) To revise, supplement, or withdraw all or any part of these Guidelines as needed; and

- (h) To modify the process and submission requirements for reviewing any proposal in connection with a re-lease, re-tendering, transfer or other disposition of a project pursuant to the provisions of an existing P3 agreement.

4811 DISCLAIMERS

- 4811.1 Neither the District of Columbia government, nor any agency, officer, employee, or agent of the District of Columbia government, shall be liable for, or reimburse, the costs that may be incurred by solicited, unsolicited or alternative proposers, whether selected or not as the private sector partner or for negotiations, in developing and submitting proposals or in negotiating the P3 agreement.
- 4811.2 Any and all information made available to proposers is made for convenience purposes only and is without representation or warranty of any kind.
- 4811.3 Neither the District of Columbia government, nor any agency, officer, employee, or agent of the District of Columbia government, shall be liable to any private entity or proposer for the disclosure of all or a portion of a response to a request for information, a response to a request for qualifications, a response to a request for proposals, a response to a request for alternative proposals, an unsolicited proposal, or any other information provided to the District government.

4812 RULES TO ENSURE ETHICAL CONDUCT

- 4812.1 **Generally:** The DC OP3 is committed to ensuring that all procurements for P3 projects are conducted in a fair, competitive, and ethical manner without actual or apparent conflicts of interest.
- 4812.2 **Ethical Duty:** All parties responsible for the proper administration of the P3 procurement process on behalf of the District, both public and private, shall maintain a position of strict impartiality and refrain from any activity that would imply support of or opposition to a particular private entity, proposer, or operator of a P3 agreement. This requirement extends to all consultants and contractors engaged by the District.
- 4812.3 **Ethical Obligations under the Comprehensive Code of Conduct:** The DC OP3 will comply with and enforce through appropriate administrative, personnel, or contractual procedures all provisions of the District government's Code of Conduct, as defined in § 101 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01), and Chapter 18 of the District Personnel Manual (6-B DCMR, Chapter 18) where applicable, including the following provisions:

- (a) **Duty of Loyalty:** District employees associated with any P3 procurement shall place loyalty to the law and ethical principles above any potential private gain.
- (b) **Financial Conflicts:** No District employee associated with any P3 procurement shall hold a financial interest that conflicts with the conscientious performance of the employee's duty.
- (c) **Private Gain:** No District employee associated with any P3 procurement shall use the employee's public office or position for private gain, whether for the employee's own personal gain, the gain of a family member or friend, or the gain of a private entity.
- (d) **Nonpublic Information:** No District employee associated with any P3 procurement shall engage in a financial transaction using nonpublic information acquired or allow the improper use of such information to further any private interest.
- (e) **Outside Employment:** No District employee associated with any P3 procurement shall engage in any outside employment or other activity, including seeking or negotiating for employment, incompatible with the responsibilities assigned to them under the P3 Act or that would capitalize on the employee's title or position.
- (f) **Gifts from Outside Sources:** No District employee associated with any P3 procurement shall solicit or accept any gift from a prohibited source or given because of the employee's official position unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in 6-B DCMR § 1803.
- (g) **Post-Employment Conflicts of Interest:** A former District employee associated with any P3 procurement shall not act on a particular matter that would create a conflict of interest if the employee participated personally and substantially in that matter as a government employee.
- (h) **Government Property:** No District employee associated with any P3 procurement shall use government property, or allow its use, for other than authorized purposes.
- (i) **Disclosure of Prior Employment:** As a means to evaluate real or potential conflicts of interest, each employee associated with any P3 procurement shall be required to disclose to the employee's employing agency upon appointment, such previous employment relationships, including full disclosure of any ongoing economic benefits to the employee from previous employment relationships.

4812.4 **Additional Obligations:** The provisions in this section highlight several of the relevant obligations in the Comprehensive Code of Conduct. Reference to these particular obligations in no way limits the applicability of other District government ethics regulations, nor implies in any way that such other regulations will not be strictly enforced by the DC OP3.

4812.5 **Reporting Conflicts and Violations:** The DC OP3 requires District government employees and the employees of private entities associated with any P3 procurement to report actual or apparent conflicts of interest and credible violations of the District Code of Conduct to the appropriate authorities.

- (a) **District Employees:** District employees associated with any P3 procurement shall report actual or apparent conflicts of interest and credible violations of the District Code of Conduct and these guidelines immediately upon discovery to the employee’s supervisor, the Board of Ethics and Government Accountability, or the appropriate authorities.
- (b) **Private Entity Employees:** Employees of private entities associated with any District P3 procurement shall report actual or apparent conflicts of interest and credible violations of the District Code of Conduct and these guidelines immediately upon discovery to the DC OP3, the Board of Ethics and Government Accountability, or the appropriate authorities.
- (c) **Mitigating Conflicts and Violations:** Upon receiving the report of an actual or apparent conflict of interest or credible violation of the District Code of Conduct or these guidelines, the DC OP3 shall take steps to avoid, mitigate or correct the issue, including having the affected employee recuse himself or herself or resign; disqualifying a contractor at any point during a procurement; rescinding or terminating a contract subsequent to contract award; or cancelling a pending solicitation and initiating a new procurement. The analysis of these issues and recommendations on steps taken to mitigate or correct an issue shall be in writing.

4899 DEFINITIONS

4899.1 For the purposes of these guidelines, the term:

- (a) **“Alternative proposer”** means a proposer responding to the request for alternative proposals under the unsolicited proposal procurement method.
- (b) **“ANC”** means Advisory Neighborhood Commission.
- (c) **“DC OP3”** means the Office of Public-Private Partnerships established by § 102 of the P3 Act (D.C. Official Code § 2-272.01).

- (d) **“Office”** means the DC OP3.
- (e) **“Original Unsolicited Proposer”** means the proposer who is the first to submit an unsolicited proposal to the DC OP3 regarding a particular P3 project.
- (f) **“Owner Agency”** means the agency within the District government that will be the qualified public entity of the P3 agreement and project.
- (g) **“P3 Act”** means the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code §§ 2-271.01 *et seq.*)
- (h) **“Private Entity”** means a natural person, corporation, limited liability company, partnership, joint venture, or other private business entity.
- (i) **“Proposer”** means a private entity submitting a proposal in response to a request for proposals or request for alternative proposals issued by the Office or an unsolicited proposal for a P3.
- (j) **“Public Entity”** means a District government agency, department, board, commission, or instrumentality; or a similar governmental organization of a different government jurisdiction.
- (k) **“Public Sector Comparator”** means a risk-adjusted estimate of the total cost for the lifetime of a project, including all capital, operating, financing, and ancillary costs, if a P3 project were to be financed, built, and operated through a traditional government procurement method.
- (l) **“Public-Private Partnership”** means the method in the District for delivering a qualified project using a long-term, performance-based contractual agreement between a public entity and a private entity or entities where appropriate risks and benefits can be allocated in a cost-effective manner between the public and private entities in which:
 - (1) A private entity performs functions normally undertaken by the government, but the public entity remains ultimately accountable for the qualified project and its public function; and
 - (2) The District may retain ownership or control in the project asset and the private entity may be given additional decision-making rights in determining how the asset is financed, developed, constructed, operated, and maintained over its life cycle.
- (m) **“Qualified Project”** means the planning, acquisition, financing, development, design, construction, reconstruction, rehabilitation,

replacement, improvement, maintenance, management, operation, repair, leasing, or ownership of:

- (1) Education facilities;
- (2) Transportation facilities, including streets, roads, highways, bridges, tunnels, parking lots or garages, public transit systems, and airports;
- (3) Cultural or recreational facilities, including parks, libraries, theaters, museums, convention centers, community centers, stadia, athletic facilities, golf courses, or similar facilities;
- (4) A building or other facility that is beneficial to the public interest and is developed or operated by or for a public entity;
- (5) Utility facilities, including sewer, water treatment, storm water management, energy producing or transmission, telecommunications, information technology, recycling, and solid waste management facilities;
- (6) Improvements necessary or desirable to any District-owned real estate;
- (7) Any other facility, the construction of which shall be beneficial to the public interest as determined by the Office.

D.C. DEPARTMENT OF HUMAN RESOURCES**NOTICE OF PROPOSED RULEMAKING**

The Director of the D.C. Department of Human Resources, with the concurrence of the City Administrator, pursuant to Sections 404(a) and 1201 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.04(a) and 1-612.01 *et seq.* (2014 Repl.)), and Mayor's Order 2008-92, dated June 26, 2008, proposes the following rules to amend Chapter 12 (Hours of Work, Legal Holidays, and Leave) of Title 6 (Personnel), Subtitle B (Government Personnel), of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed rulemaking is to: (1) clarify that employees with service credits under federal retirement programs other than the Civil Service Retirement System are not eligible to receive creditable service for annual leave accrual purposes; (2) re-designate Section 1236, *Emergency Annual Leave and Leave Restriction for Abuse of Emergency Annual Leave*, as "Reserved;" (3) move provisions previously contained in Section 1244, *Sick Leave—Advancing*, to Section 1243; (4) merge the provisions previously contained in Sections 1236 and 1243, *Emergency Sick Leave and Leave Restriction for Abuse of Sick Leave* into Section 1244, rename Section 1244 as *Unscheduled Leave and Leave Restriction*, and further amend Section 1244 to provide clarifying language on the use of annual leave, sick leave, and leave without pay during personal emergencies; (5) amend Section 1279 for clarity and change the number of days a WAE employee must be continuously employed to ninety (90) days; and (6) add clarifying language to Section 1286. Section 1299, *Definitions*, has been amended to amend the definition for the term "Unscheduled Leave."

The Director also provides notice of the intent to adopt these rules in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

Chapter 12, HOURS OF WORK, LEGAL HOLIDAYS, AND LEAVE, of Title 6-B DCMR, GOVERNMENT PERSONNEL, is amended as follows:**Section 1211, TELEWORK, Subsection 1211.2, is amended to read as follows:**

1211.2 Based on the needs of the organization, and to the extent possible without diminishing employee performance, each agency is authorized to establish telework for eligible employees of the agency, except as provided in Subsection 1211.12.

Section 1233, ANNUAL LEAVE—DETERMINING CREDITABLE SERVICE, is amended to read as follows:

1233.1 In determining years of creditable service for annual leave accrual, an employee shall be entitled to receive service credit for the following:

- (a) All service creditable under CSRS (5 U.S.C. § 8332) for the purpose of an annuity;
- (b) Except for employees as described in Subsections 1232.6 and 1232.7, all service creditable under the District retirement benefits program established pursuant to Section 2605 of the CMPA (D.C. Official Code § 1-626.05 (2012 Repl.)); and
- (c) Military service for uniformed service members retired as a result of a service related disability, as provided in Subsection 1233.2.

1233.2 An employee who is a retired member of a uniformed service as defined by 5 U.S.C. § 3501 shall be entitled to credit for active military service only if his or her retirement was based on one (1) of the two (2) following types of disabilities:

- (a) A disability resulting from injury or disease received in the line of duty as a direct result of armed conflict; or
- (b) A disability caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by 38 U.S.C. §§ 101 and 301.

1233.3 The determination of years of service may be made on the basis of an affidavit from the employee subject to verification by the personnel authority.

1233.4 District government service prior to October 1, 1987, that is under Social Security shall be creditable for annual leave accrual purposes, and shall be purchasable for credit toward retirement under 5 U.S.C. § 8332.

1233.5 Notwithstanding any other provision of this chapter, CSRS annuitants who are employed or re-employed by the District government after February 26, 2008, shall not receive service credit for any federal or District service that was used to compute their CSRS annuity.

1233.6 Except for the service described in Subsection 1233.1, federal government service shall not be creditable service for annual leave accrual purposes.

Section 1235, ANNUAL LEAVE—GRANTING, Subsection 1235.2, is amended to read as follows:

- 1235.2 Annual leave shall be requested and approved no later than twenty-four (24) hours prior to the day on which the annual leave is to be used. Employees are required to obtain approval for the use of annual leave by whichever method is formally established within his or her agency. Annual leave requested and approved at least 24 hours prior to the leave period shall constitute “scheduled annual leave;” leave approved with less than 24 hours’ notice is deemed “unscheduled annual leave” for recordkeeping purposes.

Section 1236, EMERGENCY ANNUAL LEAVE AND LEAVE RESTRICTION FOR ABUSE OF EMERGENCY ANNUAL LEAVE, is repealed and replaced with:

1236 [RESERVED]

Section 1243, EMERGENCY SICK LEAVE AND LEAVE RESTRICTION FOR ABUSE OF SICK LEAVE, is repealed and replaced with:

1243 SICK LEAVE—ADVANCING

- 1243.1 Agency heads or their subordinate supervisor designees are authorized to advance to an employee a maximum of two hundred forty (240) hours of sick leave in cases of serious disability or ailments, except:
- (a) When the agency head (or designee) has reason to believe that the employee may not be able to repay the advanced leave; or
 - (b) When an employee is serving a term or temporary appointment with a not-to-exceed date), an agency head may advance sick leave only up to the total sick leave the employee would earn during the remainder of the time-limited appointment.
- 1243.2 If the reason for an employee’s request for advanced sick leave would qualify for leave under D.C. FMLA or federal FMLA, any advanced sick leave used by the employee shall count towards his or her entitlement.
- 1243.3 All of the employee’s accrued and accumulated sick leave must be exhausted before an agency head or his or her designee may advance leave to the employee.

Section 1244 is renamed from “SICK LEAVE—ADVANCING” to “UNSCHEDULED LEAVE AND LEAVE RESTRICTION,” and is amended to read as follows:

1244 UNSCHEDULED LEAVE AND LEAVE RESTRICTION

- 1244.1 The required process for requesting leave is to submit a request at least twenty-four (24) hours prior to the day the leave is to be taken (agencies may establish policies requiring that a leave request be submitted more than twenty-four (24)

hours in advance); however, from time to time, employees may need to be absent from work unexpectedly for reasons such as a personal emergency or illness. Any leave not requested at least twenty-four (24) hours in advance of the start of an employee's scheduled tour of duty is considered unscheduled leave.

- 1244.2 Employees are entitled to unscheduled leave when circumstances beyond their control prevent them from reporting to work. An employee may also use unscheduled leave when authorized by the Mayor during a declared emergency as outlined in Subsection 1273.4. Except when an employee is placed on leave restriction, or when there is a uniform agency policy to the contrary, the use of unscheduled sick leave does not require supervisory approval. Notwithstanding the foregoing, a supervisor may deny the use of unscheduled leave if the supervisor has sound reason to believe that a legitimate personal emergency does not exist or the employee's presence on duty is essential to maintain minimum public services in the support or maintenance of public health, life, or property and the employee has been so notified.
- 1244.3 An employee shall inform his or her immediate supervisor or, if not available, another supervisor within the employee's chain of command, of his or her need to take unscheduled leave. Except in exceptional circumstances, an employee shall notify his or her supervisor of the need to take unscheduled leave no later than two (2) hours prior to the beginning of the employee's scheduled tour of duty or as soon as the employee becomes aware of the need to take unscheduled leave, whichever is earlier. A request for unscheduled leave received after the start of the employee's tour of duty may be denied. Agencies may establish a written policy with a different notification period based on operational requirements.
- 1244.4 Agency heads shall determine, and inform their subordinate employees in writing, whether notifying a co-worker, leaving a message on the supervisor's or an approved agency voicemail, sending an electronic mail, or submitting a leave request for unscheduled leave in the time reporting system shall be deemed as an adequate contact for employees notifying their supervisor of their need to take unscheduled leave. If no administrative order or agency policy is developed in this regard, then employees shall submit a leave request for unscheduled leave in the time reporting system.
- 1244.5 The use of unscheduled leave shall be reported as "unscheduled annual leave," "unscheduled sick leave," "unscheduled leave without pay," "unscheduled compensatory time," or "unscheduled exempt time off" in the applicable time reporting system based upon the reason for the absence. When appropriate, employees on an approved telework agreement should consider requesting situational telework, as outlined in Subsection 1211.8, in lieu of using unscheduled leave.
- 1244.6 As required by Subsection 1242.5, sick leave for pre-scheduled medical, dental, or optical examinations or treatments shall be requested in advance. In all other

situations, the employee shall make requests for unscheduled sick leave pursuant to Subsection 1244.3.

- 1244.7 An employee's immediate supervisor may restrict an employee's use of unscheduled leave whenever there is substantial evidence that the employee has engaged in a pattern or practice of leave abuse, such as:
- (a) Requesting unscheduled leave in order to avoid certain work shifts or work assignments;
 - (b) Requesting unscheduled leave when a personal emergency does not exist;
 - (c) Requesting unscheduled leave with such frequency that it results in the employee being unavailable immediately preceding or following the employee's consecutive two (2) days outside of the basic workweek; or
 - (d) Requesting unscheduled leave with such frequency that it results in the employee being absent part of the workday or an entire workday on a consistent and regular basis.
- 1244.8 Whenever a supervisor determines that an employee has engaged in an activity set forth in Subsection 1244.7, the employee may be placed on leave restriction. The period of leave restriction shall be outlined in writing and may not exceed ninety (90) days.
- 1244.9 An employee who has been placed on leave restriction must receive permission directly from his or her supervisor or, if not available, directly from another supervisor in the chain of command, before taking unscheduled leave.
- 1244.10 An employee under leave restriction who takes unscheduled leave without receiving prior supervisory approval, as specified in Subsection 1244.9, shall be placed in an Absence Without Official Leave status in accordance with Section 1268; may be ordered to provide proof that he or she was seen by a health care provider; and shall be subject to administrative action as indicated in Subsection 1607.2(f) of Chapter 16 (Corrective and Adverse Actions; Enforced Leave; and Grievances).
- 1244.11 Upon completion of a prescribed period of leave restriction without incident, the employee shall be removed from leave restriction and may return to requesting unscheduled leave as indicated in Subsection 1244.4.

Section 1246, FLSA COMPENSATORY TIME—GRANTING, Subsection 1246.1, is amended to read as follows:

1246.1 An employee may be authorized to use, at the employee's request, compensatory time in lieu of using annual leave, sick leave, leave without pay, or unscheduled leave.

Section 1248, EXEMPT TIME OFF, Subsection 1248.2, is amended to read as follows:

1248.2 An employee may be authorized to use, at the employee's request, exempt time off in lieu of using annual leave, sick leave, leave without pay, or unscheduled leave.

Section 1262, MILITARY LEAVE, Subsection 1262.6, is amended to read as follows:

1262.6 An employee serving in a permanent appointment, temporary appointment pending establishment of a register (TAPER), term appointment, or indefinite appointment, who is a member of the D.C. National Guard, shall be entitled to military leave without loss in pay or time for participation in parades or encampments that the D.C. National Guard, or any portion thereof, is ordered to perform by the Commanding General under Title 49 of the D.C. Official Code. However, leave will not be provided for time spent at weekly drills or meetings and does not extend to voluntary participation in such operations. When leave is taken pursuant to this subsection, the employee shall be entitled to pay differential between their regular rate of pay and that received from the National Guard.

Section 1273, DECLARED EMERGENCIES—LATE ARRIVAL, UNSCHEDULED LEAVE, OR UNSCHEDULED TELEWORK, Subsection 1273.4, is amended to read as follows:

1273.4 Whenever the Mayor determines that an unscheduled leave policy is in effect due to a declared emergency in accordance with Subsection 1273.1(b), an employee, other than an essential or emergency employee subject to the provisions of Section 1271, shall be permitted to utilize annual leave, compensatory time, exempt time off, or leave without pay, for all or part of that day, up to a maximum of eight (8) hours or the number of hours worked under an alternative or compressed work schedule, if applicable, without obtaining advance approval or providing detailed justification. The use of unscheduled sick leave must be approved in accordance with Section 1244.

Section 1279, PAID LEAVE PURSUANT TO THE ACCRUED SICK AND SAFE LEAVE ACT OF 2008 (D.C. LAW 17-152), AS AMENDED, is amended to read as follows:

1279 ACCRUED SICK AND SAFE LEAVE

1279.1 The Accrued Sick and Safe Leave Act of 2008 ("Act"), effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code §§ 32-131.01, *et seq.* (2012 Repl. & 2015 Supp.)), provides paid leave to covered employees for illness and for absences associated with domestic violence and sexual abuse.

- 1279.2 The provisions of this section shall only apply to “covered employees.” For the purposes of this section, a “covered employee” is a temporary employee who has been continuously employed under a “When Actually Employed” (WAE) (also known as intermittent) appointment for at least ninety (90) days. The District government has paid leave policies, as specified in this chapter, which provide leave options at higher accrual rates than those provided in this section. Employees in non-WAE positions are covered by those leave options, rather than by this section.
- 1279.3 An employee’s paid leave under this section shall accrue in accordance with the District government’s established biweekly pay period, and at the beginning of his or her employment. Covered employees are provided with not less than one (1) hour of paid leave for every thirty seven (37) hours worked, not to exceed seven (7) days a year.
- 1279.4 Covered employees shall accrue paid leave on a prorated basis at a rate of (1) hour of paid leave per biweekly pay period. An employee may begin to access the accrued paid leave after ninety (90) days of service with the District government.
- 1279.5 Paid leave accrued under this section may be used by a covered employee for any of the following:
- (a) An absence resulting from a physical or mental illness, injury, or medical condition of the employee;
 - (b) An absence resulting from obtaining a professional medical diagnosis or care, or preventive medical care, for the employee;
 - (c) An absence for the purpose of caring for a family member who has any of the conditions or needs for diagnosis or care described in paragraphs (a) and (b) of this subsection; or
 - (d) An absence if the employee or the employee’s family member is a victim of stalking, domestic violence, or sexual abuse; provided, the employee seeking leave under paragraph (d) of this subsection, may:
 - (1) Seek medical attention for the employee or the employee’s family member to treat or recover from physical or psychological injury or disability caused by an incident of stalking, domestic violence, or sexual abuse;
 - (2) Obtain services from a victim services organization;
 - (3) Obtain psychological or other counseling services;

- (4) Temporarily or permanently relocate;
- (5) Take legal action, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from an incident of stalking, domestic violence, or sexual abuse; or
- (6) Take other actions to enhance the physical, psychological, or economic health or safety of the employee or the employee's family member or to enhance the safety of those who associate or work with the employee.

1279.6 Unused paid leave accrued by a covered employee who separates from employment and is rehired within one (1) year of separation shall be reinstated. The employee shall be entitled to use the accrued paid leave and accrue additional paid leave immediately upon re-employment provided that the employee had previously been eligible to use paid leave.

1279.7 Unused paid leave accrued by an employee subject to this section who separates from employment for more than one (1) year, shall not be reinstated, and the employee shall be considered as being on a new appointment for purposes of leave accrual and access as provided in Subsections 1279.3 and 1279.4.

1279.8 The use of paid leave by a covered employee in accordance with this section shall not subject the employee to discipline, termination, demotion, suspension or other corrective or adverse action.

1279.9 If the Mayor (or his or her designee) determines that a District agency under the Mayor's personnel authority has violated any provisions of this section, the Mayor (or his or her designee) shall order affirmative remedies in accordance with provisions contained in the Act.

1279.10 The District government shall retain records documenting the hours worked and the paid leave taken by an employee subject to the provisions of this section for a period of three (3) years. The District government shall allow access to the retained records by the Mayor and the D.C. Auditor, with appropriate notice.

1279.11 For the purposes of this section, the following terms shall have the meanings ascribed:

Domestic violence – an intrafamily offense as defined in D.C. Official Code § 16-1001(8).

Employee – any individual employed by the District government.

Family member – (a) a spouse, including the person identified by an employee as his or her domestic partner, as defined in Section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-

114; D.C. Official Code § 32-701(3) (2012 Repl.)); (b) the parents of a spouse; (c) children (including foster children and grandchildren); (d) the spouses of children; (e) parents; (f) brothers and sisters; (g) the spouses of brothers and sisters; (h) a child who lives with an employee and for whom the employee permanently assumes and discharges parental responsibility; or (i) a person with whom the employee shares or has shared, for not less than the preceding twelve (12) months, a mutual residence and with whom the employee maintains a committed relationship, as defined in Section 2(1) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(1)).

Paid leave – accrued increments of compensated leave provided by the District for use by an employee.

Sexual abuse – any offense described in the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §§ 22-3001 *et seq.* (2012 Repl. & 2015 Supp.)).

Section 1286, GOVERNMENT FAMILY LEAVE PROGRAM – PROTECTIONS AND LIMITATIONS, Subsection 1286.8, is amended to read as follows:

1286.8 An employee on paid family leave must provide care to the child or family member for whom the leave was approved on each day for which paid family leave is used. An employee shall not receive paid family leave when the qualifying child or family member is entrusted to the care of another individual (such as an aunt, uncle, sibling, etc.), other than a medical professional, for four (4) or more hours during the employee’s typical tour of duty.

Section 1299, DEFINITIONS, Subsection 1299.1, is amended to add and revise definitions for the following terms:

Personal emergency – an urgent circumstance, outside of the employee’s control, which prevents an employee from reporting to work. A personal emergency may include, but is not limited to, a personal illness, illness of an immediate family member, and a household emergency. In this context, personal emergencies are temporary in nature. Should an employee require extended time away from work, he or she should consult with his or her agency to receive information on the potential eligibility for federal FMLA or D.C. FMLA.

Telework – an arrangement in which an employee regularly, or during a declared emergency, performs officially assigned duties at his or her home, and which is approved, in advance and in writing, by the employee’s immediate supervisor and agency head.

Unscheduled leave – any leave approved (granted) by an employee’s immediate supervisor when the request for such leave occurred less than twenty-four (24) hours before the leave period is scheduled to begin.

Comments on these proposed regulations should be submitted, in writing, within thirty (30) days of the date of the publication of this notice to Mr. Justin Zimmerman, Associate Director, Policy and Compliance Administration, D.C. Department of Human Resources, 441 4th Street, N.W., Suite 340 North, Washington, D.C. 20001, or via email at justin.zimmerman@dc.gov. Additional copies of these proposed rules are available from the above address.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1335 (2012 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2014 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the intent to amend Chapter 3 (Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments to Section 319 (Special Deed Tax Sale) are necessary for the conduct of a tax sale for any or all real properties bid back from a real property tax sale pursuant to D.C. Official Code § 47-1346 and subject to sale pursuant to D.C. Official Code § 47-1353(a)(1).

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 319, SPECIAL DEED TAX SALE, is amended by striking the section in its entirety and amending to read as follows:

- 319.1 At the discretion of the Chief Financial Officer, any or all real properties bid back from a real property tax sale pursuant to § 47-1346 of the D.C. Official Code may be subject to sale pursuant to § 47-1353(a)(1) of the D.C. Official Code. This sale shall not provide for any reduction of taxes owed. The Office of Tax and Revenue (OTR), in its discretion, may exclude one or more bid back real properties from the portfolio of properties offered for sale. Nothing in this section shall be construed to limit the use of other processes to sell bid backs as permitted by law, including sales to the District or an instrumentality thereof, to a non-profit, or at a discount sale.
- 319.2 Bid back real properties may be sold:
- (a) On a one-by-one, first-come first-served basis.
 - (1) OTR may publish a list of bid backs for sale to OTR's Web site, as well as the date of the sale;
 - (2) When sold on a one-by-one, first-come first-served basis, a purchaser shall have first registered for the sale; registration begins when the sale begins, and purchasers will be registered in order of

arrival time based on the time the purchaser signs-in with OTR security, provided that purchaser is actively pursuing completion of the sale and processes the required documents and full payment;

- (3) Required documentation shall include a copy of the purchaser's Treasury Form W-9, a completed Form FR-500 (Combined Business Tax Registration Application) and a Buyer Registration form;
- (4) Full payment of the purchase price must be received at the time of registration in the form of cash, certified check, cashier's check or USPS money order payable to the DC Treasurer;
- (5) Certificates of sale shall be mailed to the successful purchaser.

Comments on this proposed rulemaking should be submitted to Sonia Kamboh, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Sonia Kamboh may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 442-6500; or, email at sonia.kamboh@dc.gov. Copies of this rule and related information may be obtained by contacting Sonia Kamboh as stated herein.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia, Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-874 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2014 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the intent to amend Chapter 3 (Real Property Taxes), of Title 9 (Taxation and Assessments), of the District of Columbia Municipal Regulations (DCMR), by amending Section 337 (Eligibility for Senior Citizen Homestead Tax Relief), and Section 338 (Application for Senior Citizen Homestead Tax Relief).

The proposed amendments to Sections 337 and 338 would eliminate the present provisions, which are obsolete, and would reserve these sections for future use. Entitlement to the reduced real property tax liability for senior citizens is governed by D.C. Official Code § 47-863, which has been amended since the promulgation of Sections 337 and 338 in 1987. As such, Sections 337 and 338 have become obsolete.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 337, ELIGIBILITY FOR SENIOR CITIZEN HOMESTEAD TAX RELIEF, is amended as follows:

The section title is amended by striking the text following the word “337” and inserting the word “[RESERVED]” in its place. The remainder of the section is repealed.

Section 338, APPLICATION FOR SENIOR CITIZEN HOMESTEAD TAX RELIEF, is amended as follows:

The section title is amended by striking the text following the word “338” and inserting the word “[RESERVED]” in its place. The remainder of the section is repealed.

Comments on this proposed rulemaking should be submitted to Basil Facchina, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Mr. Facchina may be contacted as follows: by mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite W750, Washington, D.C. 20024; by telephone at (202) 442-6500; or by email at bazil.facchina@dc.gov. Copies of this rule and related information may be obtained by contacting Mr. Facchina as stated herein.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**Z.C. Case No. 08-06H****(Text Amendment – 11 DCMR)****Technical Corrections to Z.C. Order 08-06A**

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 Rep1.), hereby gives notice of its intent to amend Subtitles B, D, I, and U of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR), to make minor modifications and technical corrections to the amendments made by Z.C. Order 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that became effective on September 6, 2016.

A full explanation for the corrections and modifications proposed may be found in the Office of Planning report, which appears as Exhibit 1 in this case, and which may be accessed on the Office of Zoning website at <http://dcoz.dc.gov>. A proposed amendment to 11-A DCMR § 304.3 is not included in this notice because the proposed revision has been included in Z.C. Case No. 08-06G, and a proposed amendment to 11-U § 252 is not included due to the Office of the Attorney General's concern that it was not technical in nature.

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

The following amendments to the Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

Title 11 DCMR, ZONING REGULATIONS OF 2016, is amended as follows:

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Chapter 1, DEFINITIONS, § 100, DEFINITIONS, § 100.2, definition of “Expanded Child Development Home” is amended to read as follows:

Expanded Child Development Home: a dwelling unit used in part for the licensed care, education, or training for more than six (6) individuals, up to a maximum of twelve (12) individuals fifteen (15) years of age or less including all individuals age four (4) and younger who reside in the dwelling unit, provided that no more than six (6) of the individuals may be under two (2) years of age. Those individuals receiving care, education, or training who are not related by blood, marriage, or adoption to the caregiver shall be present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as a child care **center, day care center, pre-school, nursery school, before-and-after school programs, and similar**

programs and facilities.

Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES - R-6 AND R-7, § 408, PERVIOUS SURFACE, § 408.1, is amended as follows:

408.1 The minimum percentage of pervious surface **requirement** of a lot in an R-6 or R-7 zone shall be fifty percent (50%).

Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES - R-8, R-9, AND R-10, § 508, PERVIOUS SURFACE, § 508.1, is amended as follows:

508.1 In an R-8, R-9, or R-10 zone, the minimum percentage of pervious surface **requirement** of a lot shall be fifty percent (50%); provided this subsection shall not:

- (a) Preclude enlargement of a principal building in existence as of May 18, 2007; or
- (b) Create nonconformity of a structure as regulated by this title

Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES - R-12 AND R-13, § 708, PERVIOUS SURFACE, § 708.1, is amended as follows:

708.1 The minimum percentage of pervious surface **requirement** of a lot in the R-12 zone shall be fifty percent (50%).

Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES - R-14 AND R-15, § 808, PERVIOUS SURFACE, § 808.1, is amended as follows:

808.1 The minimum percentage of pervious surface **requirement** of lots in the R-14 and R-15 zones shall be fifty percent (50%).

Subtitle I, DOWNTOWN (D) ZONES, is amended as follows:

Chapter 6, LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS, § 612, MOUNT VERNON TRIANGLE PRINCIPAL INTERSECTION AREA SUB-AREA, § 612.5, is amended as follows:

612.5 **With the exception of a building that is a designated historic landmark or that is included within a historic district,** ~~The~~ ~~the~~ portion of a building within the Mt. Vernon Triangle Principal Intersection Area Sub-Area is subject to the following streetwall design regulations in addition to those governing the property's zone district and designated primary street classification:

...¹

Subtitle U, USE PERMISSIONS, is amended as follows:

Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, is amended as follows:

Section 512, MATTER OF RIGHT USES (MU-USE GROUP E), § 512.1, is amended by adding a new paragraph (l) and renumbering existing paragraph (l) as (m) as follows:

512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to any applicable conditions:

...

(l) An animal boarding use located in a basement or cellar space subject to the following:

- (1) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RF, or RA zone. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal boarding use and any portion of a street or alley that separates the use from a lot within an R, RF, or RA zone. Shared facilities not under the sole control of the animal boarding use, such as hallways and trash rooms, shall not be considered as part of the animal boarding use;**
- (2) There shall be no residential use on the same floor as the use or on the floor immediately above the animal boarding use;**
- (3) Windows and doors of the space devoted to the animal boarding use shall be kept closed and all doors facing a residential use shall not solid core;**
- (4) No animals shall be permitted in an external yard on the premises;**
- (5) Animal waste shall be placed in a closed waste disposal containers and shall be collected by a licensed waste disposal company at least weekly;**

¹ The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

- (6) Odors shall be controlled by means of an air filtration or an equivalently effective odor control system; and**
- (7) Floor finish materials and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor shall be impervious and washable; and**

(4) (m) Other accessory uses customarily incidental and subordinate to the uses permitted by this section.

Section 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), § 513.1, is amended by amending paragraph (a), adding a new paragraph (m), and renumbering existing paragraph (m) as (n) as follows:

513.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section:

(a) Animal care ~~and boarding~~, and animal sales uses, subject to the following conditions:

...

(m) Animal boarding uses not meeting the conditions of Subtitle U § 512.1(l), subject to the following:

- (1) The animal boarding use shall take place entirely within an enclosed building;**
- (2) Buildings shall be designed and constructed to mitigate noise to limit negative impacts on adjacent properties, including residential units located in the same building as the use. Additional noise mitigation shall be required for existing buildings not originally built for the boarding of animals, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;**
- (3) The windows and doors of the space devoted to the animal boarding use shall be kept closed, and all doors facing a residential use shall be solid core;**
- (4) No animals shall be permitted in an external yard on the premises;**

- (5) Animal waste shall be placed in closed waste disposal containers and shall be collected by a waste disposal company at least weekly;
 - (6) Odors shall be controlled by means of an air filtration system or an equivalently effective odor control system;
 - (7) Floor finish material, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
 - (8) External yards or other exterior facilities for the keeping of animals shall not be permitted; and
 - (9) The Board of Zoning Adjustment may impose additional requirements pertaining to the location of buildings or other structures, entrances and exits; buffers, banners, and fencing, soundproofing, odor control, waste storage and removal (including frequency), the species and/or number of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property; and
- ~~(m)~~ (n) Any use permitted as a matter of right in MU-Use Group E that does not comply with the required conditions for MU-Use Group E may apply for permission as a special exception, except firearms retail sales establishments.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS**NOTICE OF EMERGENCY RULEMAKING**

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2014 Repl.)), hereby gives notice of emergency rulemaking action to adopt amendments to Chapter 8 (Tabulation and Certification of Election Results) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The amendments establish that write-in votes will only be tabulated in contests where an individual has timely filed an Affirmation of Write-in Candidacy, and there is either no candidate printed on the ballot in order to determine a winner, or the total number of write-in votes reported is sufficient to elect a write-in candidate. The amendment to recount procedures determines that procedures and rules for conducting a recount.

This emergency rulemaking is necessary for the immediate preservation of the public peace and welfare of District residents because the rules regarding write-in candidacies and recounts need to be finalized prior to the November 8, 2016 General Election.

The Board adopted these emergency rules at its regularly scheduled meeting on Wednesday, October 5, 2016, at which time the amendments became effective. The emergency rules shall remain in effect until February 2, 2017 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

Chapter 8, TABULATION AND CERTIFICATION OF ELECTION RESULTS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Section 806, TABULATION PROCEDURES, is amended in its entirety, to read as follows:

806 TABULATION PROCEDURES

- 806.1 The tabulation of votes shall be started immediately on Election Day after the close of polls, and shall be conducted under the direct supervision of the Executive Director or his or her designee.
- 806.2 Whenever votes are counted by machines, the Executive Director shall utilize personnel qualified to operate the system. Additional personnel may be employed to perform such tasks as may be deemed necessary by the Executive Director.
- 806.3 Only those persons authorized by the Board, including credentialed poll watchers and election observers, shall be admitted to the Counting Center while tabulation is in progress.
- 806.4 All valid ballots shall be counted by mechanical tabulation unless otherwise determined by the Executive Director.

- 806.5 Special Ballots, together with any damaged ballots received from the polling places, shall be tabulated separately at a time designated by the Executive Director.
- 806.6 The valid votes recorded on damaged ballots shall be reproduced on duplicate ballots, in the presence of watchers, with the original and the reproduced ballots marked for identification with corresponding serial numbers.
- 806.7 The reproduced duplicate ballots, which have converted the votes on the damaged ballots to a machine readable form, shall be tabulated by machine.
- 806.8 Federal write-in absentee ballots shall be reproduced and tabulated in the same manner as damaged ballots, in accordance with §§ 806.6 - 806.7.
- 806.9 A Special Ballot cast by a voter who votes in a precinct that does not serve the address listed on the Board's registration records shall not be counted.
- 806.10 A count of the number of ballots tallied for a precinct, ballots tallied by groups of precincts and city-wide, shall be accumulated.
- 806.11 The total of votes cast for each candidate whose name appears pre-printed on the ballot shall be calculated by precinct and city-wide.
- 806.12 The total number of write-in votes marked by voters shall be reported for each contest.
- 806.13 The total number of votes cast for each write-in nominee shall be calculated only in contests where at least one individual has timely filed an Affirmation of Write-in Candidacy in accordance with Section 602 of this title, and:
- (a) There is no candidate printed on the ballot in order to determine a winner, or;
 - (b) The total number of write-in votes reported, under § 806.12, is sufficient to elect a write-in candidate.
- 806.14 Following tabulation of all ballots, a consolidated report shall be produced showing the total votes cast and counted for all offices and ballot questions. Unless otherwise mandated by the Board, the consolidated ballot report shall be made by precinct.

Section 815, PETITIONS FOR RECOUNT, RECOUNT DEPOSITS, AND REFUNDS OF RECOUNT DEPOSITS, is amended in its entirety, to read as follows:

815 PETITIONS FOR RECOUNT, RECOUNT DEPOSITS, AND REFUNDS OF RECOUNT DEPOSITS

- 815.1 Any qualified candidate in any election may, within seven (7) days after the Board certifies the election results, petition the Board for a recount of the ballots cast in that election. Such petition shall be in writing and shall specify the precincts in which the recount shall be conducted.
- 815.2 Upon receipt of a recount petition, the Board shall prepare an estimate of:
- (a) The costs to perform the recount; and
 - (b) The number of hours to complete the recount.
- 815.3 If the petitioner chooses to proceed, the petitioner shall deposit fifty dollars (\$50.00) for each precinct included in the recount within seven (7) days of receipt of the estimate of the cost of the recount and the hours required to complete the recount.
- 815.4 Deposits shall be paid by certified check or money order made payable to the order of the "D.C. Treasurer." No cash will be accepted.
- 815.5 The petitioner shall not be required to make a deposit for or pay the cost of any recount in any election where the difference between the number of votes received by the petitioner and the number of votes received by the person certified as having been elected to that office is:
- (a) In the case of a ward-wide contest, less than one percent (1%) of the total valid ballots cast in the contest or less than fifty (50) votes, whichever is less; or
 - (b) In the case of an at-large contest, less than one percent (1%) of the total valid ballots cast in the contest or less than three hundred fifty (350) votes, whichever is less; and
 - (c) In the case of an Advisory Neighborhood Commission Single-Member District contest, less than ten (10) votes.
- 815.6 If the recount changes the result of the election, the entire amount deposited by the petitioner shall be refunded.
- 815.7 If the result of the election is not changed, the petitioner is liable for the actual cost of the recount, minus the deposit already made.

- 815.8 If the results of the election are not changed as a result of the recount, but the cost of the recount was less than fifty dollars (\$50.00) per precinct, the difference shall be refunded to the petitioner.
- 815.9 A candidate may, at any time, request in writing that the recount be terminated and the Board shall refund the deposit remaining for any uncounted precincts.

Section 816, RECOUNT PROCEDURES, is amended in its entirety to read as follows:

816 RECOUNT PROCEDURES

- 816.1 The Executive Director shall conduct recount proceedings in accordance with provisions of this section.
- 816.2 The validity of ballots and votes recounted shall be determined pursuant to the provisions of this chapter.
- 816.3 Manual tabulation of votes in a recount proceeding shall be conducted in accordance with the provisions of this chapter.
- 816.4 Within two (2) days following the Board's determination to grant a recount petition or a court order directing the Board to conduct a recount, notice of recount proceedings shall be delivered via email to all qualified candidates for the contest being recounted. Public notice of recount proceedings shall be posted on the Board's website at least twenty-four (24) hours in advance of the commencement of the recount.
- 816.5 Each candidate, or organizational group in support of or opposition to a ballot question, in a contest involved in a recount shall be permitted to have no more than two (2) poll watchers at all phases of the recount, regardless of whether the candidate properly applied for poll watcher credentials pursuant to § 706. Candidates may also observe all phases of the recount in addition to their assigned poll watchers.
- 816.6 Apart from the election officials necessary to conduct the recount, priority of access to the place where the recount will occur will first be given to the candidate, or organizational groups in support of or opposition to a ballot question, in the contest being recounted. Space permitting, poll watchers and election observers credentialed pursuant to § 706, then members of the public and media shall also be given access.
- 816.7 Recount officials shall re-run all official ballots through a tabulator and count only the votes for the office or ballot question at issue in the recount. All ballots which are not machine-readable shall be tabulated manually, pursuant to the rules provided in this chapter.

816.8 [REPEALED].

816.9 At the conclusion of the recount proceedings, a recount results report shall be presented to the Board and posted on the Board's website. The Board shall determine the number of votes received by each candidate as a result of the recount, but shall not make a new certification of the results of the election unless the outcome of the contest has changed as a result of the recount.

816.10 There shall be only one (1) recount per contest.

816.11 Results of the recount are final and not appealable.

DEPARTMENT OF ENERGY AND ENVIRONMENT
NOTICE OF SECOND EMERGENCY RULEMAKING

Biosolids Distribution

The Director of the Department of Energy and Environment (DOEE), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2016 Supp.)); the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.* (2013 Repl. & 2016 Supp.)); and Mayor’s Order 2006-61, dated June 14, 2006; hereby gives notice of the adoption, on an emergency basis, of amendments to Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 17 (Biosolids Management) to authorize the distribution of exceptional quality biosolids in the District.

This second emergency rulemaking establishes the conditions under which exceptional quality biosolids, blended exceptional quality biosolids, and composted exceptional quality biosolids may continue to be distributed in the District.

There is an immediate need to protect the health, safety, and welfare of District residents by establishing the conditions under which distributors may provide exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids as a source of plant nutrients and soil amendments. This rulemaking ensures that only the highest quality biosolids are permitted for distribution in the District, thereby furthering water quality and public welfare.

DOEE published a Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on April 22, 2016, at 63 DCR 6267. This second emergency rulemaking includes clarifying changes and technical edits to citations, but no substantive changes have been made. This second emergency rule was adopted on July 28, 2016, and became effective immediately. This emergency rule will remain in effect for up to one hundred twenty (120) days, expiring November 25, 2016, unless earlier superseded by a notice of final rulemaking.

Title 21 DCMR, WATER AND SANITATION, is amended by adding a new Chapter 17, BIOSOLIDS MANAGEMENT, as follows:

CHAPTER 17 BIOSOLIDS MANAGEMENT

- 1700 EXCEPTIONAL QUALITY BIOSOLIDS DISTRIBUTION**
- 1701 ENFORCEMENT**
- 1702-1705 [RESERVED]**
- 1799 DEFINITIONS**

1700 EXCEPTIONAL QUALITY BIOSOLIDS DISTRIBUTION

- 1700.1 The purpose of this chapter is to permit the sustainable and beneficial distribution of exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids for use in the District of Columbia.
- 1700.2 No biosolids except exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids shall be distributed in the District.
- 1700.4 A person shall be deemed to have an exceptional quality biosolids distribution permit-by-rule if the person meets the following requirements:
- (a) Distributes only exceptional quality biosolids, blended exceptional quality biosolids, and composted exceptional quality biosolids;
 - (b) Submits a written notice to the Department that includes the name, address, and telephone number of the permittee;
 - (c) Pursuant to the Anacostia River Clean Up and Protection Fertilizer Act of 2012, effective April 20, 2013 (D.C. Law 19-262; D.C. Official Code §§ 8-104.01 *et seq.*), provides a legible label with sufficient information to allow the person who receives and uses the exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids to determine an agronomic rate of application and application requirements;
 - (d) Maintains the following information that shall be available to the Department upon request:
 - (1) The quantity of exceptional quality biosolids distributed in the District; and
 - (2) Information demonstrating that the biosolids being distributed meet the ceiling concentrations in Table 1 of 40 C.F.R. § 503.13 and the pollutant concentrations in Table 3 of 40 C.F.R. § 503.13; the Class A pathogen requirements in 40 C.F.R. § 503.32(a); and one of the vector attraction reduction requirements in 40 C.F.R. §§ 503.33(b)(1) through (b)(8);
 - (e) Complies with the monitoring and reporting requirements for exceptional quality biosolids in 40 C.F.R. Part 503; and
 - (f) Complies with all other applicable District and federal laws and regulations.

1700.5 Distribution within the District of biosolids, blended biosolids, or composted biosolids that do not meet the requirements for a permit-by-rule under this chapter is prohibited, and will be subject to enforcement pursuant to Section 1701.

1701 ENFORCEMENT

1701.1 This chapter shall be enforced pursuant to the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.15, 8-103.16, and 8-103.17), and the Water Pollution Enforcement Regulations (21 DCMR Chapter 22).

1701.2 In any instance where a civil fine, penalty or fee has been established pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)); and the Consumers, Commercial Practices, and Civil Infractions Regulations (Title 16 DCMR Chapter 40), the civil fine, penalty, or fee may be imposed as an alternative sanction to the penalties set forth in Subsection 1701.1.

1702- 1705 [RESERVED]

1799 DEFINITIONS

1799.1 When used in this chapter, the following terms shall have the meanings ascribed (some of the definitions were codified in the Act, indicated as [Statutory], and are reprinted below for regulatory efficiency):

Act - the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.*)

Biosolids or Sludge - the solid or semi-solid material removed from wastewater during treatment, including but not limited to grit, screenings, grease, oil, settleable solids, and chemicals added to the treatment processes. [Statutory]

Blended Exceptional Quality Biosolids - exceptional quality biosolids that are mixed with other materials, such as leaves, saw dust, and soil, and that meet the ceiling concentrations, pollutant concentrations, pathogen requirements, and vector attraction reduction requirements of exceptional quality biosolids.

Clean Water Act - the Clean Water Act, 33 U.S.C. §§ 1251 *et seq.*

Composted Exceptional Quality Biosolids - exceptional quality biosolids treated by a biological process so as to achieve oxidation of the organic matter, dissipation of phytotoxic gases and offensive odors, and destruction of pathogens, and that meet the ceiling concentrations, pollutant

concentrations, pathogen requirements, and vector attraction reduction requirements of exceptional quality biosolids.

Department - the Department of Energy and Environment.

Distribution - the physical removal of exceptional quality biosolids, composted exceptional quality biosolids, or blended exceptional quality biosolids from a generating, composting, blending, storage or distribution facility to barter, sell, offer to sell, consign, furnish, provide, or supply to wholesalers, dealers, retailers, or individuals as part of a commercial enterprise or giveaway program.

Exceptional Quality Biosolids - biosolids that meet the ceiling concentrations in Table 1 of 40 C.F.R. § 503.13 and the pollutant concentrations in Table 3 of 40 C.F.R. § 503.13; the Class A pathogen requirements in 40 C.F.R. § 503.32(a); and one of the vector attraction reduction requirements in 40 C.F.R. § 503.33(b)(1) through (b)(8).

Permittee – a person who distributes exceptional quality biosolids, blended exceptional quality biosolids or composted exceptional quality biosolids under the terms of this permit-by-rule.

Person - any individual, including any owner or operator as defined in this chapter or the Act; partnership; corporation, including a government corporation; trust association; firm; joint stock company; organization; commission; the District or federal government; or any other entity.
[Statutory]

WASHINGTON CONVENTION AND SPORTS AUTHORITY**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Board of Directors of the Washington Convention and Sports Authority (Authority), pursuant to Section 203 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code §§ 10-1202.03(3) and (6) (2013 Repl. & 2016 Supp.)), as amended by the Fiscal Year 2010 Budget Support Act of 2009, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code §§ 10-1201.01 *et seq.* (2013 Repl. & 2016 Supp.)) (the Act), hereby gives notice of the adoption, on an emergency basis, of the following amendment to Chapter 3 (Washington Convention and Sports Authority: Procurement) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The amendment would permit the Authority to complete multiple purchases and/or enter into multiple contracts or make modifications to existing contracts in order to undertake immediate repairs and remediation to address an emergency environmental condition at the historic Carnegie Library at Mount Vernon Square. Such authority is not available in the extant procurement regulations, and the Authority therefore finds that it is necessary to amend its procurement regulations accordingly.

Issuance of the rules on an emergency basis is necessary and essential to protect and preserve the health, safety and welfare of the District.

The emergency rules were adopted on October 13, 2016 and shall remain in effect until February 10, 2017, unless superseded by another rulemaking notice. The Authority also gives notice of its intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 3, WASHINGTON CONVENTION AND SPORTS AUTHORITY: PROCUREMENT, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended by adding a new Section 314 as follows:

314 EMERGENCY PROCUREMENT FOR CARNEGIE LIBRARY REMEDIATION

314.1 In the case of direct purchases, contracts or contract modifications arising directly or indirectly from the need to undertake environmental remediation and/or displace events, staff, tenants or property of any kind at the Carnegie Library at Mount Vernon Square, beginning October 1, 2016, the CCO may complete multiple purchases and/or enter into multiple contracts or make modifications to existing contracts without regard to the procedures set forth in Sections 304, 305, 306 and 307, upon a single written determination that:

- (a) Describes the condition which exists at the Carnegie Library at Mount Vernon Square that creates an immediate threat to the public health, safety

or welfare, including a condition that threatens the health or safety of any person or the preservation and protection of property;

- (b) Describes the requirement or nature of the purchase, contract or contract modification, including the estimated value or cost;
- (c) Describes the proposed procurement action;
- (d) Includes any other pertinent facts or reasons supporting the purchase, contract or contract modification on an emergency basis; and
- (e) Includes a certification from the Authority's Chief Financial Officer that sufficient funds are available for the procurement action taken.

314.2 The CCO shall, whenever a contract is entered into or modified under this section, update the determination issued under Subsection 314.1.

314.3 The CCO may use an email, letter or a verbal request to solicit proposals for an emergency procurement under this section. If a letter request is used, the CCO shall ensure that the letter is as clear and concise as possible and contains only the information necessary for providing a proposal.

Any person 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 Office of the General Counsel, Washington Convention and Sports Authority, Walter E. Washington Convention Center, 801 Mount Vernon Place N.W., Washington, D.C. 20001. Copies of this notice may be obtained by writing to the foregoing address, by sending an e-mail to rsmith@eventsdc.com, or by calling the Office of the General Counsel at 202-249-3000.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2016-150
October 6, 2016

SUBJECT: Appointment – Interim Chancellor, District of Columbia Public Schools


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 2016 Supp.) and section 105 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007, D.C. Law 17-9, D.C. Official Code § 38-174 (2012 Repl.), it is hereby **ORDERED** that:

1. **JOHN DAVIS** is appointed Interim Chancellor of the District of Columbia Public Schools, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor’s Order 2015-08, dated January 2, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 30, 2016.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-151
October 7, 2016

SUBJECT: Appointment — Open Government Officer


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl. and 2016 Supp.), and in accordance with Mayor's Order 2016-082, dated May 25, 2016, it is hereby **ORDERED** that:

1. **ALANA INTRIERI** is appointed Open Government Officer, and shall serve in that capacity at the pleasure of the Mayor.
2. **EFFECTIVE DATE**: This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-152
October 7, 2016

SUBJECT: Appointments — District of Columbia Tobacco Settlement Financing Corporation Board of Directors


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 of 1973, approved December 24, 1973 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl. and 2016 Supp.), and in accordance with the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000, D.C. Law 13-172, D.C. Official Code § 7-1831.03 (2012 Repl. and 2016 Supp.), it is hereby **ORDERED** that:

1. **BETSY CAVENDISH** is appointed as the Mayor's designee on the District of Columbia Tobacco Settlement Financing Corporation Board of Directors, (hereinafter referred to as '**Board**'), replacing Eric Goulet, and shall serve in that position at the pleasure of the Mayor.
2. **REVEREND DONALD ISAAC, SR.** is appointed as an independent member of the Board, replacing Marcos Figueroa, for a term to October 12, 2016, and for a full term to end October 12, 2020.
3. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to September 29, 2016.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-153
October 7, 2016

SUBJECT: Appointment — Chief Executive Officer, St. Elizabeth's Hospital


ORIGINATING AGENCY: Office of the Mayor

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

1. **MARK CHASTANG** is appointed Chief Executive Officer, St. Elizabeth's Hospital and shall serve in that capacity at the pleasure of the Mayor. .
2. This Order supersedes Mayor's Order 2016-055, dated April 6, 2016.
3. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to August 29, 2016.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-154
October 12, 2016

SUBJECT: Appointment – Acting Director, Office of Veterans Affairs


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 in accordance with section 703 of the Office of Veterans Affairs Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 49-1002 (2014 Repl.), it is hereby **ORDERED** that:

1. **ELY ROSS** is appointed Acting Director, Office of Veterans Affairs, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-128, dated May 7, 2015, and any other Mayor's Order or appointment to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall be effective September 19, 2016.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-155
October 13, 2016

SUBJECT: Appointment – Metropolitan Washington Regional Ryan White Planning Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), (11) (2014 Repl. and 2016 Supp.), and pursuant to §§ 2602(a)(1) and (b)(1) of the Public Health Service Act, as amended by § 101 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, approved August 18, 1990, 104 Stat. 576, 42 U.S.C. 300ff-12(a)(1) and (b)(1), and pursuant to Mayor's Order 2016-001, dated January 8, 2016, it is hereby **ORDERED** that:

1. **TYRANNY L. SMITH-BULLOCK** is appointed to the Metropolitan Washington Regional Ryan White Planning Council, filling a vacant seat, for a term to end November 5, 2018.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-156
October 13, 2016

SUBJECT: Appointments — District of Columbia Commission on Asian and Pacific Islander Community Development

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 2016 Supp.), and pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; DC Official Code § 2-1374 (2012 Repl.)), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01 (2014 Repl. and 2015 Supp.)), it is hereby **ORDERED** that:


1. **MARTHA WATANABE** pursuant to the District of Columbia Commission on Asian and Pacific Islander Community Development Martha Watanabe Confirmation Resolution of 2016, effective July 2, 2016, PR 21-0769 is reappointed as a member of the District of Columbia Commission on Asian and Pacific Islander Community Development, for a term to end April 17, 2019.
2. **JOHN TINPE** pursuant to the District of Columbia Commission on Asian and Pacific Islander Community Development John Tinpe Confirmation Resolution of 2016, effective July 2, 2016, PR 21-0768, is appointed as a member and chairperson of the District of Columbia Commission on Asian and Pacific Islander Community Development, replacing Laura Shin, for a term to end April 17, 2019.
3. **KISHAN PUTTA** pursuant to the District of Columbia Commission on Asian and Pacific Islander Community Development Kishan Putta Confirmation Resolution of 2016, effective July 2, 2016, PR 21-0767, is appointed as a member of the District of Columbia Commission on Asian and Pacific Islander Community Development, replacing Ajay Ojha, for a term to end April 17, 2017.
4. **RONAK DESAI** pursuant to the District of Columbia Commission on Asian and Pacific Islander Community Development Ronak Desai Confirmation Resolution of 2016, effective July 2, 2016, PR 21-0766, is appointed as a member of the District of Columbia Commission on Asian and Pacific Islander Community Development, replacing Ada Loo, for a term to end April 17, 2019.

- 5. **KARISSA MARIKO BARNETT** pursuant to the District of Columbia Commission on Asian and Pacific Islander Community Development Karissa Mariko Barnett Confirmation Resolution of 2016, effective July 2, 2016, PR 21-0765, is appointed as a member of the District of Columbia Commission on Asian and Pacific Islander Community Development, replacing Thu Nguyen, for a term to end April 17, 2017.

- 6. **MEINA BANH** pursuant to the District of Columbia Commission on Asian and Pacific Islander Community Development Meina Bahn Confirmation Resolution of 2016, effective July 2, 2016, PR 21-0764, is appointed as a member of the District of Columbia Commission on Asian and Pacific Islander Community Development, replacing Nicholas Lephram, for a term to end April 17, 2019.

- 7. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.


MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-157
October 13, 2016

SUBJECT: Appointments — Commission on Fathers, Men, and Boys


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 2016 Supp.), and pursuant to section 1073 of the Commission on Fathers, Men, and Boys Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; 61 DCR 10003), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f) (2014 Repl. and 2015 Supp.)), it is hereby **ORDERED** that:

1. **VILLAREAL JOHNSON, II** pursuant to the Commission on Fathers, Men, and Boys Villareal Johnson, II Confirmation Resolution of 2016, effective November 26, 2016, PR21-0945, is appointed as a public voting member of the Commission on Fathers, Men, and Boys, filling a vacant seat, for a term to end September 19, 2020.
2. **CHESTER MARSHALL** pursuant to the Commission on Fathers, Men, and Boys Chester Marshall Confirmation Resolution of 2016, effective November 26, 2016, PR21-0944, is appointed as a public voting member of the Commission on Fathers, Men, and Boys, filling a vacant seat, for a term to end September 19, 2020.
3. **EFFECTIVE DATE:** This Order shall become effective to the date of confirmation.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-158
October 13, 2016

SUBJECT: Appointments - United Planning Organization Board of Directors


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2014 Repl. and 2016 Supp.), and in accordance with the Economic Opportunity Act of 1964, approved August 20, 1964, Pub. L. 88-452, 78 Stat. 516, and the bylaws of the United Planning Organization, as amended on July 17, 2014, it is hereby **ORDERED** that:

1. **JEFFREY PAGE** is appointed as a member of the United Planning Organization Board of Directors, to replace Jeffrey Richardson, for a term to end three (3) years from the effective date of this order.
2. **JOSEPH M. VAUGHAN** is appointed as a member of the United Planning Organization Board of Directors, to replace Ronald Collins, for a term to end three (3) years from the effective date of this order.
3. **COURTNEY WEINER** is appointed as a member of the United Planning Organization Board of Directors, to replace Terrance Ingram, for a term to end three (3) years from the effective date of this order.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-159
October 13, 2016

SUBJECT: Designation of Grant-Managing Entity Under the Children and Youth Initiative Establishment Act of 1999


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(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(11) (2014 Repl. and 2016 Supp.), and by the Children and Youth Initiative Establishment Act of 1999, effective October 20, 1999, D.C. Law 13-38, D.C. Official Code § 2-1551 *et seq.* ("**Children and Youth Initiative Establishment Act**"), it is hereby **ORDERED** that:

1. The United Way of the National Capital Area is designated as the single non-service provider, nonprofit organization under the Children and Youth Initiative Establishment Act for fiscal year 2017.
2. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to September 30, 2016.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-160
October 13, 2016

SUBJECT: Appointments – For-Hire Vehicle Advisory Council

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 2016 Supp.), and in accordance with the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, D.C. Law 6-97, D.C. Official Code § 50-301 *et seq.*, as amended by Section 401(l) of Title IV of the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016, D.C. Law 21-124, 63 DCR 10569 (August 19, 2016), it is hereby **ORDERED** that:

1. **ELLIOT FERGUSON II** is appointed as a member of the For-Hire Vehicle Advisory Council ("**Council**"), as a representative of the hospitality or tourism industry, for a term to end July 18, 2019.
2. **LINWOOD JOLLY** is appointed as a member of the Council, as a District resident unaffiliated with the vehicle for-hire industry, for a term to end July 18, 2019.
3. **DOTTI LOVE WADE** is appointed as a member of the Council, as a District resident unaffiliated with the vehicle for-hire industry, for a term to end July 18, 2017.
4. **ANTHONY WASH** is appointed as a member of the Council, as a District resident unaffiliated with the vehicle for-hire industry, for a term to end July 18, 2018.

5. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to July 18, 2016.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN

SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-161
October 14, 2016

SUBJECT: Amendment to Mayor's Order 2016-010, dated January 26, 2016:
Appointments- District of Columbia Water and Sewer Authority Board of
Directors


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.), it is hereby **ORDERED** that:

1. Section 3 of Mayor's Order 2016-010, dated January 26, 2016, is amended:
 - a. By striking the phrase "**ANA RECIO**" and inserting the phrase "**ANA RECIO HARVEY**" in its place; and
 - b. By striking the phrase "September 12, 2015" and inserting the phrase "September 12, 2019" in its place.
2. Section 4 of Mayor's Order 2016-010, dated January 26, 2016, is amended by striking the phrase "September 12, 2016" and inserting the phrase "September 12, 2019" in its place.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

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

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

Mayor's Order 2016-162

October 14, 2016

SUBJECT: Establishment — District of Columbia Presidential Inaugural Committee**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to Section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code, § 1-204.22(11) (2014 Repl.), it is hereby **ORDERED** that:

1. There is established within the District of Columbia government the District of Columbia Presidential Inaugural Committee, hereinafter referred to as the Committee, organized under the Mayor's Special Events Task Group, which shall plan and coordinate services provided by the District of Columbia in support of the 2017 Presidential Inauguration in cooperation with the federal government, the President Elect's Presidential Inaugural Committee, and any private organizations.
2. The Committee shall be composed of the Mayor, the City Administrator, the Deputy Mayor for Public Safety and Justice, and the Secretary of the District of Columbia; the Deputy Chief of Staff; the Office of Risk Management; the Chief of the Metropolitan Police Department; the Chief of the Fire and Emergency Medical Services Department; the Directors of the Homeland Security and Emergency Management Agency, District Department of Transportation, Department of Public Works, Department of Human Services, Department of Consumer and Regulatory Affairs, Department of Health, Office of the Chief Technology Officer, and Office of Contracting and Procurement; and the Commanding General of the District of Columbia National Guard. Each member may designate an alternate to serve on his or her behalf and may utilize the services of his or her agency to further the objectives of the Committee.
3. The Director of the Homeland Security and Emergency Management Agency, as Chair of the Mayor's Special Events Task Group, shall serve as Chair of the Committee and shall provide coordination and direction in the planning and preparedness efforts in support of activities related to the 2017 Presidential Inauguration.
4. The Chair of the Committee may appoint such subcommittees of the Committee as shall be necessary to carry out its assigned responsibilities.
5. This order supersedes Mayor's Order 1988-240, dated October 26, 1988; Mayor's Order 2008-105, dated August 1, 2008; and Mayor's Order 2012-123, dated August 13, 2012.

6. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL 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, OCTOBER 26, 2016
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
Ruthanne Miller, James Short

- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00063; Eatonville, Inc., t/a Mulebone, 2121 14th Street NW
License #78882, Retailer CR, ANC 1B
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00064; Eatonville, Inc., t/a Mulebone, 2121 14th Street NW
License #78882, Retailer CR, ANC 1B
Petition to Amend or Terminate the Settlement Agreement
- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00094; Techno Excess, LLC, t/a Ababa Ethiopian Restaurant
2106 18th Street NW, License #103289, Retailer CR, ANC 1C
Application for a New License
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00741; Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven, 2327 18th Street NW, License #74503, Retailer CT, ANC 1C
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 16-CMP-00434; Gilstrid's Gastronomy, LLC, t/a Café Berlin, 322
Massachusetts Ave NE, License #91400, Retailer CR, ANC 6C
No ABC Manager on Duty
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00780; Los Brothers, Inc., t/a La Molienda, 3568 14th Street
NW, License #60398, Retailer CR, ANC 1A
**Selling, Serving, or Permitting the Consumption of Alcoholic Beverages
after Hours**

Board's Calendar
October 26, 2016

- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00697; Jasper Ventures, LLC, t/a Capitale, 1301 K Street NW
License #72225, Retailer CN, ANC 2F
**Selling, Serving, or Permitting the Consumption of Alcoholic Beverages
after Hours**
- Show Cause Hearing (Status)** **9:30 AM**
Case # 16-251-00129; 1010 V, LLC, t/a Living Room, 1010 Vermont Ave NW
License #76906, Retailer CT, ANC 2F
Failed to Follow Security Plan
- Show Cause Hearing (Status)** **9:30 AM**
Case # 15-CMP-00719; Shaw Howard Deli, LLC, t/a Shaw Howard Deli
1911 7th Street NW, License #95169, Retailer B, ANC 1B
No ABC Manager on Duty
- Show Cause Hearing*** **10:00 AM**
Case # 16-CMP-00448; SRF, LLC, t/a Boss Burger, 1931 14th Street NW
License #98831, Retailer CR, ANC 1B
No ABC Manager on Duty
- Show Cause Hearing*** **10:00 AM**
Case # 16-CMP-00449; SRF, LLC, t/a Boss Burger, 1931 14th Street NW
License #98831, Retailer CR, ANC 1B
No ABC Manager on Duty
- Show Cause Hearing*** **11:00 AM**
Case # 16-CMP-00357; Fuel 1747 Penn., LLC, t/a Custom Fuel/Fuel Pizza
1747 Pennsylvania Ave NW, License #92719, Retailer CR, ANC 2B
**No ABC Manager on Duty, Failed to Frame and Post the License in a
Conspicuous Place**
- Show Cause Hearing*** **11:00 AM**
Case # 16-CMP-00211; Restaurant Enterprises, Inc., t/a Smith Point, 1338
Wisconsin Ave NW, License #60131, Retailer CT, ANC 2E
**Provided Entertainment Without an Entertainment Endorsement (Two
Counts), Failed to Obtain a Cover Charge Endorsement**

Board's Calendar
October 26, 2016

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

Protest Hearing* **1:30 PM**
Case # 16-PRO-00057; Family's Corporation, t/a My Canton Restaurant, 1772
Columbia Road NW, License #75479, Retailer CR, ANC 1C
Application to Renew the License

Protest Hearing* **1:30 PM**
Case # 16-PRO-00059; 1637 R Street, LLC, t/a Some Place Else Bar & Grill
1637 R Street NW, License #98935, Retailer CR, ANC 2B
Application to Renew the License

Protest Hearing* **4:30 PM**
Case # 16-PRO-00079; Cordial Wharf, LLC, t/a Cordial Wine & Spirits, 690
Water Street SW, License #102733, Retailer A, ANC 6D
Application for a New License

***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, OCTOBER 26, 2016

2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, October 26th, 2016 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#16-CC-00146, Imperial Liquors, 1050 17th Street N.W., Retailer A, License # ABRA-074960

2. Case#16-CC-00148, Satay Club Asian Restaurant, 4654 Wisconsin Avenue, N.W., Retailer CR, License # ABRA-078790

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, OCTOBER 26, 2016 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to Remove License from Safekeeping for reopening on November 1, 2016. ANC 4C. SMD 4C08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Ten Tigers Parlour*, 3813 Georgia Avenue NW, Retailer CT, License No. 087703.

2. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption on Premise and for Summer Garden*: Sunday 11am to 2am, Monday-Thursday 5pm to 2am, Friday 5pm to 3am, Saturday 11am to 3am. *Approved Hours of Live Entertainment on Premise and for Summer Garden*: Sunday-Thursday 5pm to 2am, Friday-Saturday 5pm to 3am. *Proposed Hours of Operation on Premise and for Summer Garden*: Sunday-Thursday 6am to 2am, Friday-Saturday 6am to 3am. ANC 4C. SMD 4C08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Ten Tigers Parlour*, 3813 Georgia Avenue NW, Retailer CT, License No. 087703.

3. Review Request for Change of Hours. *Approved Hours of Operation*: Sunday 9am to 2am, Monday-Thursday 4pm to 2am, Friday-Saturday 4pm to 4am. *Approved Hours of Alcoholic Beverage Sales and Consumption*: Sunday 10am to 2am, Monday-Thursday 4pm to 2am, Friday-Saturday 4pm to 3am. *Proposed Hours of Operation*: Sunday-Saturday 7am to 2am. *Proposed Hours of Alcoholic Beverage Sales and Consumption*: Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. ANC 1B. SMD 1B12. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. Please review Settlement Agreement. *Pure Nightclub & Lounge*, 1326 U Street NW, Retailer CN, License No. 024613.

4. Review Request for Change of Hours of Sidewalk Cafe. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Cafe*: Sunday-Thursday 9am to 11pm, Friday-Saturday 9am to 12am. *Proposed Hours of Operation for Sidewalk Cafe*: Sunday-Thursday 8am to 1am, Friday-Saturday 8am to 2am. *Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Cafe*: Sunday-Thursday 9am to 1am, Friday-Saturday 9am to 2am. ANC1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No

pending enforcement matters. No Settlement Agreement. *Duffy's Irish Restaurant*, 2106 Vermont Avenue NW, Retailer CT, License No. 100438.

5. Review Request to Expand premises to include additional internal space on the first floor of the abutting address, 2475 18th Street NW, which currently has a seating capacity of 40 seats. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. Conflict with Settlement Agreement. Please review. *Songbyrd*, 2477 18th Street NW, Retailer CT, License No. 096137.
-

6. Review letter requesting Reinstatement of Class C Club ABRA license, cancelled on May 4, 2016. ANC 2A. SMD 2A07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Foreign Service Club*, 2101 E Street NW, Retailer C Club, License No. 001008.
-

7. Review letter requesting Reinstatement of Class C Tavern ABRA license, cancelled on September 7, 2016. ANC 2B. SMD 2B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Salty Dog Tavern*, 1723 Connecticut Avenue NW, Retailer CT, License No. 098331.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis

NOTICE of STATUTORY and SPECIAL
REAL PROPERTY TAX RATES for TAX YEAR 2017

I. Statutory Real Property Tax Rates for Tax Year 2017

<u>Real Property Tax Class</u>	<u>Statutory Tax Rates Per \$100 of Assessed Value</u>
Class One (residential property)	\$0.85
Class Two (commercial property)	
The first \$3 million in assessed value	\$1.65
The assessed value in excess of \$3 million	\$1.85
Class Three (indefinitely vacant buildings)	\$5.00
Class Four (blighted/condemned buildings)	\$10.00

II. Special Real Property Tax Rates for Tax Year 2017

BOND ACT REQUIREMENT
Certification of Debt Service Requirement

In Tax Year 2017, **fourteen (14.0%)** of total real property tax collections, by class, shall be dedicated to the repayment of General Obligations Bonds. The recommended special real property tax rates by class for Tax Year 2017 are as follows:

<u>Real Property Tax Class</u>	<u>Special Tax Rates Per \$100 of Assessed Value</u>
Class One (residential property)	\$0.119
Class Two (commercial property)	
The first \$3 million in assessed value	\$0.231
The assessed value in excess of \$3 million	\$0.259
Class Three (indefinitely vacant buildings)	\$0.700
Class Four (blighted/condemned buildings)	\$1.400

DEMOCRACY PREP CONGRESS HEIGHTS PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Special Education Services

Democracy Prep Congress Heights is seeking proposals from companies to provide the following services: individual psychological evaluations. For a full copy of the RFP, please send an e-mail to:

DPCHCS_ops@democracyprep.org

All bids not addressing all areas as outlined in the RFP and/or received past the deadline will not be considered. Bids must be received by 10:00AM, Friday, October 28, 2016 via e-mail or to the following location:

Democracy Prep Congress Heights Public Charter School
Attention: Nate Ho
3100 Martin Luther King Jr Ave SE
Washington, DC 20032

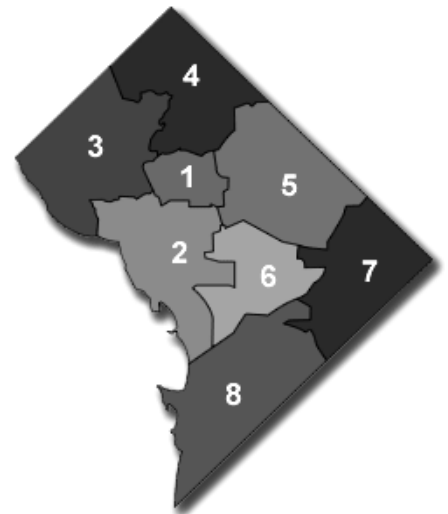
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016**

WARD	DEM	REP	STG	OTH	N-P	TOTALS
1	43,192	2,801	619	282	10,689	57,583
2	29,045	5,582	200	296	9,916	45,039
3	36,809	6,502	339	256	10,381	54,287
4	48,011	2,249	509	207	8,525	59,501
5	49,548	2,201	534	257	8,437	60,977
6	52,075	6,679	469	389	12,496	72,108
7	46,096	1,236	406	163	6,372	54,273
8	44,477	1,302	410	183	6,961	53,333
Totals	349,253	28,552	3,486	2,033	73,777	457,101
Percentage By Party	76.41%	6.25%	.76%	.44%	16.14%	100.00%

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF SEPTEMBER 30, 2016

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

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



**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016**

PRECINCT	DEM	REP	STG	OTH	N-P	TOTALS
20	1,341	29	8	10	219	1,607
22	3,713	366	28	23	953	5,083
23	2,710	192	40	26	710	3,678
24	2,496	247	29	25	735	3,532
25	3,588	423	44	14	1,024	5,093
35	3,383	208	51	20	762	4,424
36	4,151	262	61	20	1,015	5,509
37	3,252	153	47	21	742	4,215
38	2,749	116	48	25	675	3,613
39	4,012	209	71	20	919	5,231
40	3,875	184	84	27	983	5,153
41	3,423	194	58	25	965	4,665
42	1,742	78	30	10	428	2,288
43	1,715	59	16	9	341	2,140
137	1,042	81	4	7	218	1,352
TOTALS	43,192	2,801	619	282	10,689	57,583

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016**

PRECINCT	DEM	REP	STG	OTH	NP	TOTALS
2	758	170	8	22	464	1,422
3	1,562	383	22	22	627	2,616
4	1,778	479	4	20	688	2,969
5	2,042	599	11	21	720	3,393
6	2,188	865	18	26	1,192	4,289
13	1,238	233	6	8	389	1,874
14	2,783	471	21	20	856	4,151
15	2,893	376	26	27	817	4,139
16	3,422	411	23	28	833	4,757
17	4,439	584	29	39	1,335	6,426
129	2,263	371	12	21	828	3,495
141	2,259	300	11	24	591	3,185
143	1,420	340	9	18	536	2,323
TOTALS	29,045	5,582	200	296	9,916	45,039

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016**

PRECINCT	DEM	REP	STG	OTH	N-P	TOTALS
7	1,244	383	16	11	529	2,183
8	2,392	628	29	13	735	3,797
9	1,144	498	7	20	448	2,117
10	1,732	409	19	15	645	2,820
11	3,306	928	40	42	1,193	5,509
12	462	188	0	4	201	855
26	2,820	333	21	15	796	3,985
27	2,433	252	21	13	579	3,298
28	2,312	488	32	12	713	3,557
29	1,300	245	12	15	394	1,966
30	1,287	210	11	8	281	1,797
31	2,385	310	19	16	528	3,258
32	2,661	298	22	10	559	3,550
33	2,833	300	22	8	644	3,807
34	3,483	418	33	25	971	4,930
50	2,054	258	16	10	447	2,785
136	811	104	7	1	246	1,169
138	2,150	252	12	18	472	2,904
TOTALS	36,809	6,502	339	256	10,381	54,287

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016**

PRECINCT	DEM	REP	STG	OTH	N-P	TOTALS
45	2,197	64	26	11	360	2,658
46	2,816	94	38	18	495	3,461
47	3,178	158	35	22	722	4,115
48	2,776	129	28	10	521	3,464
49	880	47	17	4	200	1,148
51	3,323	516	25	11	613	4,488
52	1,237	165	7	2	228	1,639
53	1,229	74	23	5	231	1,562
54	2,391	92	23	6	454	2,966
55	2,437	78	15	10	427	2,967
56	3,026	89	35	17	593	3,760
57	2,444	77	33	18	445	3,017
58	2,227	61	20	9	354	2,671
59	2,578	85	29	14	414	3,120
60	2,091	67	20	10	576	2,764
61	1,554	54	14	3	257	1,882
62	3,182	126	27	5	366	3,706
63	3,556	127	53	17	605	4,358
64	2,286	72	16	10	327	2,711
65	2,603	74	25	5	337	3,044
Totals	48,011	2,249	509	207	8,525	59,501

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016

PRECINCT	DEM	REP	STG	OTH	N-P	TOTALS
19	4,161	191	66	18	919	5,355
44	2,675	226	26	25	630	3,582
66	4,341	99	40	14	528	5,022
67	2,805	100	21	11	373	3,310
68	1,838	159	22	11	349	2,379
69	2,017	66	15	11	260	2,369
70	1,427	76	20	6	204	1,733
71	2,313	65	24	10	311	2,723
72	4,086	130	32	26	673	4,947
73	1,860	89	24	13	319	2,305
74	4,275	226	57	22	842	5,422
75	3,585	200	47	20	750	4,602
76	1,364	57	19	7	269	1,716
77	2,749	109	20	15	430	3,323
78	2,885	90	34	13	448	3,470
79	1,997	85	17	14	355	2,468
135	2,916	180	37	15	525	3,673
139	2,254	53	13	6	252	2,578
TOTALS	49,548	2,201	534	257	8,437	60,977

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016

PRECINCT	DEM	REP	STG	OTH	N-P	TOTALS
1	4,396	549	47	36	1,146	6,174
18	4,640	356	43	34	985	6,058
21	1,173	55	9	7	243	1,487
81	4,496	368	45	25	907	5,841
82	2,537	249	34	18	544	3,382
83	4,647	646	32	39	1,203	6,567
84	1,950	400	18	15	516	2,899
85	2,674	501	16	20	694	3,905
86	2,096	238	26	16	441	2,817
87	2,651	260	16	13	548	3,488
88	2,111	274	13	10	489	2,897
89	2,525	644	19	18	719	3,925
90	1,561	247	12	17	458	2,295
91	3,906	383	37	34	909	5,269
127	3,939	284	41	29	788	5,081
128	2,397	206	29	16	602	3,250
130	770	298	6	4	268	1,346
131	2,148	554	12	26	640	3,380
142	1,458	167	14	12	396	2,047
TOTALS	52,075	6,679	469	389	12,496	72,108

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016

PRECINCT	DEM	REP	STG	OTH	N-P	TOTALS
80	1,478	81	16	8	240	1,823
92	1,547	33	12	8	230	1,830
93	1,474	42	19	7	220	1,762
94	1,957	55	18	5	289	2,324
95	1,542	44	15	4	262	1,867
96	2,288	63	19	9	343	2,722
97	1,403	41	15	6	195	1,660
98	1,808	45	21	6	240	2,120
99	1,403	47	14	9	205	1,678
100	2,176	41	14	7	255	2,493
101	1,545	27	13	7	174	1,766
102	2,323	53	20	8	310	2,714
103	3,400	78	35	12	506	4,031
104	2,858	79	28	13	409	3,387
105	2,336	61	21	8	362	2,788
106	2,741	60	17	9	376	3,203
107	1,682	54	16	7	215	1,974
108	1,071	29	6	1	117	1,224
109	916	35	5	0	83	1,039
110	3,593	93	19	11	393	4,109
111	2,524	68	24	7	391	3,014
113	2,044	54	20	6	248	2,372
132	1,987	53	19	5	309	2,373
TOTALS	45,096	1,236	406	163	6,372	54,273

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of SEPTEMBER 30, 2016**

PRECINCT	DEM	REP	STG	OTH	N-P	TOTALS
112	2,075	61	15	6	282	2,439
114	3,340	120	33	17	545	4,055
115	2,799	72	21	15	603	3,510
116	3,963	96	37	16	615	4,727
117	2,037	45	20	12	326	2,440
118	2,667	73	30	9	407	3,186
119	2,786	112	35	13	512	3,458
120	1,947	36	18	4	267	2,272
121	3,263	81	26	11	452	3,833
122	1,695	43	18	8	226	1,990
123	2,207	130	27	19	337	2,720
124	2,552	54	19	6	339	2,970
125	4,404	109	32	13	690	5,248
126	3,615	126	40	19	660	4,460
133	1,268	43	9	0	160	1,480
134	2,075	43	23	6	270	2,417
140	1,784	58	7	8	270	2,128
TOTALS	44,477	1,302	410	183	6,961	53,333

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

For voter registration activity between 8/31/2016 and 9/30/2016

NEW REGISTRATIONS	DEM	REP	STG	OTH	N-P	TOTAL
Beginning Totals	343,647	27,964	3,440	1,942	71,725	448,718
BOEE Over the Counter	134	8	1	2	36	181
BOEE by Mail	213	29	2	10	74	328
BOEE Online Registration	1,672	197	14	15	586	2,484
Department of Motor Vehicle	3,152	452	27	55	1,250	4,936
Department of Disability Services	1	0	0	0	0	1
Office of Aging	1	0	0	0	1	2
Federal Postcard Application	1	0	0	0	0	1
Department of Parks and Recreation	0	0	0	0	0	0
Nursing Home Program	6	0	0	0	1	7
Dept, of Youth Rehabilitative Services	1	0	0	0	0	1
Department of Corrections	3	1	0	0	2	6
Department of Human Services	15	2	0	0	6	23
Special / Provisional	0	0	0	0	0	0
All Other Sources	252	13	1	0	163	429
+Total New Registrations	5,451	702	45	82	2,119	8,399

ACTIVATIONS	DEM	REP	STG	OTH	N-P	TOTAL
Reinstated from Inactive Status	796	43	4	4	260	1,107
Administrative Corrections	9	0	0	0	220	229
+TOTAL ACTIVATIONS	805	43	4	4	480	1,336

DEACTIVATIONS	DEM	REP	STG	OTH	N-P	TOTAL
Changed to Inactive Status	83	6	1	0	11	101
Moved Out of District (Deleted)	3	0	0	0	0	3
Felon (Deleted)	0	0	0	0	0	0
Deceased (Deleted)	189	13	3	0	24	229
Administrative Corrections	896	110	14	7	114	1141
-TOTAL DEACTIVATIONS	1171	129	18	7	149	1,474

AFFILIATION CHANGES	DEM	REP	STG	OTH	N-P	N-P
+ Changed To Party	927	146	50	52	531	1,706
- Changed From Party	-406	-174	-35	-40	-929	-1,584
ENDING TOTALS	349,253	28,552	3,486	2,033	73,777	457,101

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP****Capitol Point South
50 Patterson Street, NE**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 50 Patterson Street, NE, Washington, DC, 20002 is 50 Patterson Office LLC, 4445 Willard Avenue, Suite 400, Chevy Chase, MD 20815. The application identifies the presence of petroleum hydrocarbons and chlorinated solvents in soil and groundwater. The applicant intends to redevelop the subject property in to a multi-story office building.

The subject property is one of three adjacent properties in a project known as Capitol Point South. Each of the properties has been entered into the Voluntary Cleanup Program, and they will be treated as three separate projects by the program.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6C) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 1st Street, N.E., 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

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. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2016-045 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP****Capitol Point South
51 N Street, NE**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 51 N Street, NE, Washington, DC, 20002 is 51 N Residential LLC, 4445 Willard Avenue, Suite 400, Chevy Chase, MD 20815. The application identifies the presence of petroleum hydrocarbons and chlorinated solvents in soil and groundwater. The applicant intends to redevelop the subject property in to multi-story mixed use building.

The subject property is one of three adjacent properties in a project known as Capitol Point South. Each of the properties has been entered into the Voluntary Cleanup Program and they will be treated as three separate projects by the program.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6C) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 1st Street, N.E., 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

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. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2016-044 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP****Capitol Point South
1250 First Street, NE**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 1250 First Street, NE, Washington, DC, 20002 is 1250 First Street Office LLC, 4445 Willard Avenue, Suite 400, Chevy Chase, MD 20815. The application identifies the presence of petroleum hydrocarbons and chlorinated solvents in soil and groundwater. The applicant intends to redevelop the subject property into a multi-story office building.

The subject property is one of three adjacent properties in a project known as Capitol Point South. Each of the properties has been entered into the Voluntary Cleanup Program and they will be treated as three separate projects by the program.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6C) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 1st Street, N.E., 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

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. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2016-046 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality Permit #7088 to Providence Hospital to construct and operate a dual fuel-fired boiler rated at 24.80 MMBtu per hour heat input. The allowable fuels used in the unit will be No. 2 fuel oil and natural gas. The boiler is to be located at the Providence Hospital Campus at 1150 Varnum Street NE, Washington DC 20017. The contact person for the facility is Marc Edelman, Senior Vice President, Operations, at (202) 854-7000.

Emissions:

Maximum emissions from the unit are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	1.03
Sulfur Dioxide (SO ₂)	0.09
Oxides of Nitrogen (NO _x)	4.90
Volatile Organic Compounds (VOC)	1.74
Carbon Monoxide (CO)	7.93

The proposed overall emission limits for the equipment are as follows:

- a. This 24.80 million BTU per hour (MMBTU/hr) dual fuel-fired boiler shall not emit pollutants in excess of the rates specified in the following table [20 DCMR 201]:

Boiler Emission Limits		
Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (No. 2 Fuel Oil) (lb/hr)
Carbon Monoxide (CO)	1.810	0.952
Oxides of Nitrogen (NO _x)	0.868	2.808
Particulate Matter less than 10 microns in aerodynamic diameter (PM10)*	0.188	0.562
Sulfur Dioxide (SO ₂)	0.015	0.048

*PM10 includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boiler, 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]
- d. Total suspended particulate matter (TSP) emissions from the boiler shall not exceed 0.08 pound per million BTU. [20 DCMR 600.1]
- e. Emissions shall not exceed those achieved with the performance of an annual combustion adjustments on the boiler for each fuel. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion process of the boiler with the following characteristics [20 DCMR 805.1(a)(4) and 20 DCMR 805.8(a) and (b)]:
 1. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 2. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;
 3. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
 4. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in Condition II(a).

The permit applications and supporting documentation, along with the draft permit document 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
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests submitted after November 21, 2016 will be accepted. For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF ENERGY AND ENVIRONMENT

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 Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit No. 7125 to the Architect of the Capitol to construct and operate one 2,000 kW_e diesel-fired emergency generator set with a 3,058 hp engine at the Cannon House Office Building, located at Independence and New Jersey Avenues SE Washington, DC 20016. The contact person for the facility is William Weidemeyer, Superintendent, at (202) 225-7012.

Emissions:

Maximum emissions from the emergency generator set, operating two hundred fifty (250) hours per year (a requested limit on operating hours proposed to be included as a permit condition), are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	0.11
Sulfur Dioxide (SO ₂)	<0.01
Nitrogen Oxides (NO _x)	3.32
Volatile Organic Compounds (VOC)	0.14
Carbon Monoxide (CO)	0.63

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from the generator set shall not exceed those found in the following table as measured using the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO_x, and CO and 40 CFR 89.112(c) for PM. [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.112(a)-(c)]

Pollutant Emission Limits (g/kWm-hr)		
NMHC+NO _x	CO	PM
6.4	3.5	0.20

- 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. In addition to Condition II(b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:

1. 20 percent during the acceleration mode;
 2. 15 percent during the lugging mode;
 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. 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 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
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests submitted after November 21, 2016 will be accepted.

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

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Dentistry (“Board”) hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the change of its regularly scheduled monthly meeting for the month of November 2016 as follows:

The District of Columbia Board of Dentistry will meet on **Wednesday, November 30, 2016**. The Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month at 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002. The agendas for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at www.doh.dc.gov.

DEPARTMENT OF HEALTH
HEALTH REGULATION LICENSING ADMINISTRATION

NOTICE OF MEETING

Board of Medicine
October 26, 2016

On October 26, 2016 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public at 8:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations at 10:30 am.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed at 10:30 am to consult with the attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to 2-575(b)(4)(a); Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section 2-575(b)(6); To discuss disciplinary matters pursuant section 2-575(b)(9); To plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of the law or regulations, if disclosure to the public would harm the investigation pursuant to section 2-575(b)(14).

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board of Medicine – Frank Meyers, JD - (202) 724-8755.

DEPARTMENT OF HEALTH**PUBLIC NOTICE**

The District of Columbia Board of Veterinary Medicine (“Board”) hereby gives notice of a change in its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2012 Repl.).

Due to scheduling conflict, the Board’s regular meeting, previously scheduled for Thursday, October 20, 2016, will be rescheduled to Thursday, October 27, 2016 from 9:30 AM – 12:30 PM. The meeting will be open to the public from 9:30 AM until 10:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, D.C. Official Code § 2-574(b) (2012 Repl.), the meeting will be closed from 10:30 AM to 12:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Health Professional Licensing Administration website at www.hpla.doh.dc.gov/ and select Agency Calendars and Board Agendas to view the agenda.

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:30 a.m. on Wednesday, October 26, 2016. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Rooms 1/2/3. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. CONSENT AGENDA**
- V. READING AND APPROVAL OF MINUTES**
 1. September 28, 2016 – General Board Meeting
- VI. EXECUTIVE MANAGEMENT REPORTS**
 - A. Luis A. Hernandez, Chief Executive Officer
 - B. Dr. Julian R. Craig, Chief Medical Officer
 - C. Dr. Raymond Tu, Medical Chief of Staff
- VII. COMMITTEE REPORTS**
 - A. Governance Committee Report
 - B. Patient Safety & Quality Committee
 - C. Strategic Steering Committee
 - D. Finance Committee
- VIII. OTHER BUSINESS**
 - A. Old Business
 - B. New Business
- X. ANNOUNCEMENT**

Next Meeting – **Thursday, November 17, 2016 at 6:30 p.m.** in Conference Rooms 1/2/3 on the ground level.
- XI. ADJOURNMENT**

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

**This notice supersedes the notice published in the
District of Columbia Register on September 30, 2016 at 011956.**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after November 1, 2016.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on September 30, 2016. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for appointment as DC Notaries Public (Revised)

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Abu Ghannam	Nasser Ahmad	A Washington Travel and Passport Visa Services 1629 K Street, NW, Suite 300	20006
Alvarez	Silvia R.	The Ferraro Law Firm 3050 K Street, NW, Suite 215	20007
Anaya	Raul E.	Slocumb Law Firm, LLC 777 6th Street, NW, Suite 520	20001
Anderson	Casey	International Republican Institute 1225 Eye Street, NW, Suite 800	20005
Archvadze	Nino	Meridian Institute 1800 M Street, NW, Suite 450N	20036
Barros	Norma I.	Sullivan & Barros, LLP 1990 M Street, NW	20036
Bedell	Jamal	Madison Marquette 670 Water Street, SW	20024
Berry	Charnae Alaina	Capital One Bank, NA 701 Pennsylvania Avenue, NW	20004
Biber	Nicolas R.	Madison Marquette 670 Water Street, SW	20024
Blackstone	Karen	Sidley Austin LLP 1501 K Street, NW	20005
Bonilla	Catherine	Sonosky, Chambers, Sachse, Enreson & Perry, LLP 1425 K Street, NW, Suite 600	20005
Bous	Isis M.	LawRex 1301 Delaware Avenue, SW, 822N	20024
Boyd	Sabrina	Olender Reporting Inc 1100 Connecticut Avenue, NW	20036
Brooks	Renne Ann	Caplin & Drysdale, Chartered One Thomas Circle, NW, Suite 1100	20005

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Brown-Hawkins	Devorah	Self 2010 Channing Street, NW #4	20018
Burke	Sharon A.	DLA Piper, LLP, US 500 8th Street, NW	20004
Burrell	Deonna E.	Transportation Federal Credit Union 1200 New Jersey, SE	20003
Burum	Courtney M.	International Research and Exchanges Board (IREX) 1275 K Street, NW, Suite 600	20005
Caceres	Jose	Self 1300 N Street, NW, Apartment 709	20005
Carcone	Matthew	CapitalRE, LLC 1201 15th Street, NW, Suite 440	20005
Carson	Tia M.	The Tower Corporation 1909 K Street, NW, C180	20036
Casey	Michael J.	American Institutes for Research 1000 Thomas Jefferson Street, NW	20007
Celcis	Jacqueline	Washington Circle Hotel 525 New Jersey Avenue, NW	20001
Chaves	Diana	Kozusko Harris Duncan 1666 K Street, NW, Suite 400	20006
Constantine	Gregory	Veritex Legal Solutions 1250 Eye Street, NW, Suite 350	20005
Cooley	Briata Janine	Stein Mitchell Cipolione Beato Missner, LLP 1100 Connecticut Avenue, NW, Suite 1100	20036
Cosby	Chelsi	TD Bank 905 Rhode Island Avenue, NE	20018
Cubbage	Nichole McTurk	Levi & Korinsky, LLP 1101 30th Street, NW, Suite 115	20007

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Cundioglu, Esq.	Busra	Adduci, Mastrani & Shaumberg, LLP 1133 Connecticut Avenue, NW, 12th Floor	20036
Daniels	Carolyn W.	Morgan, Lewis & Bockius, LLP 2020 K Street, NW	20006
Debuc	Francoise F.	The Law Offices of Irena I. Karpinski 1330 New Hampshire Avenue, NW, Suite 111	20036
Ducatman	David	Stewart Title Group, LLC 11 Dupont Circle, NW, Suite 750	20036
Ellis	Charles Massimo Sciacca	Neal R. Gross and CO, Inc 1323 Rhode Island Avenue, NW	20007
Errico	Luca	Self 4601 Yuma Street, NW	20016
Exon	Maria Regina C.	Metalogix Software US Inc 5335 Wisconsin Avenue, NW, Suite 510	20015
Farmer	Daniella	Kilpatrick Townsend & Stockton, LLP 607 14th Street, NW, Suite 900	20005
Ferer, II	David	United Bank 1115 30th Street, NW	20007
Ferrette	Angeli J.	Honda North America, Inc. 1001 G Street, NW, Suite 950W	20001
Francis	Michele D.	Kilpatrick Townsend & Stockton, LLP 607 14th Street, NW, Suite 900	20005
Fry, V	Louis E.	Self 7100 Alaska Avenue, NW	20012
Gebeyehu	Tigist	TD Bank 4849 Wisconsin Avenue, NW	20016

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Gibson	Vivian T.	Sibley Memorial Hospital 5255 Loughboro Road, NW	20016
Gowen	Kimberly	Gowen Rhoades Winograd & Silva PLLC 513 Capitol Court, NE, Suite 11	20002
Greene	Sierra Rebecca	DHA Group, Inc. 1101 Pennsylvania Avenue, NW, #510	20004
Harris	Tammie L.	CBRE, Inc. 750 9th Street, NW, Suite 900	20001
Harrison	Jovon	The George Washington University Hospital 900 23rd Street, NW	20037
Hillyer	Damien	Carr Workplaces 1717 K Street, NW, Suite 900	20601
Hytovitz	Brie	Kimsey Foundation 1700 Pennsylvania Avenue, NW, Suite 900	20006
Inparaj	Majorie S.	O'Melveny & Myers, LLP 1625 Eye Street, NW	20006
Jarrin	Cynthia	Grosvenor Americas 1701 Pennsylvania Avenue, NW, Suite 450	20006
Jean	Natalie R.	Somerset Development Company, LLC 5101 Wisconsin Avenue, NW, Suite 410	20016
Jennings	Kenny	STE, LLC dba The UPS Store 6047 455 Massachusetts Avenue, NW	20001
Jensen	Peter Henning	Julia M Toro Law Firm 1666 Connecticut Avenue, NW, Suite 240	20009
Johnson	Catherine M.	Self 1119 8th Street, NE	20002

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Johnson	Phyllis	Self 1401 Half Street, SW	20024
Jones	Drucilla	Self 728 Roxboro Place, NW	20011
Joselow	Robert B.	Pepper Hamilton, LLP 600 14th Street, NW	20005
Kelly	Diane M.	Kellog, Huber, Hansen, Todd, Evans, & Figel, PLLC 1615 M Street, NW, Suite 400	20036
Klug	Christopher M.	Klug Law Office, PLLC 1001 G Street, NW, Suite 800	20001
Konteh	Ibrahim A.	Wells Fargo 1300 Connecticut Avenue, NW	20036
Lara	Johana J.	JPN Masonry, LLC 2607 24th Street, NW, Suite 2	20008
Lassiter	LaShon M.	Cohen Mohr, LLP 1055 Thomas Jefferson Street, NW, Suite 504	20007
Lawrence	Jennifer Stacey	Citibank, N.A. 5001 Wisconsin Avenue, NW	20006
Lloyd	Kirston	Public Defender Service for the District of Columbia 633 Indiana Avenue, NW	20004
Mak	Viktor	M&T Bank 1899 L Street, NW	20036
Makis	Karla A.	Washington Metropolitan Area Transit Authority 600 5th Street, NW	20001
Martinez	Travis Alexander	National Restaurant Association 2055 L Street, NW, Suite 700	20036
McAlpine	Tiffany	US Department of Transportation/Federal Railroad Administration 1200 New Jersey Avenue, SE	20590

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McAvoy	Moira	Veritex Legal Solutions 1250 Eye Street, NW, Suite 350	20005
McCall	Kenneth Douglas	Self (Dual) 44 T Street, NW	20001
Medlock	Jennifer	Carr Workplaces 300 New Jersey Avenue, NW, Suite 900	20001
Moore	Kenya C.	Kilpatrick Townsend & Stockton, LLP 607 14th Street, NW, Suite 900	20005
Moore	Cheryl A.	National Association of Letter Carriers 100 Indiana Avenue, NW	20001
Moorman	Patricia	Events DC d/b/a Washington Convention and Sports Authority 801 Mount Vernon Place, NW	20001
Mosby	Hazel	Self 899 Bellevue Street, SE	20032
Muhammad	Sarita	Self 1625 Gainesville Street, SE, Unit 102	20020
Murangi	Kaveiririrua	Capital Bank N.A. 701 Pennsylvania Avenue, NW	20004
Nance	Terra	Hessler Bianco 1313 F Street, NW, Third Floor	20004
Nguyen	Thu Hong T.	Georgetown University 37th & O Street, NW, Gervase 2nd Floor	20057
Norman	Nicole M.	PNC Bank 800 17th Street, NW	20006
Pauly	Stephen	Capital National Bank 316 Pennsylvania Avenue, SE	20003
Posey	Thomas J.	MBA Services, LLC 1426 G Street, SE, Rear	20003

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Prue	Pamela	McKissack & McKissack of Washington, Inc. 901 K Street, NW, 6th Floor	20001
Ramsey	Charla Y.	Faegre Baker Daniels 1050 K Street, NW, Suite 500	20001
Rios	Christopher	Self 470 Taylor Street, NE, H42	20017
Ruckh	Allison Foster	Association of Schools and Programs of Public Health 1900 M Street, NW, #710	20036
Savage	Caroline	Farr, Miller & Washington, LLC 1020 19th Street, NW, #200	20036
Scott	Cheryl D.	DLA Piper, LLP, US 500 8th Street, NW	20004
Shaikh	Panaash	CitiBank NA 5001 Wisconsin Avenue, NW	20016
Smith	Tai L.	Stein Mitchell Cipolione Beato Missner, LLP 1100 Connecticut Avenue, NW, Suite 1100	20036
Smith-Price	Tanya M.	Washington Metropolitan Area Transit Authority 600 5th Street, NW	20001
Soderberg	Lorna G.	Intellectual Property Owners Association 1501 M Street, NW, Suite 1150	20005
Steele	Cynthia A.	National Capital Bank 316 Pennsylvania Avenue, SE	20003
Stewart	Lori	Nelson Mullins Riley & Scarborough, LLP 101 Constitution Avenue, NW, Suite 900	20001
Tabones	Jennifer H.	Veritex Legal Solutions 1250 Eye Street, NW, Suite 350	20005
Taylor	Dynita F.	Signal Financial FCU 1391 Pennsylvania Avenue, SE	20003

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Terry	Brooke Allyn	Veritex Legal Solutions 1250 Eye Street, NW, Suite 350	20005
Tintle	Jacquelynn A.	The Catholic of America School of Nursing 620 Michigan Avenue, NE	20064
Vick	Gwendolyn	FedChoice Federal Credit Union 900 Brentwood Road, NE	20066
Vorndran	Anthony	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Wasserman	Jill Michele	Ackerman Brown, PLLC 2101 L Street, NW, Suite 440	20037
Watson	Cullen P.	Lawyers Realty Group 840 First Street, NE, Third Floor	20002
Watson	Monique	Self (Dual) 247 Tuckerman Street, NW	20011
Willett	Arlin C.	Allen & Overy, LLP 1101 New York Avenue, NW	20005
Williams	Nicky L.	Wright & Talisman, P.C. 1200 G Street, NW, Suite 600	20005
Yoon	Sanghi	White & Case LLP 701 13th Street, NW	20005

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF CHANGE IN AGENCY NAME**

On October 1, 2016, the D.C. Sentencing and Criminal Code Revision Commission became the D.C. -. As of that date, the Commission's criminal code revision mandate and duties previously set forth under D.C. Official Code § 3-101.01, were transferred to a new D.C. Government agency: the D.C. Criminal Code Reform Commission. The D.C. Sentencing Commission will continue to fulfill its mandate under D.C. Official Code § 3-101(b) to:

- (1) Promulgate, implement, and revise a system of voluntary sentencing guidelines for use in the Superior Court of the District of Columbia designed to achieve the goals of certainty, consistency, and adequacy of punishment
 - A) Seriousness of the offense;
 - (B) Dangerousness of the offender;
 - (C) Need to protect the safety of the community;
 - (D) Offender's potential for rehabilitation; and
 - (E) Use of alternatives to prison, where appropriate;
- (2) Publish a manual containing the instructions for applying the voluntary guidelines, update the manual periodically, and provide ongoing technical assistance to the court and practitioners on sentencing and sentencing guideline issues;
- (3) Review and analyze pertinent sentencing data and, where the information has not been provided in a particular case, ask the judge to specify the factors upon which he or she relied in departing from the guideline recommendations or for imposing what appears to be a noncompliant sentence;
- (4) Conduct focus groups, community outreach, training, and other activities designed to collect and disseminate information about the guidelines;
- (5) Review and research sentencing policies and practices locally and nationally, and make recommendations to increase the fairness and effectiveness of sentences in the District of Columbia; and
- (6) Consult with other District of Columbia, federal, and state agencies that are affected by or address sentencing issues.

The Commission's physical and web address, office location and contact information have not changed.

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

Order No. 18511-C of Alleyoop LLC, Motion for Modification of Significance, as amended,¹ pursuant to 11 DCMR Subtitle Y § 704, now requesting special exception relief for residential use on an alley lot under Subtitle U § 601.1(c), and variances from the nonconforming structure requirements under Subtitle C § 202.2, the alley lot height requirements under Subtitle E § 5102, and the alley centerline setback requirements under Subtitle E § 5106, to convert an existing auto repair shop into an office and two one-family dwellings in the RF-1 Zone at premises 1018 Irving Street N.W. (Square 2851, Lots 219-221).

The original application (No. 18511) was pursuant to the Zoning Regulations of 1958², 11 DCMR § 3103.2, for a variance from the use provisions under § 330.4, the alley lot height requirements (§ 2507), the nonconforming structure requirements (§ 2001), the lot area and width requirements (§ 401), rear yard requirements (§ 404), and side yard requirements (§ 405) to allow the Applicant to subdivide an alley lot into three separate lots and convert an existing automotive repair shop to an office use and two artist studios in the R-4 District at premises rear 1018 Irving Street, N.W. (Square 2851, Lot 837).

HEARING DATES (Case No. 18511):	March 5, 2013 and April 2, 2013
DECISION DATES (Case No. 18511):	April 30, 2013 and July 23, 2013
FINAL ORDER ISSUANCE DATE (Case No. 18511):	January 13, 2014
MODIFICATION HEARING DATES:	September 13, 2016 and September 20, 2016
MODIFICATION DECISION DATE:	September 27, 2016

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF SIGNIFICANCE

¹ The Applicant's original request for modification of significance included a request for special exception relief under the penthouse requirements of Subtitle C § 1500.4 and the RF use requirements of Subtitle U § 600.1(c), as well as variance relief from the alley lot height requirements of Subtitle E § 5102. (Exhibit 6.) The Applicant submitted revised plans under Exhibit 47 and a revised self-certification form under Exhibit 48 to amend the application to: (1) withdraw the request for special exception relief under the penthouse requirements of Subtitle C § 1500.4; (2) correct the citation for the provision regarding special exception for residential use on an alley lot from "Subtitle U § 600.1(c)" to "Subtitle U § 601.1(c);" and (3) add requests for variances from the nonconforming structure requirements under Subtitle C § 202.2, and the alley centerline setback requirements under Subtitle E § 5106. The caption has been revised accordingly.

² The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the "1958 Zoning Regulations") but which were repealed on September 6, 2016 and replaced with new text of Title 11, DCMR (the "2016 Regulations"). The Applicant in this modification of significance is asking for amended self-certified relief under the 2016 Regulations.

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Revised, Exhibit 48; Original, Exhibit 6.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Background

On July 23, 2013, the Board approved Application No. 18511 of Alleyoop LLC ("the Applicant"), pursuant to the Zoning Regulations of 1958, for a variance from the use provisions under § 330.4, the alley lot height requirements under § 2507, the nonconforming structure requirements under § 2001, the lot area and width requirements under § 401, rear yard requirements under § 404, and side yard requirements under § 405, to allow the Applicant to subdivide an alley lot into three separate lots and convert an existing automotive repair shop to an office use and two artist studios in the R-4 District at premises rear 1018 Irving Street, N.W. (Exhibit 3.) Order No. 18511 was issued on January 13, 2014.

On May 24, 2016, the Board granted a two-year extension of Order No. 18511, based on evidence from the Applicant that it had encountered difficulties in finding tenants for the two artist studios, noting that the "demand for artist studios is relatively small" and that there is "good cause for the extension due to the inability to secure a tenant due to the current economic and market conditions." (BZA Order No. 18511-A, June 8, 2016.) Along with the request for time extension in Application No. 18511-A, the Applicant filed Application No. 18511-B, a request for modification under the Zoning Regulations of 1958 in order to change the use of the proposed artist studios to a residential use. The Board held a public hearing on the request for modification on May 24, 2016, at which time the Applicant determined that it would withdraw the application in order to file a request for modification of significance under the Zoning Regulations of 2016.

Accordingly, the Applicant filed this request for modification of significance with the Board on June 8, 2016. The application requests a modification of the plans approved by the Board in Application No. 18511 in order to convert the approved plans for two artist studios into plans for two one-family dwellings. (Exhibits 1 and 10.) Based on the revised plans and proposal, the Applicant also requests to amend the relief granted in Application No. 18511 to add a special exception for residential use on an alley lot under Subtitle U § 601.1(c) and variances from the nonconforming structure requirements under Subtitle C § 202.2, the alley lot height requirements under Subtitle E § 5102, and the alley centerline setback requirements under Subtitle E § 5106. (Exhibit 48.)

Pursuant to Subtitle Y § 704.5, the request for modification of significance was served on all other parties to the original application at the same time as the request was filed with the Board. (Exhibit 29.) Parties to the original Application No. 18511 included Advisory Neighborhood Commission (“ANC”) 1A and Adetokunbo Ladejobi. The Applicant also served the request for modification of significance on Frank Proshan, who was granted party status in opposition during the public hearing for Application No 18511-B.

The Board provided proper and timely notice of the public hearing on this modification by publication in the *D.C. Register* and by mail to the Applicant, ANC 1A, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a report on September 14, 2016, which stated that at a regularly scheduled and properly noticed meeting on September 14, 2016, at which a quorum was present, the ANC voted 10-1-0 in support of the request for modification of significance and amended relief. (Exhibit 42.)

The Office of Planning (“OP”) submitted a report dated September 9, 2016, recommending approval of the modification of significance, as it pertained to the special exception to permit one dwelling unit on each of the two alley lots, but recommended denial of the requested variance to increase the height of the building. (Exhibit 38.) OP also requested that the Applicant submit descriptions of communications with relevant agencies for the conversion of Lots 220 and 221 to residential use and that the existing cornice on the building be retained.

The District Department of Transportation (“DDOT”) submitted a memorandum dated September 8, 2016, indicating that it has no objection to the approval of the modification and requested relief, provided that the Applicant update the conditions of the original order to reference the proposed residential use. (Exhibit 37.)

Request for Modification of Significance

As directed by 11 DCMR Subtitle Y § 704, the Board considered the request for modification of significance at a public hearing on September 20, 2016. The hearing was “focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification,” and the scope of the hearing was “limited to impact of the modification on the subject of the original application.” (Subtitle Y §§ 704.6 and 704.7.) Accordingly, during the hearing, the Board considered the impact of: (1) converting the two originally-approved artist studios into two residential units; (2) revising the conditions to reflect the proposed residential use; and (3) modifying the plans in order to increase the approved height of the structure by approximately seven inches.

Pursuant to Subtitle Y § 704.8, the Board’s decision on a request for modification of plans shall be made on the basis of the Applicant’s written request, including revised plans, and any responses thereto from other parties to the original application. Parties to the original application included ANC 1A and Adetokunbo Ladejobi. During the hearing on September 20, 2016, the Board granted consolidated party status in opposition to Adetokunbo Ladejobi and Frank

BZA APPLICATION NO. 18511-C

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Proschan, and considered their testimony raising concerns about the proposed modification. In advance of the Board's decision, however, the Opposition Party agreed to withdraw its party status, based on an agreement reached with the Applicant. (Exhibit 46.) The elements of the agreement between the Applicant and the former Opposition Party have been incorporated into the revised plans under Exhibit 47 and into the conditions adopted by the Board in this order.

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 granting a modification of significance is appropriate in this circumstance.

Amended Application

Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for area variances from the nonconforming structure requirements under Subtitle C § 202.2, the alley lot height requirements under Subtitle E § 5102, and the alley centerline setback requirements under Subtitle E § 5106, to convert an existing auto repair shop into an office and two one-family dwellings in the RF-1 Zone. The only parties to the case were the ANC and the Applicant. A decision by the Board to grant this application would not be adverse to any party, as the parties who appeared at the public hearing in opposition to this application subsequently withdrew their opposition.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from 11 DCMR Subtitle C § 202.2, and Subtitle E §§ 5102 and 5106, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception for residential use on an alley lot under Subtitle U § 601.1(c), to convert an existing auto repair shop into an office and two one-family dwellings in the RF-1 Zone. A decision by the Board to grant this application would not be adverse to any party, as the parties who appeared at the public hearing in opposition to this application subsequently withdrew their opposition.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle U § 601.1(c), 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.

Great Weight

The Board is required to give “great weight” to the issues and concerns raised by the affected ANC in its written report. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)).) In this case, ANC 1A recommended approval of the modification of significance and requested relief. (Exhibit 42.) The Board accords the ANC recommendation the great weight to which it is entitled and concurs in its recommendation.

The Board is also required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001).) In this case, OP’s report recommended approval of the modification of significance, as it pertained to the special exception to permit one dwelling unit on each of the two alley lots, on the condition that the Applicant submit descriptions of communications with relevant agencies for the conversion of Lots 220 and 221 to residential use and that the existing cornice on the building be retained. (Exhibit 38.) The Applicant testified regarding those communications with the relevant agencies during the public hearing on September 20, 2016. In addition, the Applicant’s final revised plans reflect the preservation of the existing cornice on the building.

OP’s report recommended denial of the requested variance to increase the height of the building. (Exhibit 38.) OP indicated that the Applicant had not demonstrated a practical difficulty with regard to the proposal to increase the height of the building by seven inches in order to raise the finished floor of the second story and establish window sills atop the existing decorative parapet wall to maintain a nine-foot ceiling height on the second floor. The Board requested additional testimony from the Applicant focusing on this issue, and additionally, asked that the Applicant work with neighbors who also raised concerns with the proposed height increase. Based on the Applicant’s evidence and testimony, as well as revised plans that lower the parapet by four inches, the Board finds that the height relief is *de minimis* and the Applicant has met the burden of proof for the variance request. Accordingly, the Board was not persuaded by OP’s recommendation to deny the requested height relief.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, 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 for modification of significance of the Board's approval in Application No. 18511 is hereby **GRANTED, SUBJECT TO THE APPROVED MODIFIED PLANS IN EXHIBIT 47, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant shall implement the proposed trash pick-up restriction plan including the requirement that the hired trash collection company wheel trash bins from inside the property to the street during pick-up activities. The truck shall park on either Irving Street or Columbia Road, while the trash is wheeled over. In addition, trash pick-up shall not occur before 9:30 a.m., in order to reduce traffic impacts. This trash pick-up plan and the use of a private trash company shall apply to all three lots.
2. The Applicant shall install appropriate No Parking signs along its property.
3. The Applicant shall install at least three secured long-term bicycle parking spaces within their proposed garage. These secured bicycle parking spaces should be easily accessible and visible to users.
4. The Applicant shall install DDOT-approved pedestrian markings in the alley to delineate a pedestrian path.
5. The Applicant shall upgrade the existing alley lighting to support the office and residential uses.
6. The Applicant shall coordinate with DDOT a request to install protection for the Property located at 1023 Columbia Road at the expense of SevenFiveThree Development. The protective elements shall be placed at each corner and along the east wall of the property and be spaced no less than ten feet. The final type and method of protection shall be determined after discussions with DDOT and coordination with the owner of the property, Jacob Ellwanger.
7. The Applicant shall provide high efficiency HVAC units.
8. The Applicant shall lower the perimeter parapet by four inches, with a building height of 26 feet, as shown on the revised plans in Exhibit 47.
9. The Applicant shall retain the existing cornice on the building as shown in Exhibit 47.
10. The Applicant will request that the alley not be a named alley, although it is currently a condition of the D.C. Building code that it be named.

In all other respects, Order No. 18511 remains unchanged.

VOTE: 4-0-1 (Marnique Y. Heath, Anita Butani D'Souza, Frederick L. Hill (by absentee vote), and Anthony J. Hood (by absentee vote) to Approve; Jeffrey L. Hinkle not participating.)

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: October 11, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 702.2, 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 SUBTITLE A § 303, 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.

**BZA APPLICATION NO. 18511-C
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 19077 of Massachusetts Avenue Heights Citizens Association, et. al., pursuant to 11 DCMR §§ 3100 and 3101, from a May 7, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1404954, to allow the renovation of an existing hotel to include a recreation area with 136 seats and five staff in the NO/R-1-B zone at premises 2505 Wisconsin Avenue, N.W. (Square 1935, Lot 45)

HEARING DATES: October 6, 2015 and November 24, 2015
DECISION DATE: November 24, 2015

DISMISSAL ORDER

Appeal No. 19077 was submitted to the Board of Zoning Adjustment (the “Board”) on July 7, 2015 by the Massachusetts Avenue Heights Citizens Association (“MAHCA”) and other named individuals in the MAHCA neighborhood. The appeal challenges a decision made by the Zoning Administrator (the “ZA”) at the Department of Consumer and Regulatory Affairs (“DCRA”) to issue Building Permit B1404954 to CS Bond St. S Properties (“the property owner”), allowing the alleged unlawful enlargement of the existing hotel structure and the unlawful expansion of the existing hotel use.

The Advisory Neighborhood Commission (“ANC”) 3C submitted a report to the Board on or about July 27, 2015, indicating that it had resolved to join MAHCA’s appeal. (Exhibit 15).¹ In its report, the ANC indicated that it would be represented by either the ANC Chair, the Commissioner of the ANC 3C-08 (the Single Member District within the full ANC), or a designee of the two.

On November 20, 2015, the property owner submitted a letter to the Board stating that it had surrendered the building permit to DCRA, and stating that it would be taking no action under the permit. (Exhibit 57.) The letter also stated that the permit surrender rendered the appeal moot. Attached to the property owner’s letter to the Board was a copy of the letter of surrender to DCRA, and a DCRA form titled “Letter of Cancellation”, which indicated that the property owner was withdrawing its building permit application.

At the hearing before the Board on November 24, 2015, the Appellant, the property owner, and DCRA all appeared with their counsel. In addition, Malia Brinkam, one of the named individual appellants also appeared before the Board. No representative from the ANC appeared at the hearing. The counsel for the property owner made an oral motion to dismiss the appeal on the ground that it had been rendered moot, and counsel for DCRA joined in this motion. While

¹ The ANC report was inadvertently refiled in the record under Exhibit 58.

Appellant's counsel was present, it was Ms. Brinkam who indicated her consent to dismissal on behalf of the Appellants. (Hearing Transcript of November 24, 2015, p.14.) As the ANC was not present, the Board received no recommendation as to the ANC's position regarding dismissal.

The Board determined that the appeal had been rendered moot

Subsection 3100.7 of the Zoning Regulations prohibits the Board from considering moot questions. As the Board has often stated, "A case is moot when the legal issues present are no longer 'live' or when the parties lack a legally cognizable interest in the outcome." *Appeal No. 18857 of Advisory Neighborhood Commission 3D* (2015), citing *Appeal No. 18321 of the Citizens Association of Georgetown*, 60 DCR 6821, 6825 (2013) (quoting *N St. Follies, Ltd. P'ship v. District of Columbia Bd. of Zoning Adjustment*, 949 A.2d 584, 588 (D.C. 2008)).

Here, the legal issues presented by the appeal are no longer "live", as the permit upon which the appeal was based was surrendered and cancelled. At the time of the public hearing, there was no longer any "live" controversy between Appellant and DCRA as to whether the permit was properly issued. In a similar case, the Board recently held that an appeal of a permit was rendered moot where the challenged permit had been surrendered. *Appeal No. 19092 of Patricia Schaub* (2016).

ANC

The Board is required to give "great weight" to the issues and concerns raised by the affected ANC. *D.C. Official Code §1-309.10(d)(2001)*. As noted, the ANC 3C voted to join the appeal and submitted a report indicating why it believed the appeal should be granted. However, the ANC did not state its position as to whether the appeal was rendered moot by the surrender and cancellation of the permit. Therefore, there is nothing to give great weight to, with respect to the motion for dismissal.

Based upon the surrender and cancellation of the permit, the consent of DCRA and the Appellant, and based upon the applicable law, the Board voted to grant the property owner's motion to dismiss. Accordingly, it is **ORDERED** that the appeal is **DISMISSED**.

VOTE: 3-0-2 (Marnique Y. Heath, Marcie I. Cohen, and Frederick L. Hill to DISMISS; Jeffrey L. Hinkle not participating, being necessarily absent; 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.

BZA APPEAL NO. 19077
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FINAL DATE OF ORDER: October 7, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

BZA APPEAL NO. 19077
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Appeal No. 19114 of ANC 2B, pursuant to 11 DCMR §§ 3100 and 3101, from a June 18, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1404913, to add a rooftop deck, stairs, and elevator to an existing hotel in the DC/R-5-D zone at premises 1731 New Hampshire Avenue, N.W. (Square 154, Lot 829).

HEARING DATE: November 24, 2015

DECISION DATE: November 24, 2015

DISMISSAL ORDER

Appeal No. 19114 was submitted to the Board of Zoning Adjustment (the “Board”) on August 17, 2015 by the Advisory Neighborhood Commission (“ANC”) 2B (the “Appellant”). The appeal challenges the decision made by the Zoning Administrator (the “ZA”) at the Department of Consumer and Regulatory Affairs (“DCRA”) to issue Building Permit No. B1404913 to CS Bond St. Properties (the “property owner”) allowing, among other things, a rooftop deck at the Carlyle Hotel, located in the DC (Dupont Circle)/R-5-D zone.

On November 20, 2015, the property owner submitted a letter to the Board stating that it had surrendered the building permit to DCRA, and stating that it would be taking no action under that permit. (Ex.26.) The letter also stated that the permit surrender rendered the appeal moot. Attached to the property owner’s letter to the Board was a copy of the letter of surrender to DCRA, and a DCRA form titled “Letter of Cancellation”, which indicated that the property owner was withdrawing its building permit application.

At the hearing before the Board on November 24, 2015, the property owner made an oral motion to dismiss the appeal on the ground that it had been rendered moot. DCRA joined in the motion to dismiss, and the Appellant supported the motion. (Hearing Transcript of November 24, 2015, p.12.) Based upon the surrender of the permit, and the consent of DCRA and the Appellant, the Board voted to grant the property owner’s motion to dismiss. Accordingly, it is **ORDERED** that the appeal is **DISMISSED**.

VOTE: 3-0-2 (Marnique Y. Heath, Marcie I. Cohen, and Frederick L. Hill to DISMISS; Jeffrey L. Hinkle being necessarily absent; 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: October 11, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

Application No. 19254 of 1612 Seventh Street NW LP, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions from the retail parking requirements of Subtitle C § 701.5, the retail loading requirements of Subtitle C § 901.1, the court requirements of Subtitle G § 202.1, the lot occupancy requirements of Subtitle G § 404.1, and the rear yard requirements of Subtitle G § 405.2, to allow the rehabilitation of, and addition to, a contributing historic structure for conversion to a mixed-use building with first and second floor retail uses, and eight residential units in the MU-4 Zone at premises 1612-1616 7th Street N.W. (Square 420, Lot 38).

HEARING DATE: September 27, 2016²

DECISION DATE: September 27, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original) and 48A (revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 6E and to owners of property located within 200 feet of the site.³ The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application.

¹ The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the "1958 Zoning Regulations") but which were repealed on September 6, 2016 and replaced with new text (the "2016 Regulations"). (Exhibit 5.) The Applicant replaced its original request with an updated self-certification form under the 2016 Regulations and also amended the application by including additional relief for courts, retail loading, and retail parking. (Exhibit 48A.)

² This case was originally scheduled for the public hearing of May 10, 2016, but postponed and was also postponed from the hearing dates of June 7 and July 19, 2016. It was not heard until September 27, 2016. Consequently, because it was not heard prior to September 6, 2016 when the 2016 Regulations came into effect, the case was not vested under the 1958 Zoning Regulations and was converted to a case under the 2016 Regulations.

³ The Board waived the 15-day posting requirement of Subtitle Y § 402.3, based on the Applicant's request to accept the seven days of posting provided by the Applicant as adequate. The Board noted that the Applicant conducted extensive outreach to the neighbors, ANC, HPRB, and the Central Shaw Neighborhood Association; therefore, the public will not be prejudiced with the waiver.

The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 3, 2016, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 36.)

The Office of Planning ("OP") submitted a timely supplemental report recommending approval of the amended application with two conditions. (Exhibit 51.) The OP report noted that the Historic Preservation Office ("HPO"), in a letter dated August 17, 2016, stated that it had no concerns with the proposal. The Applicant submitted that HPO letter to the record. (Exhibit 48C.) OP also submitted an earlier report that recommended denial for the application; however, that report was submitted before the application was revised. (Exhibit 30.) The District Department of Transportation ("DDOT") submitted two timely reports, both indicating that it had no objection to the grant of the application with conditions. (Exhibits 31 and 50.)

Letters in support were submitted by the adjacent property owner and by the Central Shaw Neighborhood Association. (Exhibits 28C and 29.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions from the retail parking requirements of Subtitle C § 701.5, the retail loading requirements of Subtitle C § 901.1, the court requirements of Subtitle G § 202.1, the lot occupancy requirements of Subtitle G § 404.1, and the rear yard requirements of Subtitle G § 405.2, to allow the rehabilitation of, and addition to, a contributing historic structure for conversion to a mixed-use building with first and second floor retail uses, and eight residential units in the MU-4 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle C §§ 701.5 and 901.1, and Subtitle G §§ 202.1, 404.1, and 405.2, 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 Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, 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 AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 48D AS AMENDED BY EXHIBIT 57 AND WITH THE FOLLOWING CONDITIONS:**

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1. The Applicant shall designate six short-term bicycle parking spaces within public space, four long-term bicycle parking spaces for use by retail employees, and a shower and changing facility with lockers for use by all retail tenants. **Prior to the issuance of the Certificate of Occupancy**, the Applicant shall provide plans to the Zoning Administrator showing the location of the shower and changing facilities within the retail space.
2. The Applicant shall review its loading plan with DDOT.
3. The Applicant shall have minor flexibility for refinements to the approved plans, provided that zoning relief is not increased or affected, in the following respects:
 - A. Interior partition locations, the number, size, and location of units, as well as stairs and elevators are preliminary and shown for illustrative purposes only. Final layouts, design, and interior plans may vary.
 - B. The Applicant may make refinements to parking and bicycle configurations, including layout, so long as the required parking and bicycle parking complies with the size, location, access, maintenance, and operation requirements of the Zoning Regulations.
 - C. The Applicant may vary the final selection of exterior materials within the color ranges and general material types proposed, pursuant to Historic Preservation Office staff approval and based on the availability at the time of construction, without reducing the quality of materials.
 - D. The Applicant may make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings and trim, window location, size and shape, or any other changes to comply with Historic Preservation Office staff approval or that are otherwise necessary to obtain a final building permit.

VOTE: **3-0-2** (Anita Butani D’Souza, Marnique Y. Heath, and Michael G. Turnbull, to APPROVE; Frederick L. Hill and Jeffrey L. Hinkle, not participating or voting.)

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

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

FINAL DATE OF ORDER: October 11, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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 SUBTITLE A § 303, 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.

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

Application No. 19330 of District Dogs, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the NC-Use Group B requirements of Subtitle H § 1107.1(a), to establish an animal boarding use in the NC-7 Zone at premises 3210 Georgia Avenue N.W. (Square 2892, Lot 910).

HEARING DATE: October 4, 2016

DECISION DATE: October 4, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 4 (original) and 69 (corrected).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 1A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on July 13, 2016, at which a quorum was in attendance, ANC 1A voted 9-0-0 to support the application. (Exhibit 56.)

The Office of Planning ("OP") submitted a timely report (Exhibit 66) and testified at the hearing in support of the application. The District Department of Transportation ("DDOT") submitted a report of no objection to the approval of the application. (Exhibit 67.)

Thirty-four letters were filed in support of the application. (Exhibits 13-19, 21-45, 57, and 63.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the NC-Use Group B requirements of Subtitle H § 1107.1 (a), to establish an animal boarding use in the NC-7 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2 and Subtitle H § 1107.1 (a), 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, Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, 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 AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5.**

VOTE: **4-0-1** (Frederick L. Hill, Anita Butani D'Souza, Jeffrey L. Hinkle, and Robert E. Miller 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: October 11, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION

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THERE TO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19332 of Brant Shalikashvili and Marleen Welsh, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the lot occupancy requirements of Subtitle E § 304.1, to construct a single-car detached garage at the rear of the property in the RF-1 Zone at premises 446 N Street N.W. (Square 513, Lot 77).¹

HEARING DATE: September 27, 2016
DECISION DATE: September 27, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 4 – original, 14 – revised; Exhibit 38 – corrected².) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report stated that the Commissioners of ANC 6E support the relief requested and noted that the ANC voted 5-0-0 to support the application. (Exhibit 34.)³

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 36.) The District Department of Transportation ("DDOT") submitted a

¹ This self-certified application was filed on June 25, 2016 while the 1958 Zoning Regulations were in effect. However, as the case was not scheduled for a hearing or heard until after the new Zoning Regulations of 2016 (ZR16) went into effect on September 6, 2016, the relief was revised to reflect the ZR16 provisions. The Board considered the application under the ZR16 provisions. This caption has been changed accordingly.

² The self-certification was corrected to note that the relief being requested is a variance, not a special exception, and also was updated to reflect the relief under ZR16.

³ In order to give the ANC report great weight, at the hearing, the Board waived the requirement that the ANC report contain the date of the meeting and the number of Commissioners that constitute a quorum.

timely report indicating that it had no objection to the grant of the application. (Exhibit 33.)

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for an area variance from the lot occupancy requirements under Subtitle E § 304.1 in the RF-1 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a variance from 11 DCMR Subtitle E § 304.1, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, 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 AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 3-0-2 (Marnique Y. Heath, Anita Butani D’Souza, and Michael G. Turnbull to APPROVE; Frederick L. Hill and Jeffrey L. Hinkle not participating).

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: October 5, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN

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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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19336 of Edward Gonzalez, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the nonconforming use requirements of Subtitle C § 204, and the parking requirements of Subtitle C § 705, to convert office space to residential apartments on the first floor of an existing building in the R-17 Zone² at premises 2405 I Street, #1-A, N.W. (Square 28, Lots 157, 2001).

HEARING DATE: October 4, 2016

DECISION DATE: October 4, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4 – original; Exhibit 42 – revised.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 2A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2A, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. (Exhibit 40.) The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on

¹ The Applicant amended the application (Exhibit 42) by adding to the original relief a request for parking relief under Subtitle C § 705 as recommended by the Office of Planning. (Exhibit 37.) The caption has been changed to reflect the amended relief.

² This case was originally filed under the Zoning Regulations in effect at the time ("the 1958 Regulations"), but those Regulations were repealed as of September 6, 2016 and replaced by new text ("the 2016 Regulations"). On September 29, 2016, the Applicant amended the application by submitting a revised self-certification form (Exhibit 42) that correctly referenced the provisions in the 2016 Zoning Regulations from which zoning relief was sought, but did not update the Zone District to that in the 2016 Zoning Regulations, which is the R-17 Zone District, according to the Office of Planning report, Exhibit 37. The caption has been changed accordingly to reflect the change in Zone District. The repeal of the 1958 Regulations has no effect on the validity of the Board's decision or the validity of this order.

September 21, 2016, at which a quorum was present, the ANC voted 6-0-0 to not object to the application.

The Office of Planning (“OP”) submitted a timely report recommending the additional relief under Subtitle C § 705, and recommending approval of the application. (Exhibit 37.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 38.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the nonconforming use requirements of Subtitle C § 204 and the parking requirements of Subtitle C § 705. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle C §§ 204 and 705, 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 Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, 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 AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Anita Butani D’Souza, Frederick L. Hill, Jeffrey L. Hinkle, and Robert E. Miller 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: October 11, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19340 of Robert and Julie Corn, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to construct a two-story addition to the rear of an existing one-family dwelling in the RF-1 Zone at premises 1736 Bay Street S.E. (Square 1098, Lot 141).

HEARING DATE: October 4, 2016

DECISION DATE: October 4, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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 report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 13, 2016, at which a quorum was present, the ANC voted 8-0-1 to support the application. (Exhibit 36.)

The Office of Planning ("OP") submitted a timely report (Exhibit 37) and testified at the hearing in support of the application. The District Department of Transportation ("DDOT") submitted a report of no objection to the approval of the application. (Exhibit 38.)

Letters in support of the application were submitted by the two adjacent property owners. (Exhibits 28 and 29.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E §§ 5201 and 304.1. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle E §§ 5201 and 304.1, 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 property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, 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 AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

VOTE: **4-0-1** (Frederick L. Hill, Anita Butani D'Souza, Jeffrey L. Hinkle, and Robert E. Miller 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: October 6, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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

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STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19341 of Phil and Kjersten Drager, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the non-conforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1, to construct a second-story addition to the rear of an existing one-family dwelling in the RF-1 Zone at premises 133 Kentucky Avenue S.E. (Square 1014, Lot 25).

HEARING DATE: October 4, 2016

DECISION DATE: October 4, 2016

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original) and 31 (revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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 within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on September 13, 2016, at which a quorum was in attendance, the ANC voted 8-0-1 to support the application. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report (Exhibit 34) and testified at the hearing in support of the application. The District Department of Transportation ("DDOT") submitted a report of no objection to the approval of the application. (Exhibit 35.)

Letters in support of the application were submitted by the adjacent property owners. (Exhibit 11.)

¹ The Applicant amended the application by adding a request for special exception for non-conforming structure under Subtitle C § 202.2 to the original request for a special exception for lot occupancy under Subtitle E §§ 5201 and 304.1. (Exhibit 31.) The caption has been amended accordingly.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E §§ 5201 and 304.1, and Subtitle C § 202.2. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, Subtitle E §§ 5201 and 304.1, and Subtitle C § 202.2, 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, Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, 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 AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 29.**

VOTE: 4-0-1 (Frederick L. Hill, Jeffrey L. Hinkle, Anita Butani D'Souza, and Robert E. Miller 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: October 7, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST

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IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19343 of GS U St LLC, pursuant to 11 DCMR § 3103.2¹, for variances from the public open space requirements under § 633, the rear yard requirements under § 636, the court requirements under § 638, and the off-street parking requirements under § 2101.1, to permit open the construction of an eight-story mixed-use building in the ARTS/CR District at premises 1355-1357 U Street N.W. (Square 236, Lots 64-65).

HEARING DATE: September 27, 2016

DECISION DATE: September 27, 2016

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 1B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted a report in support of the application, which indicated that at a duly noticed and regularly scheduled meeting of the ANC on September 1, 2016, at which a quorum was present, the ANC voted 8:1:0 to approve the application. (Exhibit 32.)

The Office of Planning ("OP") submitted a timely report recommending approval of the requested variances. (Exhibit 36.) The District Department of Transportation ("DDOT") submitted a timely report recommending no objection to the grant of the application with conditions. (Exhibit 34.)

Letters of support for the application were submitted by the owner of the adjacent properties 1359 U Street and 1336 U Street and by the Langston Lofts Condominium Association Board of Directors. (Exhibits 31 and 38.)

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraphs, are to the 1958 Regulations which were repealed as of September 6, 2016 and replaced by new text ("the 2016 Regulations"). This Application was vested under the 1958 Regulations as it received concept approval by the Historic Preservation Review Board prior to September 6, 2016. The repeal of the 1958 Regulations has no effect on the validity of the Board's decision or the validity of this order.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for area variances from the public open space requirements under § 633, the rear yard requirements under § 636, the court requirements under § 638, and the off-street parking requirements under § 2101.1, to permit open the construction of an eight-story mixed-use building in the ARTS/CR District. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking area variances from 11 DCMR §§ 633, 636, 638, and 2101.1 the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that the application is hereby **GRANTED, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 30E, AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant shall modify the proposed TDM plan to include an annual Capital Bikeshare and car sharing memberships to each residential unit and each employee for five years; or provide a pool of \$12,650 for alternative transportation incentives that can be used for an annual membership for Capital Bikeshare, an annual carshare membership, or carshare driving credit. The benefit shall be codified in rental or condominium documents for all of the residential units planned within the project. This fund must be exhausted within ten years of Certificate of Occupancy, otherwise, will be disbursed to a TDM-related entity or organization at DDOT direction.
2. The Applicant shall install a TransitScreen or similar device displaying real-time transportation scheduled that show the availability and location of Bikeshare stations, local buses, commuter buses, Metrorail, carshare vehicles, and any other public transportation options located within .5 miles of the site.
3. The Applicant shall install short-term bicycle parking near the primary entrance along U Street.

4. The Applicant shall have minor flexibility for refinements to the approved plans, based on comments from Historic Preservation Office staff, provided that zoning relief is not increased or affected.

VOTE: **3-0-2** (Marnique Y. Heath, Anita Butani D'Souza, and Michael G. Turnbull, to APPROVE; Frederick L. Hill and Jeffrey L. Hinkle, not present or participating.)

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: October 5, 2016

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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 SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, 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 SUBTITLE A § 303, 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

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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. 03-12T/03-13T
Z.C. Case No. 03-12T/03-13T**

**Capper Carrollsburg Venture, LLC and the District of Columbia Housing Authority –
(PUD Time Extension @ Square 769, Lot 22)
September 12, 2016**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on September 12, 2016. At the meeting, the Commission approved a request on behalf of Capper Carrollsburg Venture, LLC and the District of Columbia Housing Authority ("DCHA") (collectively the "Applicant") for a six-month extension of the time period in which to begin construction of the approved residential building on Square 769N (the "Residential Building"), which was preliminarily approved pursuant to Z.C. Order No. 03-12/03-13, and which received final approval pursuant to Z.C. Order No. 03-12G/03-13G, and was extended pursuant to Z.C. Order Nos. 03-12L/03-13L and 03-12P/03-13P. For the reasons stated below, the Commission hereby approves the extension request.

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 03-12/03-13, dated February 6, 2004 and effective on October 8, 2004, the Commission granted preliminary and consolidated approval of a Planned Unit Development ("PUD") for property located in the southeast quadrant of Washington, DC and generally bounded by Virginia Avenue to the north, 7th Street to the east, M Street to the south, and 2nd Street to the west. The property consists of approximately 927,000 square feet of land area, and the approved PUD includes a maximum of 1,747 residential units, 708,302 square feet of office space, 51,000 square feet of retail space, 1,780 off-street parking spaces, and a community center building.
2. Pursuant to Z.C. Order No. 03-12G/03-13G, dated June 8, 2009 and effective on August 14, 2009, the Commission granted second stage approval for the Residential Building on Square 769N. The Commission approved the Residential Building to have approximately 181,420 square feet of gross floor area, a maximum height of 110 feet, a minimum of 34 affordable dwelling units, and a minimum of 152 off-street parking spaces in the garage. Pursuant to Z.C. Order Nos. 03-12L/03-13L and 03-12P/03-13P, the Commission granted extensions for approval of the Residential Building, such that a building permit was required to be filed no later than August 14, 2015, with construction to begin no later than August 14, 2016.
3. By letter dated August 11, 2016, the Applicant filed a request for a six-month extension of the time period in which to begin construction of the Residential Building, such that construction must begin no later than February 14, 2017. The Applicant also requested a waiver from 11-Z DCMR § 705.5, since the Commission had already granted two extension approvals for the Residential Building.
4. Other than the Applicant, the only parties to the case were Advisory Neighborhood Commission ("ANC") 6B and ANC 6D. On August 11, 2016, the Applicant submitted a

Certificate of Service indicating that the extension request was served on ANCs 6B and 6D.

5. The extension request was filed pursuant to 11- Z § DCMR § 705.2(c), which authorizes the grant of a PUD extension due to the inability to obtain sufficient project financing despite diligent good faith efforts, because of changes in economic and market conditions beyond the applicant's reasonable control. Subtitle Z § 705.2(c)(2) also authorizes the grant of a PUD extension due to an inability to secure all required governmental agency approvals because of delays in the governmental agency approval process that are beyond the applicant's reasonable control. In this case, the Applicant submitted evidence that it has been unable to begin construction of the Residential Building based on the factors set forth in both 11-Z DCMR § 705.2(c)(1) and (2).
6. Inability to Close on All Project Financing (11-Z DCMR § 705.2(c)(1)). The Applicant provided evidence that, despite its diligent, good faith efforts, it was unable to move forward with construction of the Residential Building prior to August 14, 2016, due to an inability to obtain complete project financing. The Residential Building is a public-private partnership between Capper Carrollsburg Venture, LLC and DCHA. The residential component of the overall project includes 80% of the units at market rate and 20% of the units reserved for households earning as little as 0% of the Area Median Income ("AMI"). Financing and ultimate delivery of the Residential Building utilizes best practices for mixed-income housing and unique and complex financing structures, including traditional nine percent Low Income Housing Tax Credits, Housing Production Trust Fund financing, market rate senior debt, and EB-5 preferred equity. Thus, financing the project requires coordination and approvals by the United States Department of Housing and Urban Development, DCHA, and multiple lenders and equity sources.
7. Financial closing for the Residential Building is scheduled for September 16, 2016. With respect to the project's affordable housing component, the Applicant indicated that by the time of the Commission's September 12th meeting, it will have secured a Letter of Commitment with the Department of Housing and Community Development, a Letter of Commitment for construction debt with Citibank, and a Letter of Commitment for tax credit equity with The Richman Group. With respect to the market rate component, the Applicant indicated that by the time of the Commission's meeting, it will have secured a Letter of Commitment for construction debt with Citibank, and executed a Memorandum of Understanding for EB-5 preferred equity with Live in America, LLC. Of the \$14 million in EB-5 preferred equity, \$12.5 million is already secured and placed in escrow.
8. The Applicant indicated that the building permit authorizing construction of the Residential Building had not been issued by the date of filing this application. Issuance of a letter from the Department of Consumer and Regulatory Affairs ("DCRA") confirming that the final building permit is available pending permit fee payment is a condition to closing for financing for the Residential Building. Once the building permit is issued and the Applicant closes on financing, the Applicant will be able to mobilize its construction team to break ground and begin construction of the Residential Building immediately.

9. Thus, despite the Applicant's efforts, an additional six months is necessary to provide time for the Applicant to receive the final building permit, which will then enable the Applicant to close on the remaining financing and to commence construction.
10. Inability to Secure All Required Governmental Agency Approvals (11-Z DCMR § 705.2(c)(2)). The Applicant provided evidence of its inability to secure all required governmental agency approvals because of delays in the governmental agency approval process that are beyond the Applicant's reasonable control. Since approval of the previous time extensions, the Applicant has worked diligently to move forward with development of the Residential Building. The Applicant submitted all of the required building permit application materials prior to August 14, 2015, as required by Z.C. Order No. 03-12P/03-13P. However, the Applicant has not yet begun construction due to the extensive and lengthy processes involved in obtaining the required building permits from DCRA and the scope of work necessary in order to address all permitting comments and requirements. Further, the stormwater management requirements for the Residential Building are unique and require much more review and coordination than traditional stormwater management agreements with the Department of Energy and the Environment ("DOEE"). Moreover, the overall development of Square 769 includes many innovative financing approaches for providing a very high level of affordable public housing (20% of units) serving the lowest income households (as low as 0% of the AMI) alongside market rate units.
11. The Applicant submitted evidence that it has taken many steps to move forward with construction of the Residential Building. As set forth in the affidavit of Victoria Davis, the Applicant has already submitted the following permit applications: (Exhibit ["Ex."] 1F)
 - a. On July 15, 2015, the Applicant submitted the project building plans for Architectural/Structural, Mechanical, Plumbing, Electrical, Elevator, Fire and Life Safety IBTS for Third Party Review. IBTS's approval letter was issued December 30, 2105;
 - b. On August 1, 2015, the Applicant submitted a building permit application to DCRA (Permit No. B1606323), which received approval from DC Water, Structural, and the District Department of Transportation ("DDOT") for the Traffic Control Plan. Comments were received from Green Review on July 15, 2016, and from Zoning on August 5, 2016. DOEE is presently undergoing its stormwater review;
 - c. On November 10, 2015, the Applicant attended a DDOT Preliminary Design Review Meeting for the design and construction of permanent public space infrastructure;
 - d. On July 22, 2016, the Applicant submitted a sheeting and shoring permit application to DCRA and DC Water (Permit No. SH1600067), which is presently under review with both agencies; and

- e. DDOT approved a Public Space Occupancy Permit (Permit No. PA10326184), effective August 8, 2016, granting approval to install fencing, erosion and sediment control measures, and construction entrances.
12. In addition to submitting permit applications, the Applicant has also engaged and executed proposals with the following consultants for development of the Residential Building:
 - a. Third party plan review services for the design of the Residential Building in accordance with DCMR Title 12 Construction Code and standards (IBTS), dated 02/06/15;
 - b. Civil engineering, surveying and permitting (VIKA Capitol), dated 03/04/2015;
 - c. Landscape architecture (Studio 39), dated 05/16/2015;
 - d. Architecture for Schematic Design, Design Development Documents, Bid Set Construction Documents, Final Construction Documents, Construction Administration, and Construction Observation services (Lessard Design), dated 10/05/2015;
 - e. Mechanical, electrical and plumbing (Jordan & Skala Engineers under the oversight of Lessard Design), dated 10/05/2015;
 - f. Structural engineering (Tadger Cohen Edelson under the oversight of Lessard Design), dated 10/5/2015;
 - g. Interior Design for Schematic Design, Design Development, Construction Documents, Construction Observation, Furniture Procurement and Installation services (Hartman Design Group), dated 11/13/2015;
 - h. Environmental Site Assessment Phase I and II (ECS), dated 05/05/2014 and 05/10/2016, respectively;
 - i. Preparation of engineering shop drawings for sheeting and underpinning (Steele Foundation), dated 6/10/2016;
 - j. Preparation of engineering shop drawings for the design, fabrication and installation of deep well dewatering system (Moretrench), dated 06/21/2016; and
 - k. Green building and energy modeling (Jordan & Skala Engineers, under the oversight of Lessard Design), dated 6/27/2016.
 13. The Applicant also indicated that it has taken extensive environmental and geotechnical analysis, including commissioning the following consultants to produce the following reports:

- a. ECS issued a Phase 1 Environmental Site Assessment (“ESA”) Report, dated 05/28/2014, and an additional Phase 1 ESA Report on 03/09/2016;
 - b. ECS issued a Report of Subsurface Exploration and Geotechnical Engineering Analysis for the project dated 04/17/2015; and
 - c. ECS issued a Phase II ESA Report dated 07/07/2016.
14. The Applicant also selected Bozzuto Construction Company for preconstruction services and has negotiated the Gross Maximum Price Contract, which will be executed at the time of the overall project closing.
 15. The Applicant indicated its commitment to moving forward with construction of the Residential Building. The Applicant has already invested more than \$1.8 million for legal, architectural, engineering, financing, permitting, and other consulting fees, and has committed another \$725,000.00 of funding to complete pre-development work and prepare for construction. Thus, there is no financial incentive for the Applicant to not move forward with this application as planned.
 16. The Office of Planning (“OP”) submitted a report dated September 2, 2016 (Ex. 4), indicating that the Applicant met the standards of 11-Z § DCMR § 705. The OP report asserted that the Applicant demonstrated that construction of the Residential Building is imminent, awaiting only the finalization of certain stormwater agreements that will enable the closing of the remaining financing commitments. The OP report also found that the requested waiver of the two-extension limit set forth in Subtitle Z § 705.5 was reasonable.
 17. The Single Member District Commissioner for ANC 6D07 submitted a letter dated September 7, 2016, which indicated support for the application. (Ex. 5.)
 18. Because the Applicant demonstrated good cause with substantial evidence pursuant to Subtitle Z § 705.2, the Commission finds that the request for a six-month time extension to begin construction of the Residential Building should be granted.
 19. Pursuant to Subtitle Z § 101.9, the Commission may, for good cause shown, waive any of the provisions of the subtitle if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. The Commission also finds that the Applicant’s request for a waiver of the two-extension limit set forth in Subtitle Z § 705.5 is reasonable because: (i) the Residential Building was approved prior to the adoption of the limitation and had already received two time extensions; (ii) the Applicant already filed a building permit application for the approved building; and (iii) the extension requested herein is only for six months in order to obtain the final building permit, close on financing, and begin construction. Thus, good cause exists to waive Subtitle Z § 705.5. Neither ANC 6B nor ANC 6D submitted written reports pertaining to the request, therefore the Commission has no reason to believe either ANC’s rights would

be prejudiced by the waiver. The Commission further concludes that no law prohibits the grant of the waiver.

CONCLUSIONS OF LAW

1. Pursuant to Subtitle Z § 705.2, the Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided: (a) the extension request is served on all parties to the application by the applicant, and all parties are allowed 30) days to respond; (b) there is no substantial change in any of the material facts upon which the Commission based its original approval of the application that would undermine the Commission's justification for approving the original application; and (c) the applicant demonstrates with substantial evidence that there is good cause for such extension as provided in Subtitle Z § 705.2(c).
2. Subtitle Z § 705.2(c) provides the following criteria for good cause shown: (1) an inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.
3. The Commission concludes that the Applicant complied with the notice requirements of Subtitle Z § 705.2(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
4. The Commission concludes that there has been no substantial change in any of the material facts upon which the Commission based its original approval that would undermine the Commission's justification for approving the original PUD.
5. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the issues and concerns raised in the recommendations the affected ANCs. Neither ANC 6B nor ANC 6D submitted written reports. The Commission notes that by letter dated September 7, 2016, the Single Member District representative for ANC 6D07 submitted a letter supporting the six-month extension request. (Ex. 5.)
6. The Commission is required under D.C. Official Code § 6-623.04 to give great weight to OP recommendations. OP submitted a report indicating that the Applicant met the standards of Subtitle Z § 705, and therefore recommended that the Commission approve a six-month time extension. The Commission has given OP's recommendation great weight in approving this application.

7. The Commission finds that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by Subtitle Z § 705.2(c). Specifically, the Applicant has been unable to obtain all project financing because some of the financing is dependent on the issuance of final building permits. However, the Applicant has demonstrated that commitments to financing have been secured and is scheduled to close on all project financing on September 16, 2016. In addition, the Applicant has been unable to secure all required government agency approvals, due largely to the fact that the stormwater management requirements for the Residential Building are unique and require more review and coordination than traditional stormwater management agreements with DOEE. The Commission therefore concludes that granting a six-year extension (i.e., until February 14, 2017) is appropriate in this case and necessary to allow the Applicant to move forward with development of the Residential Building.
8. Subtitle Z § 705.7 provides that the Commission must hold a public hearing on a request for an extension of the validity of an application approval only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the proceeding concerning any of the criteria in Subtitle Z § 705.2. The Commission concludes that a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in Subtitle Z § 705.2.
9. Pursuant to Subtitle Z § 705.5, the Commission grants a waiver of the two-year extension limit to allow the requested six-month extension of time to begin construction on the Residential Building.
10. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of ZR16.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of Z.C. Case No. 03-12T/03-13T, such that construction of the Residential Building in Square 769 must begin no later than February 14, 2017.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant

to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On September 12, 2016, upon the motion made by Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony. J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt; third Mayoral Appointee position vacant, not voting).

In accordance with the provisions of Subtitle Z § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on October 21, 2016.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-15A1
Z.C. Case No. 08-15A
Cathedral Commons Partners, LLC
(Modification of Consolidated PUD @ Squares 1920 and Square 1920-N)
September 26, 2016

Pursuant to proper notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on July 28, 2016 to consider an application by Cathedral Commons Partners, LLC (“Applicant”) for review and approval of a modification to an approved planned unit development (“PUD”) (“Modification”) for property located in Squares 1920, Lots 833-835, 841, 844-852 and 7006-7012 and Square 1920-N, Lots 800-804 and 7000-7004 (“Property”). The Commission considered the Modification pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. The Commission approves the Modification, subject to the conditions below.

FINDINGS OF FACT

1. By Z.C. Order No. 08-15, dated July 13, 2009, as modified by Z.C. Order No. 08-15A, dated October 19, 2009 (together, “Order”), the Commission approved a consolidated PUD and related amendment to the Zoning Map to permit the construction of a mixed-use project containing a grocery store, retail, residential, and parking uses on the Property (“Project”). Said Order contained the following:
 - a. Condition 5(b) of the Order limits restaurants, prepared food shops, and fast food establishments to no more than 20% of the commercial linear frontage within the PUD site. As of the date of the request for the Modification, the Project had a total of 260’4” of commercial frontage devoted to such uses (out of a total of 1,507’9”, with approximately 41’2” of remaining frontage;
 - b. Condition 8(b) of the Order requires that the Applicant provide certain parking spaces within the Project for patrons of neighborhood restaurants and other retail uses that are not part of the PUD (“Neighborhood Retail Patrons”); and
 - c. As a part of the PUD, the Applicant also agreed to abide by certain storefront and signage guidelines that, among other provisions, limit signage height to 18” and require that blade signs be located at least 10’ above the sidewalk.
2. The Project is located on the 3300 and 3400 blocks of Wisconsin Avenue, N.W. (generally referred to as the “North Parcel” and the “South” Parcel, divided by Newark Street, N.W.). The project has been constructed and occupied. (Exhibit [“Ex.”] 1.)
3. On March 29, 2016, the Applicant submitted an application for minor modification of the approved PUD to accommodate a new restaurant tenant on the ground floor of the North Parcel. The application included (a) a request to modify Condition 5(b) to permit an increase in the permitted frontage by 51’7” and (b) a request to deviate from the

storefront and signage guidelines, in order to accommodate a new restaurant tenant. (Ex. 1.) Specifically, the Applicant:

- a. Provided a list of existing retail tenants in the Project, which include many neighborhood-serving ground floor uses including a grocery store, pharmacy, dry cleaners, pet store, salon, home goods store, and clothing store. The Applicant also noted that the second-floor space on the South Parcel includes exercise studios and expansion studios for the Washington Ballet;
 - b. Explained the existing PUD can accommodate another restaurant establishment, but the PUD modification will permit the Applicant to accommodate a restaurant that is more desirable for the Project as well as the surrounding neighborhood. The Applicant explained that the proposed new tenant would respond to community desires for a restaurant with a meaningful breakfast offering;
 - c. Explained that the tenant's location on the North Parcel, combined with a high-quality storefront buildout funded in significant part by the Applicant, would create an engaging street-level experience and sense of place along Wisconsin Avenue, where none currently exists. This would fulfill goals and public benefits of the PUD related to creating pedestrian-oriented, street-activating ground floor retail space; and
 - d. Explained the Modification would not affect the overall height, mass, bulk, or design approved by the Commission in the original PUD.
4. The Wisconsin Newark Neighborhood Coalition, a party to the original application ("WNNC"), the Office of Planning ("OP"), and Advisory Neighborhood Commission ("ANC") 3C all requested that the application be removed from the consent calendar and scheduled for a public hearing. (Ex. 4, 5, 7.) OP recommended that the application be set down for a public hearing. (Ex. 5.) On April 20, 2016, the Applicant submitted a letter consenting to the removal of the Modification from the consent calendar. (Ex. 8.)
 5. During its public meeting on April 25, 2016, the Commission removed the matter from the consent calendar and voted to set down Z.C. Case No. 08-15A for a public hearing. Notice of the public hearing was published in the *D.C. Register* and was mailed to owners of all property within 200 feet of the subject property, ANC 3C, and the parties to the original application.
 6. The Modification was further updated by pre-hearing submissions filed on April 26, 2016 and July 7, 2016, as well as by a post-hearing submission dated September 19, 2016. (Ex. 10, 23, 32.) In its supplemental prehearing submission, the Applicant agreed to additional commitments regarding the expanded restaurant use, the tenant signage, and extension of the parking benefit provided for off-site Neighborhood Retail Patrons, in response to concerns articulated by ANC 3C, including:

- a. Ensure that the tenant in the expanded restaurant space provides breakfast service, seven days a week;
- b. Reduce the height of the proposed signage to 30”;
- c. Increase in the validation period for both retail parking within the Project and for Neighborhood Retail Patrons to two hours;
- d. Adjust the start time for Neighborhood Retail Patrons parking to 6:00 p.m.;
- e. Create an additional tranche of 60 hours of free parking for Neighborhood Retail Patrons that begins at 8:00 p.m.; and
- f. Provide free parking for 20 teachers and staff at John Eaton Elementary School from 7:00 a.m. to 4:00 p.m., Monday through Friday, during the 2016-2017 and 2017-2018 academic years.

In its post-hearing submission, the Applicant agreed to modify the parking for John Eaton to allow parking from 7:00 a.m. to 5:00 p.m. The Applicant also responded to issues raised by WNNC.

7. On April 18, 2016, the District Department of Transportation (“DDOT”) submitted a report indicating that the Modification was minor and would not cause adverse or significant transportation impacts. Accordingly, DDOT did not object to the proposed Modification. (Ex. 6.)
8. On July 18, 2016, OP submitted a report in support of the application. OP evaluated the Modification, together with the proposed conditions agreed to by ANC 3C and the Applicant, and concluded that the Modification would not impose significant adverse impacts on parking, loading, and noise. OP also supported the requested modifications to the storefront and signage guidelines. OP supported the additional changes to the Neighborhood Retail Patrons parking benefit. Finally, OP concluded that the Modification would remain not inconsistent with the Comprehensive Plan. (Ex. 25.)
9. Pursuant to a resolution adopted at a duly noticed public meeting on July 20, 2016, with a quorum present, ANC 3C voted 6-0-2 to withdraw its objections to the Modification provided that the Applicant:
 - a. Ensure that the tenant in the expanded restaurant space provides breakfast service, seven days a week, starting at 7:00 a.m.;
 - b. Reduce the height of the proposed signage to 30”;
 - c. Increase in the validation period for both retail parking within the Project and for Neighborhood Retail Patrons to two hours;

- d. Adjust the start time for Neighborhood Retail Patrons parking to 6:00 p.m.;
- e. Create an additional tranche of 60 hours of free parking for Neighborhood Retail Patrons that begins at 8:00 p.m.; and
- f. Provide free parking for 20 teachers and staff at John Eaton Elementary School from 7:00 a.m. to 4:00 p.m., Monday through Friday, during the 2016-2017 and 2017-2018 academic years.

As discussed above, the Applicant agreed to address these concerns in its supplemental pre-hearing submission. At the hearing, the chairperson of the ANC testified in support of the application and agreed that the conditions of approval proffered by the Applicant in its supplemental pre-hearing submission adequately addressed the concerns reflected in the ANC resolution.¹ The ANC chairperson testified that the conditions were arrived at after substantial negotiation with the Applicant, and he stated that the proposed conditions would be of substantial benefit to the community and address outstanding issues with the PUD. The ANC chairperson indicated that there was strong support within the neighborhood for the proposed use, and noted that the Applicant had worked well with the ANC and community to address concerns during the construction of the PUD.²

10. On July 28, 2016, the Commission held a public hearing on the application. Representatives of the Applicant, OP, DDOT, ANC 3C, and WNNC all appeared at the public hearing. In addition to the Applicant, ANC 3C was automatically a party in the proceeding. WNNC participated but did not request party status and therefore participated as an organization rather than as a party.
11. At the hearing, a teacher from John Eaton Elementary School testified in support of the application, but requested that the parking within the Project be extended until 6:00 p.m., and be extended for at least four additional academic years. In its post-hearing submission, the Applicant agreed to extend the time for parking until 5:00 p.m. and explained that a later time could not be accommodated because it would overlap with peak demand for the grocery store and other retail uses within the Project.
12. At the hearing, a representative of WNNC appeared and provided testimony in opposition of the Application based on alleged traffic and parking impacts. For the reasons discussed below, the Commission finds that the concerns raised by WNNC are either not germane to the modification or have been satisfactorily addressed by the Applicant:
 - a. WNNC recounted the history of the restriction on restaurants within the PUD and objected to the increase, claiming that the Applicant failed to make a showing of

¹ The ANC resolution also conditioned approval on the continued provision of a 30-minute “grace” period for parking in the garage. The Applicant did not proffer this additional condition, and at the hearing, the representative for the ANC testified that the conditions as proposed by the Applicant were acceptable.

² The WNNC representative also acknowledged the Applicant’s “good dialogue” with the community during construction.

“hardship.” The Commission finds that the limitation on restaurants was a condition of approval of the PUD, and accordingly no “hardship” needs to be demonstrated to modify the PUD condition. Rather, the standards for reviewing and approving modifications to a PUD are discussed below. Furthermore, the Commission notes that under the original overlay that gave rise to the restriction, relief from the limitation on restaurants would not require demonstration of “hardship” since such relief is a special exception, not a variance; (See 11 DCMR § 1304.1.)

- b. WNNC claimed that the Modification would result in a “destination” retail use that is discouraged by the Comprehensive Plan. As discussed below, however, Policy RCW-1.1.5 calls for local-serving retail uses rather than “big-box” retail uses, and the proposed Modification does not constitute a big-box use. Furthermore, the Commission credits the testimony of the ANC and finds that the proposed tenant is a retail use desired by the local neighborhood;
- c. WNNC requested additional funding for the escrow account for unanticipated traffic calming needs beyond the amount required in the initial PUD. The Commission credits the testimony of DDOT that the Modification will have negligible traffic impacts and finds that any additional funding for traffic calming is unnecessary at this time – particularly since WNNC failed to provide any testimony that the existing escrowed funds had been used or were even needed to accommodate the base impacts of the Project;
- d. WNNC requested that the tenant and any successor tenant agree to state in its printed materials that validated free parking is available in the Project. In its post-hearing submission, the Applicant agreed to use good faith efforts to advertise the validated parking;
- e. WNNC requested that the validation period for the tenant’s establishment and other establishments within the Project be available for the operating hours of the establishment. In its post-hearing submission, the Applicant stated that this is already its practice and agreed to modify the proposed conditions to reflect this practice for the proposed tenant that is the subject of the Modification.;
- f. WNNC requested that the intersection of Newark Street be marked with signage stating “Local Traffic Only.” In its post-hearing submission, the Applicant provided a copy of a letter submitted to DDOT requesting the same; and
- g. WNNC requested that the Applicant prohibit residential tenants from participating in the Residential Permit Parking system. As WNNC itself notes, the Commission already rejected this request in the original Order and finds that the Modification does not affect the residential component of the Project or otherwise warrant reconsideration of this measure.

13. Following the close of the public hearing, the Commission took proposed action to approve the Modification. The Commission requested that the Applicant further consider the requests of John Eaton and WNNC. The Commission waived the requirements of §§ 2403.15-2403.20 (regarding a list of final proffers and draft conditions) because the proffers of the PUD were largely unchanged from what the Commission already approved.
14. The application was referred to the National Capital Planning Commission (“NCPC”) for review of any impacts on the federal interests under the Comprehensive plan. By delegated action dated September 8, 2016, the Executive Director of NCPC found that the application was not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.
15. At a public meeting on September 26, 2016, the Commission took final action to approve the Modification.

CONCLUSIONS OF LAW

Pursuant to the Zoning Regulations, the PUD process provides a means for creating a “well-planned development.” The objectives of the PUD process are to promote “sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces-and other amenities.” (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.)

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. As was the case for the originally-approved PUD, the Commission concludes that the Modification continues to promote the purposes of the PUD process.

The Modification, as approved by the Commission, does not affect the overall height, mass, bulk, or design approved by the Commission in the original PUD. The designs and uses for this Project, as amended by the Modification, are appropriate for the Property. The impact of the Project on the surrounding area and the operation of city services continue to be acceptable given the quality of the public benefits in the Project.

The Commission credits the reports and testimony of OP and DDOT. The Commission also credits the report of ANC 3C and gives great weight to the issues and conditions expressed in the report of the affected ANC. In this case, the Commission concludes that the Applicant and ANC 3C have agreed on conditions of approval that have been incorporated as a part of this decision.

Based on the character of the proposed changes, the Commission finds that the modified PUD is consistent with the intent of and achieves the same goals as the previously approved PUD. The Commission concludes that its decision to approve the modified PUD is in the best interests of the District of Columbia and is consistent with the intent, purpose, and integrity of the Zoning Regulations and Zoning Map.

As was the case for the previously approved PUD, the Commission concludes that the approval of the PUD modification is not inconsistent with the Comprehensive Plan. In particular, the Commission concludes that the Modification is not inconsistent with provisions of the Rock Creek West Area Element regarding retail use. The RCW element specifically calls for “goods and services necessary to meet the needs of local residents,” contrasted with “big-box” retail uses. The Modification will deliver a neighborhood-serving and street-activating restaurant use that is, in fact, desired by many of the surrounding residents. (10A DCMR § 2307.3(d), 2307.3(e); Policy RCW-1.1.5.)

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 this application for modification of a PUD approved pursuant to Z.C. Order Nos. 08-15 and 08-15A. The conditions in Z.C. Order Nos. 08-15 and 08-15A remain unchanged except as follows:

5. The Property shall be used for residential, commercial, and commercial parking uses, as shown on the plans marked as Exhibits 20 and 156 of the record, provided:

...

b. Restaurants, prepared food shops, and fast food establishments are permitted, but shall occupy no more than ~~20%~~ 23.42% of the commercial linear street frontage within the PUD Site, provided:

i. Any additional linear frontage above 20% of the commercial linear street frontage within the PUD Site shall only be used to increase the street frontage for a single restaurant tenant along Wisconsin Avenue, as identified on Exhibit 2C of the record in Z.C. Case No. 08-15A;

ii. The restaurant tenant shall provide breakfast service, seven days a week, starting not later than 7:00 a.m.;

iii. The Applicant shall provide a minimum of two-hour parking validation within the Project’s South Parcel garage for patrons of the restaurant tenant, with such validation made available during the tenant’s operating hours. The Applicant shall use good faith efforts to direct the tenant to advertise the validated parking in appropriate printed materials; and

iv. The restaurant tenant shall be permitted to incorporate signage and storefront design elements as shown on Exhibit 2D of the record in Z.C. Case No. 08-15A, provided that it may have a single sign the height of which, including all elements, shall be limited to 30” in height.

(A) Any subsequent tenants of the space shall be required to comply with the original 18” restriction; and

(B) No other PUD-tenant’s signage shall be permitted to exceed the 18” restriction.

8. The Project shall include commercial parking facilities as shown on the plans referenced above; provided:

...

b. The Project shall make available, at no charge, parking spaces in the South Parcel garage as follows:

i. Parking spaces shall be made available for patrons of neighborhood restaurants and other retail uses that are not part of this PUD (“Neighborhood Retail Patrons”) on a first-come, first-served basis as set forth below:

(a) At least 180 hours of parking validation (which is the equivalent of 90 two-hour parking spaces) shall be made available to Neighborhood Retail Patrons on a first-come, first-serve basis beginning at 6:00 p.m.; and

(b) An additional 60 hours of parking validation (which is the equivalent of 30 two-hour parking spaces) shall be made available to Neighborhood Retail Patrons on a first-come, first-serve basis beginning at 8:00 p.m.;

ii. For the 2016-2017 and the 2017-2018 academic years, at least 20 spaces shall be made available for teachers and staff at John Eaton Elementary School on weekdays from 7:00 a.m. to 5:00 p.m., with the location of such spaces in the garage to be designated by the Applicant; and

iii. At least 30 spaces shall be made available for overnight parking for the surrounding community not part of this PUD from 9:00 p.m. to 8:00 a.m.; and

...

c. Any validation period for parking in the commercial parking garage, whether for patrons of the Project or for Neighborhood Retail Patrons pursuant to condition 8(b)(i) above shall be for a minimum period of two hours. The validation for on-

site parking shall remain valid even if a patron stays longer than the validation period (i.e. the patron will only have to pay for the amount above the validation period); and

- d. The Applicant shall work with representatives of ANC 3C to reach out to neighborhood restaurants and other retail establishments to explain the parking validation system and encourage its use by neighborhood restaurants and other retail establishments.
- e. The Applicant shall provide an annual written report to ANC 3C detailing the actual usage of the South Parcel garage by Neighborhood Retail Patrons, community residents, and schoolteachers under Condition 8(b). The report shall also detail outreach to and participation by neighborhood restaurants and other retail establishments.

On July 28, 2016, upon the motion of Chairman Hood as seconded by Commissioner Miller, the Zoning Commission took proposed action to **APPROVE** the application at the conclusion of the public hearing by a vote of 3-0-2 (Anthony J. Hood, Robert E. Miller, Michael G. Turnbull to approve; Marcie I. Cohen and Peter G. May, not present, not voting).

On September 26, 2016, upon the motion of Vice Chairman Miller as seconded by Commissioner Turnbull the Order was **ADOPTED** by the Zoning Commission at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Robert E. Miller, Michael G. Turnbull, and Peter G. May to adopt; Third Mayoral Appointee, vacant, not voting).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on October 21, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 12-18B
Z.C. Case No. 12-18B
H Street NE Owner, LLC
(Minor Modification to PUD @ Square 858)
September 12, 2016

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on September 12, 2016. At the meeting, the Commission approved an application of H Street NE Owner, LLC (“Applicant”) for minor modifications to an approved planned unit development (“PUD”) for property located at Lot 64 in Square 858 (“Property”). Because the modifications were deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under the provisions of Subtitle X § 311.9 and Subtitle Z § 703 of the 2016 Zoning Regulations (“ZR16”).

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 12-18, dated June 10, 2013, and effective on July 5, 2013, the Commission approved a consolidated PUD and a related Zoning Map amendment to rezone the Property to the HS-H/C-2-B and R-5-B Districts.¹ The PUD was approved as a residential building with ground floor retail that included two development scenarios: the "Original Submission" and the "Grocery Alternate." The Original Submission was a mixed-use building comprised of residential and retail uses. The Grocery Alternate was a mixed-use building comprised of residential and retail uses, as well as a grocery store on the western portion of the ground floor. The Applicant elected to proceed with the Grocery Alternate pursuant to Building Permit No. B1502785, issued June 11, 2015 (the "Building Permit").
2. Pursuant to Z.C. Order No. 12-18A, dated September 21, 2015, and effective on November 13, 2015, the Commission approved minor modifications to the original PUD by revising Condition No. A(7)(d) and Condition No. A(2) of Z.C. Order No. 12-18. Doing so permitted the Applicant to (i) allow the second-floor space of the PUD to be “used for residential and/or office use if the Applicant is unable to lease it for retail use;” and (ii) increase the total gross floor area of the PUD from 490,134 square feet to 491,761 square feet (a total increase of 1,627 square feet or 0.3%).
3. By letter dated August 19, 2016 (Exhibit [“Ex.”] 1), the Applicant requested another minor modification to Z.C. Order No. 12-18 to add flexibility from § 1324.12 of the 1958 Zoning Regulations (“ZR58”)² to reduce the minimum clear floor-to-ceiling height to less than 14 feet for approximately 0.3% of the PUD’s ground floor retail space along H Street, N.E. The modification would be effectuated by adding the following language to Finding of Fact No. 43 in Z.C. Order No. 12-18:

¹ Under ZR16, the HS-H/C-2-B District converts to the NC-10 District and the R-5-B District converts to the RA-2 District. However, as noted in the Commission’s Order that adopted the map amendments, the rezonings did “not affect any related map amendment granted as part of a PUD.” See Z.C. Order No. 08-06 A at p. 29.

² The language of § 1324.12 of ZR58 was copied verbatim in ZR16 in Subtitle H § 909.1(h).

"(i) Subsection 1324.12 of the Zoning Regulations provides that "the ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building (a) [f]ronts H Street, NE..." The Applicant proposes to provide a minimum clear floor-to-ceiling height of at least 14 feet for the significant majority of the PUD's ground floor retail level. However, approximately 164 square feet (0.3%) of the PUD's ground floor retail space will have a ceiling height that is less than 14 feet, due to the existence of piping for a DC Water storm drain that cannot be relocated. The Commission finds that the percentage of retail space that will not achieve the minimum clear ceiling height is minimal, such that the project complies with the spirit and intent of the H Street Overlay and will not result in any adverse impacts."

4. The architectural drawings approved pursuant to Z.C. Order No. 12-18, and the architectural drawings submitted with the Building Permit application, provided the required minimum clear floor-to-ceiling height of 14 feet along H Street, N.E. Following approval of the Building Permit, the Applicant discovered that in order to accommodate a DC Water storm drain and its associated piping, the clear floor-to-ceiling height must be reduced to less than 14 feet for approximately 164 square feet of the PUD's total ground floor retail space along H Street, N.E. (approximately 0.3%).
5. At the time of the original PUD approval, and through submission and approval of the Building Permit application, the location of the DC Water storm drain and its associated piping was unknown. As development plans progressed, DC Water determined that four storm drain connections would be required for the PUD, one of which had to be located on H Street, N.E. While three of the four connections could be accommodated within the building in areas that do not require a 14-foot ceiling height, the storm drain connection on H Street requires the piping to run through the ground floor retail space on the eastern portion of the building, thus resulting in the reduced clear ceiling height of less than 14 feet below the pipes.
6. The Applicant located almost all of the piping associated with the H Street storm drain connection in the below-grade parking garage and evaluated options for locating the rest of the piping in areas that would not impact the 14-foot clear ceiling height requirement. However, due to numerous restrictions related to the location of other building utilities, core elements, and the minimum distances and angles required for the pipes, the final location for the H Street storm drain was that it must enter the building through the retail space on the eastern portion of the building, which created the resulting need for flexibility.
7. Based on the foregoing, the Commission finds that the Applicant's request to provide a minimum ceiling height that is less than 14 feet clear below the storm drain piping on the ground floor retail level will not result in any adverse impacts. The clear heights between the piping and the ground floor range from 11 feet, 9 inches to 13 feet, 3 inches, and the

number of square feet on the ground level that will not comply with the 14-foot ceiling height requirement is extremely minimal. Of the 12,286 total square feet of retail space on the eastern portion of the building, only approximately 164 square feet (1.3%) will be impacted by the piping. Of the total retail space within the entire building (51,490 square feet), less than 0.3% will be impacted by the piping. Furthermore, all electrical conduit, dropheads, and sprinkler piping provide a clear height of 14 feet or greater. Thus, the Commission concludes that the effect of this minor modification request is nominal and will not result in any adverse impacts to the building or its end users.

8. The Office of Planning (“OP”) reviewed the request for a minor modification, and by report dated August 26, 2016 (Ex. 5), OP recommended approval of the application.
9. The Applicant served the minor modification request on Advisory Neighborhood Commission (“ANC”) 6C. By resolution dated July 18, 2016, ANC 6C noted that at its duly noticed, regularly scheduled monthly meeting of July 13, 2016, at which a quorum was present, ANC 6C voted 5-0-0 to support the application. (Ex. 1H.)
10. On September 12, 2016, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for a minor modification to the approved PUD.
11. The Commission finds that the requested modification is minor, and further finds that approval of the modification is appropriate and not inconsistent with its approval of the original PUD.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission finds that the proposed modification is consistent with the intent of the previously approved Z.C. Order No. 12-18 and is not inconsistent with the Comprehensive Plan.

The Commission concludes that approving the modification is appropriate and not inconsistent with the intent of Subtitle X § 311.9 and Subtitle Z § 703 of the 2016 Zoning Regulations.

The Commission further concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act.

The modification does not affect the essential impact of the approved PUD, including use, height, bulk, parking, or lot occupancy. The modification is minor such that consideration as a Consent Calendar item without public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor

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modification of an approved PUD. Finding of Fact No. 43(i) of Z.C. Order No. 12-18 is hereby revised to read as follows:

"(i) Subsection 1324.12 of the Zoning Regulations provides that "the ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building (a) [f]ronts H Street, NE..." The Applicant proposes to provide a minimum clear floor-to-ceiling height of at least 14 feet for the significant majority of the PUD's ground floor retail level. However, approximately 164 square feet (0.3%) of the PUD's ground floor retail space will have a ceiling height that is less than 14 feet, due to the existence of piping for a DC Water storm drain that cannot be relocated. The Commission finds that the percentage of retail space that will not achieve the minimum clear ceiling height is minimal, such that the project complies with the spirit and intent of the H Street Overlay and will not result in any adverse impacts."

On September 12, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the application was **APPROVED** by the Zoning Commission at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve, Third Mayoral Appointee position vacant, not voting.)

In accordance with the provisions of Subtitle Z § 604.9 of the 2016 Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is on October 21, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-13
Z.C. Case No. 15-13
Watkins Alley, LLC
(Consolidated PUD and Related Zoning Map Amendment
@ Square 1043, Lots 142, 849-851, and 859)
September 12, 2016

Pursuant to proper notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on April 4, 2016 to consider an application by Watkins Alley, LLC (“Applicant”) for consolidated review and approval of a planned unit development (“PUD”) and related Zoning Map amendment from the C-M-1 and R-4 Zone Districts to R-5-B for Square 1043, Lots 142, 849-851, and 859 (“Application”). The Commission considered the Application pursuant to Chapter 24 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”)¹. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. The Commission approves the Application, subject to the conditions below.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The project site consists of Square 1043, Lots 142, 849-851, and 859 (“Property”) with the address of 1309-1323 (rear) E Street, S.E. and 516 (rear) 13th Street, S.E.
2. On June 3, 2015, the Applicant filed an application for consolidated review and approval of a PUD and related Zoning Map Amendment from the C-M-1 and R-4 Zone Districts the R-5-B Zone District. (Exhibit [“Ex.”] 1.)
3. On July 15, 2015, the Office of Planning (“OP”) filed a report recommending that the Application be set down for a public hearing. (Ex. 9.)
4. At its public meeting on July 27, 2015, the Commission did not take any action on the Application and requested that the Applicant modify the design of project pursuant to their comments. (7/27/2015 Transcript [“Tr.”] at pp. 83-85.)
5. On October 13, 2015, the Applicant filed a set of amended plans that included responses to the Commission’s comments. (Ex. 10-10B11.)
6. On July 15, 2015, the Office of Planning (“OP”) filed a supplemental report recommending that the Application be set down for a public hearing. (Ex. 12.)

¹ Chapter 24 and all other provisions of Title 11 DCMR were repealed on September 6, 2016, and replaced with a Chapter 3 of Subtitle 11-X. However, because this application was set down for hearing prior to that date, the Commission’s approval was based upon the standards set forth in Chapter 24.

7. During its public meeting on November 9, 2015, the Commission unanimously voted to set down the Application for a public hearing. Notice of the public hearing was published in the *D.C. Register* on February 12, 2016 and was mailed to Advisory Neighborhood Commission (“ANC”) 6B and to owners of property within 200 feet of the Property. (Ex. 17-19; 11/9/2015 Tr. at pp. 78-79.)
8. The Application was further updated by pre-hearing submissions that the Applicant filed on and January 20, 2016 and March 14, 2016. (Ex. 14-14I, 25.)
9. The Commission held a public hearing on the Application on April 4, 2016. The Commission accepted Greg Sparhawk as an expert in the field of architecture and Jami Milanovich as an expert in the field of traffic engineering. (Ex. 24.) The Applicant provided testimony from these experts and from Sean Ruppert of OPaL, LLC. (4/4/2016 Tr. at pp. 7-21.)
10. In addition to the Applicant, ANC 6B was automatically a party in this proceeding and submitted a report and testified in support of the Application. (Ex 32.)
11. At the public hearing, the Commission heard testimony and received reports from OP and the District Department of Transportation (“DDOT”) in support of the Application. (Ex. 29, 28.) No persons testified in either support of or opposition to the Application.
12. At the public hearing, the Commission requested additional information and changes to the project design. (4/4/2016 Tr. at pp. 23-77.)
13. The Applicant responded to the Commission’s comments and concerns in a post-hearing filing that it submitted on May 12, 2016. (Ex. 40-40C2.)
14. OP submitted a supplemental report responding to the Commission’s comments. (Ex. 45.)
15. At a special public meeting on June 13, 2016, the Commission deferred proposed action on the Application, citing concerns about the project’s architecture and brickwork. (6/13/2016 Tr. at pp. 33-41).
16. The Applicant filed revised architectural drawings, which were submitted on June 20, 2016. (Ex. 47-47B6.)
17. At its regular public meeting on June 27, 2016, the Commission again deferred proposed action. The Commission expressed concerns about the project’s design and reiterated concerns about the brickwork. (6/27/2016 Tr. at pp. 33-35.)
18. The Applicant provided a materials board with updated brick options on July 11, 2016. (Ex. 48.)
19. At its regular public meeting on July 11, 2016, the Commission took proposed action to approve the Application. (7/11/2016 Tr. at p. 35).

20. The proposed action of the Commission was referred to the National Capital Planning Commission (“NCPC”) pursuant to § 492 of the Home Rule Act. The NCPC Executive Director, by delegated action dated May 27, 2016, found that the proposed PUD would not be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 46.)
21. The Commission took final action to approve the Application at a public meeting on September 12, 2016.

THE MERITS OF THE APPLICATION

Overview of the Property

22. The Property contains approximately 30,067 square feet of land area. The Property contains one larger contiguous parcel and a smaller parcel to the west across an alley. The larger parcel has a north block and a south block that are connected by a narrower strip of land. Generally, the Property is bounded by E Street, S.E. to the north, a public alley to the south, an industrial building and alley to the east, and row dwellings/flats and a public alley to the west. The public alley is 16 feet wide along the east side, 30 feet wide along the south side, and 25 feet wide along the west side. (Ex. 1, 1A, 1B.)
23. The Property is currently improved with an automobile repair shop, an automobile repair parking lot, and a warehouse for food trucks. (Ex. 1.)
24. The surrounding area is a mix of residential uses, industrial uses, parking lots, commercial/retail uses, and institutional uses. Across the street to the north is the International Graduate University site (slated for residential redevelopment), a hardware store is directly adjacent to the Property, a small commercial/residential building is adjacent to the Property to the west, townhouses/flats are directly to the west across the alley, and an industrial building is to the south across the alley. A garbage truck parking lot is directly to the east across the alley, but that site is slated for redevelopment. To the southeast and south across the alley is a DDOT facility that fabricates signs. Along the same block of E Street are a small commercial building, an automotive repair shop, and townhouses/flats. To the northwest across E Street is the Watkins Recreation Center and Elementary School. To the northeast across E Street is a Safeway supermarket. (Ex. 1, 10B, 47B.)
25. The Property is located approximately one-quarter mile from the Potomac Avenue Metrorail station, which is to the southeast of the Property. Also, two Capital Bikeshare stations are within one-quarter mile of the Property. (Ex. 14I.)
26. The Property is zoned C-M-1 with the small parcel across the alley zoned R-4. Industrial properties to the east and south of the Property are zoned C-M-1. To the north, west, and further to the east, along 14th Street, properties are zoned R-4. To the northeast and further to the south along Pennsylvania Avenue, properties are zoned C-2-A. (Ex. 1, 10B.)

27. The Future Land Use Map (“FLUM”) of the Comprehensive Plan designates the Property in the Moderate-Density Residential Land Use Category. The Generalized Policy Map (“GPM”) designates the Property as a Neighbor Conservation Area. (Ex. 1, 1C.)

The Project

28. The Applicant plans to redevelop the Property as a multifamily residential building with multiple unit types (“Project”). The Project will contain 44 residential units and a total of approximately 87,703 gross square feet, which equates to a density of 2.92 floor area ratio (“FAR”). (Ex. 1, 35A, 40C1, 47B1-47B6.)
29. The Project will have three components, but all structures will be connected so that they will be one building for zoning purposes. The north portion of the Property closest to E Street will contain a block of approximately 10 four-story townhouse-like condominiums with recessed fourth floors. Seven of these townhouse-like units will front on E Street, and three will be along the western side of the property perpendicular to the other seven townhouse-like units. These three townhouse-like units will be oriented around a large courtyard that will open to the south onto the alley. These units will have a maximum height of approximately 44.8 feet, including mechanical equipment, so they will not have separate mechanical penthouses. These units will contain two bedrooms or three bedrooms. Initial purchasers of the units without rear windows will be given the option of locating the kitchens at either the front or rear. (Ex. 1-1A2, 40C1-40C2, 47B1-47B6; 4/4/16 Tr. at pp. 6-14.)
30. The south portion of the Property, surrounded by the alley system, will contain another block of approximately 20 townhouse-like units. These townhouse-like units also will be four stories with a recessed fourth story and will have a height of approximately 42.8 feet, including mechanical equipment; they will not have mechanical penthouses. These units will be oriented in two parallel rows facing each other with a large central pedestrian lane (mews). These units will contain three bedrooms or four bedrooms. (Ex. 1-1A2, 40C1-40C2 47B1-47B6.)
31. Connecting the north and south blocks of townhouse-like units will be a five-story bar of 15 apartments that will contain one bedroom, one bedroom plus den, or three bedrooms. The height of this bar will be approximately 56.5 feet. (Ex. 1-1A2, 40C1-40C2, 47B1-47B6.)
32. Across the alley to the west from the large parcel of the Property, the small parcel will contain a small three-story (approximately 26 feet tall), single-family, one-bedroom townhouse. (Ex. 1, 40C1, 40C2. 47B.)
33. The Project will include 45 underground parking spaces. The parking will be under the south block of townhouse units, and it will be accessed from the block’s west side via the 25-foot alley to the west of the Property. In addition, the Project will provide 48 secure bicycle parking spaces. (Ex. 1-1A2, 40C1, 40C2, 47B.)

34. The Project will be designed so as to satisfy the standards for Silver certification under LEED for Homes version 4. (Ex. 25, 40C1-40C2, 47B1-47B6.)
35. Open space and green features will be incorporated throughout the Project. The north block of townhouse units will include a landscaped courtyard. Also, the central mews in the south block of townhouse units will be landscaped. In addition, nearly every unit will have outdoor space, either a roof deck or a balcony. A green roof will occupy the roof of the apartment bar and the westernmost group of townhouse units in the north block. (Ex. 1-1A2, 40C1-40C2, 47B1-47B6.)
36. Access to the Project will be through various points. Pedestrian access will be via E Street and via the alley system. Pedestrians from E Street will be able to pass into the north block courtyard through a passageway in the center of the building. This passageway will be open to the public at all times. Pedestrians also may access the system through the alley system entered to the east either from E Street or G Street. Residents in the apartment bar will have access from E Street to an enclosed hallway leading to their units and elevators. Bicycles similarly will be able to access the Project from either E Street or the alley system. Automobiles will access the Project first via the 15-foot-wide north-south alley from either E or G Streets, then west along the alley to the south of the Property, and then enter the parking garage from the 25-foot-wide alley to the west of the south block. (Ex 1-1A1, 35A1-35A5, 40C1-40C2, 47B1-47B6; 4/4/16 Tr. at pp. 14-17.)
37. The design of the Project will vary depending on location. The E Street façade will have a style more reflective of the Federal style townhouses and flats in the neighborhood. The façades facing the alley system will have more of an industrial style reflective of the warehouses in the alley system. (Ex. 10-10B11, 40C1-40C2, 47B1-47B6; 4/4/16 Tr. at pp. 6-14.)
38. The townhouse on the small parcel across the alley will be designed in the Federal style. The parking for this townhouse will be located in the garage under the south block of townhouse units. (Ex. 1-1A2, 40C1-40C2, 47B1-47B6.)

Zoning Map Amendment

39. The Property is located primarily in the C-M-1 Zone District, with the small parcel across the alley zoned R-4. As a matter of right, the maximum height allowed in the C-M-1 Zone District is 40 feet, and the maximum density is 3.0 FAR. Residential use is not permitted in the C-M-1 Zone District.
40. The Applicant requested a PUD-related Zoning Map amendment to the R-5-B Zone District to permit the Project to achieve the requested use, height, and density. The maximum height permitted in the R-5-B Zone District under the PUD guidelines is 60 feet, and the maximum density permitted is 3.0 FAR.

PUD Flexibility Requested

41. The Applicant requested flexibility from the rear yard, lot occupancy, alley width for alley dwelling, alley dwelling height, and parking space location requirements in order to accommodate the proposed design of the Project, as detailed in the Applicant's written submission and the OP final report. The PUD land area flexibility is required to allow an all-residential project on a site that is less than one acre. The rear yard and lot occupancy flexibility is justified by the Property's configuration and the Project's unique site design of reorienting open space. The alley width, alley dwelling height, and parking space location flexibility is justified by the construction of the townhouse on the small parcel that would otherwise remain undeveloped. (Ex. 1-1G2, 35A1-35A5, 40C1-40C2, 47B1-47B6.)

Project Amenities and Public Benefits

42. As detailed in the Applicant's testimony and written submissions, the proposed Project will implement the following project amenities and public benefits:
- a. Urban design, architecture, and landscaping, architecture that responds to and is consistent with the various historical uses in the vicinity, and sustainable features. The Commission finds that the Project's design adequately incorporates and responds to the design suggestions and concerns raised by both the Commission and OP; (Ex. 1-1G2, 14-14I, 29, 40C1-40C2, 47B1-47B6.)
 - b. Site planning and efficient land utilization, through the redevelopment of an auto repair shop and warehouse into a multifamily building with a unique site plan in a predominantly residential neighborhood; (Ex. 1-1G2, 14-14I, 29, 40C1-40C2, 47B1-47B6.)
 - c. Public Space and Park Improvements. Specific improvements include:
 - i. The Applicant will make the following improvements to the plaza adjacent to the Potomac Avenue Metrorail station: installing greenery/landscaping around the station elevator and removal of the kiosk; and (Ex. 1-1G2, 25, 35A1-35A5, 40B; 4/4/16 Tr. at p. 18.)
 - ii. The Applicant will improve and enhance the 13 tree boxes around Square 1043 and repaint light posts; (Ex. 40B.)
 - d. Effective and safe vehicular and pedestrian access and transportation demand management ("TDM") measures. Specific features include:
 - i. TDM plan as set forth in the Applicant's transportation assessment; (Ex.14I, 35A1-35A5.)

- ii. Approximately 48 secure bicycle parking spaces inside the Project; (Ex. 35A1-35A5, 40C1-40C2, 47B1-47B6.)
 - iii. A pedestrian passageway through the building from E Street; and (Ex. 35A1-35A5, 40C1-40C2, 47B1-47B6.)
 - iv. Location of the parking garage where it is least likely to conflict with pedestrians and other traffic; (Ex. 14-14I, 35A1-35A5, 40C1-40C2, 47B6; 4/4/16 Tr. at p. 16.)
- e. Transportation and streetscape infrastructure improvements, including:
- i. Improved Alley System: the Applicant will repave the section of the alley system west of the Property's south block;
 - ii. Alley Safety Improvements: provide additional features to improve the functionality and safety of the alley including security cameras, lights, and mirrors on the Property; and (Ex. 35A1-30A5, 40B.)
 - iii. Reduction in Curb Cuts: eliminate curb cuts on E Street, thereby creating more on-street parking; (Ex. 1, 29.)
- f. Housing and affordable housing, through the creation of 44 residential units, including five units set aside for affordable units. As required by the current Inclusionary Zoning ("IZ") Regulations, the Applicant will set aside 10% of the residential gross floor area for inclusionary units. However, the affordable unit mix will contain two 2-bedroom and two 3-bedroom units at 50% AMI and one 3-bedroom unit at 80% AMI. This represents an increase in the amount of affordable housing over both a matter-of-right project in the underlying C-M-1 Zone District (where IZ does not apply) and over the base requirements of the R-5-B Zone District sought through the PUD; (Ex. 35A1-35A5, 40B, 40C1)
- g. Environmental benefits, including a commitment to achieve at least the minimum points for Silver under LEED for Homes version 4 for the Project. (Ex. 35A1-35A5, 40B, 40C1, 47B; 4/4/16 Tr. at pp. 13-14.) The Project will also include specific sustainable design features such as extensive green roof and courtyard. (Ex. 40C1, 40C2, 47B). The Project will remove a large impermeable surface. Sustainable features will include permeable pavement, lack of irrigation, drought tolerant landscape, bird attracting features including bird houses, outdoor terraces, fruiting shrubs, and a pollinator garden;
- h. Social services/facilities through one of the residential units being designed as a "senior unit" to include features to make it accommodating to a senior resident; and (Ex. 29, 35A1-35A5.)
- i. Uses of special value, including:

- i. The Applicant will incorporate into the condominium documents a requirement that the condominium association will plow snow from the alley system adjacent to the project site and out to E Street;
- ii. The Applicant will replace the metal fence along G Street for the Potomac Gardens apartment complex; and
- iii. The Applicant will contribute \$1,000 to DC Safety Net for its Safe Routes program for the purchase of vests and office supplies.

(Ex. 1-1G2, 29, 35A1-35A5, 40B, 50-51; 4/4/16 Tr. at pp. 17-21).

Transportation Issues

43. The Applicant's traffic expert submitted a detailed transportation impact analysis that concluded that the proposed Project would not generate an adverse traffic impact on the surrounding roadway network or cause objectionable impacts in the surrounding neighborhood due to traffic or parking impacts. The Applicant's traffic consultant also concluded that the number of automobile trips generated by the Project would be equal to or less than the number generated by the existing uses. Further, the Applicant's traffic consultant testified that the location of the parking entrance is best because of ease of use, least likely for conflicts, most feasible site design, and because a curb cut on E Street would not be permitted. Finally, the Applicant's transportation analysis included a loading management plan and a transportation demand management ("TDM") plan to reduce automobile trips. (Ex. 14I, 35A1-35A5; 4/4/16 Tr. at pp. 14-17.)
44. The Applicant's representative testified about a meeting with representatives from the DDOT and DPW facilities across the alley from the Project to the south. He testified that the representatives committed to working with the neighbors and to reducing alley parking that would obstruct circulation. (4/4/16 Tr. at p. 63.)
45. DDOT submitted a report stating that it has no objection to the Project. DDOT concurred with the scope, methodology, and findings of the Applicant's transportation study, and found the loading management plan and TDM plan acceptable. DDOT agreed that the Project would have a low number of vehicle trips and did not object to the site design or site circulation. DDOT further found that the bicycle facilities in the Project will be adequate and that the site is well served by public transit. DDOT recommended continued coordination with the Applicant for improvements in the public realm. (Ex. 28.)
46. Several neighbors filed a letter in support of the PUD and made three recommendations regarding their concerns about alley congestion: (1) that the north-south alley to the east of the Project site be widened; (2) that the parking garage entrance be located to E Street via a curb cut; and (3) that safety measures be incorporated into the Project because of the pedestrian passageway from E Street. Another neighbor also expressed a concern about the enforcement of parking restrictions in the alley. (Ex. 23, 30.)

47. The Project will not cause unacceptable impacts on vehicular or pedestrian traffic, or cause unacceptable alley impacts, as demonstrated by the testimony and reports provided by the Applicant's traffic expert and DDOT:
- a. The Commission finds that the Project will not impose adverse impacts on the surrounding transportation network. The Commission credits the findings of the Applicant's traffic expert as verified by DDOT that the Project will not create any adverse traffic or parking impacts when compared with existing conditions;
 - b. The Commission finds that the number of vehicular parking spaces will not result in adverse parking conditions in the neighborhood and is appropriate given that the location is well served by public transit. The Commission concludes that the number of vehicular and bicycle parking spaces provided within the Project, combined with the site's proximity to multiple transportation options, and the Applicant's TDM plan, will ensure that the Project does not adversely impact on-street parking in the surrounding neighborhood;
 - c. The Commission finds that the location of the Project parking entrance will not generate adverse conditions in the alley for the reasons set forth above, including safety, DDOT's policy against curb cuts when alley access is available, and because it allows for the most efficient site plan;
 - d. The Commission recognizes the concerns of the neighbors about the width of the north-south alley but finds that widening the alley on the Project's site would have little effect because the Property is adjacent to only a portion of the alley length. In any event, the Commission finds that the alley system is sufficient to accommodate the traffic generated by the Project;
 - e. The Commission finds that the neighbors' concerns about safety for the pedestrian passageway will be adequately addressed through the Applicant's provisions of cameras, lights, and mirrors on the Project; and
 - f. The Commission finds that the Project will not impose adverse impacts on the surrounding pedestrian and bicycle network. The Commission also credits DDOT's acceptance of the pedestrian and related streetscape measures proffered by the Applicant subject to final approval by DDOT. The Commission recognizes that DDOT will determine the final measures to be installed through the public space approval process.

Construction Impacts

48. Several neighbors filed letters in support of the Project but expressed concern about the combined construction-related impacts from this Project and the planned project across the alley to the east. (Ex. 23, 30.)

49. Working with ANC 6B and the adjacent neighbors, the Applicant agreed to enter into a Memorandum of Understanding governing Project construction and operations to mitigate impacts from the construction of the Project. The MOU also includes the Applicant's agreement to work with the developer of the property to the east across the north-south alley to coordinate construction to the greatest extent possible and to minimize cumulative impacts on neighboring properties. (Ex. 32, 33; 4/4/16 Tr. at pp. 63-64; 85-86).

Project Design and Materials

50. The Commission finds that the Project design and materials will be high quality and will be appropriate for the neighborhood context. All building façades will feature attractive and time-tested materials to ensure that the Project's material visual quality will not degrade over time. The design of the Project has been sufficiently refined to be context-appropriate and will be architecturally acceptable. (Ex. 47A, 47B1-48B6, 48).

Compliance with the Comprehensive Plan

51. The Commission finds that the PUD advances the goals and policies in the Land Use, Transportation, Housing, Urban Design and Capitol Hill Area Elements of the District of Columbia Comprehensive Plan ("Plan").
52. The Land Use Element of the Plan includes the following policies advanced by the Project:
- **Policy LU-1.3.2: Development Around Metrorail Stations** – Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas;
 - **Policy LU-1.3.3: Housing Around Metrorail Stations** – Recognize the opportunity to build senior housing and more affordable "starter" housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations;
 - **Policy LU-1.4.1: Infill Development** – Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character

of the area and should not create sharp changes in the physical development pattern;

- **Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods** – Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others;
- **Policy LU-2.2.4: Neighborhood Beautification** – Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements;
- **Policy LU-2.3.1: Managing Non-Residential Uses in Residential Areas** – Maintain zoning regulations and development review procedures that: (a) prevent the encroachment of inappropriate commercial uses in residential areas; and (b) limit the scale and extent of non-residential uses that are generally compatible with residential uses, but present the potential for conflicts when they are excessively concentrated or out of scale with the neighborhood;
- **Policy LU-3.1.4: Rezoning of Industrial Areas** – Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDR activities or is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations, sites within historic districts, and small sites in the midst of stable residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas; and
- **Policy LU-3.1.5: Mitigating Industrial Land Use Impacts** – Mitigate the adverse impacts created by industrial uses through a variety of measures, including buffering, site planning and design, strict environmental controls, performance standards, and the use of a range of industrial zones that reflect the varying impacts of different kinds of industrial uses.

The Commission finds that the PUD will advance the land use element of the Comprehensive Plan. The Project will replace undesirable industrial uses and will rezone industrially-zoned land in the center of a well-established residential neighborhood. At the same time, the Project will enhance this residential neighborhood and will beautify this block by constructing new residences with compatible architectural style. Furthermore, the Project will promote better development on the PUD Site through

the provision of new housing units with close proximity to a Metrorail station. The Project will be the quintessential infill development that will allow an underutilized site to be brought to its highest and best use with new housing in an established residential neighborhood and close to a Metrorail station. Given the innovative site plan and replacement of an industrial use with mostly new single-family townhouse-like units, the Project will promote the stability and preservation of the existing residential neighborhood. (Ex. 1, 9.)

53. The Project will advance the following policies of the Transportation Element of the Plan:

- **Policy T-1.1.4: Transit-Oriented Development** – Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points; and
- **Policy T-2.4.1: Pedestrian Network** – Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city.

The Commission finds that the Project will be a transit oriented development since it will contribute a notable amount of new housing in close proximity to a Metrorail station and a major Metrobus corridor. The Property’s proximity to public transportation makes it a prime location for additional density and residences. Also, the Project will improve the pedestrian experience on the block by eliminating a large three-bay curb cut and the resulting pedestrian-automobile conflicts. (Ex. 1, 9, 40C1-40C2.)

54. The Urban Design Element of the Plan includes the following policies that the Project will advance:

- **Policy UD-2.2.1: Neighborhood Character and Identity** – Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context;
- **Policy UD-2.2.2: Areas of Strong Architectural Character** – Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development within such areas does not need to replicate prevailing architectural styles exactly but should be complementary in form, height, and bulk (see Figure 9.10.);
- **Policy UD-2.2.5: Creating Attractive Facades** – Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street;

- **Policy UD-2.2.7: Infill Development** – Regardless of neighborhood identity, avoid overpowering contrasts of scale, height, and density as infill development occurs;
- **Policy UD-2.2.9: Protection of Neighborhood Open Space** – Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas; and
- **Policy UD-3.1.11: Private Sector Streetscape Improvements** – As appropriate and necessary, require streetscape improvements by the private sector in conjunction with development or renovation of adjacent properties.

The Commission finds the Project design will embrace and enhance the existing neighborhood through the incorporation of varied and attractive architecture, and through innovative urban site design. The Project's design will take cues from the established neighborhood architectural style while facilitating the vibrancy and growth of the neighborhood with a contemporary interpretation. The Project's site plan will successfully create a strong sense of place, while relating to the existing residential buildings nearby. The courtyard and the central lane (mews) will provide the open space commensurate with the rest of the residential neighborhood. At the same time, the Project will have a scale, height, and density that is both compatible with the neighborhood and appropriate for an infill site in a highly desirable neighborhood with close proximity to a Metrorail station. (Ex. 1, 9, 40C1-40C2, 47B1-47B6.)

55. The PUD will advance the following goals and policies from the Housing Element of the Plan:

- **H-1.1 Expanding Housing Supply** – Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs;
- **Policy H-1.1.1: Private Sector Support** – Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives;
- **Policy H-1.1.3: Balanced Growth** – Strongly encourage the development of new housing on surplus, vacant, and underutilized land in all parts of the city. Ensure

that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing;

- **Policy H-1.2.1: Affordable Housing Production as a Civic Priority** – Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city;
- **Policy H-1.1.6: Housing in the Central City** – Absorb a substantial component of the demand for new high-density housing in Central Washington and along the Anacostia River. Absorbing the demand for higher density units within these areas is an effective way to meet housing demands, create mixed-use areas, and conserve single-family residential neighborhoods throughout the city. Mixed income, higher density downtown housing also provides the opportunity to create vibrant street life, and to support the restaurants, retail, entertainment, and other amenities that are desired and needed in the heart of the city;
- **Policy H-1.3.1: Housing for Families** – Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments; and
- **Policy H-4.2.2: Housing Choice for Seniors** – Provide a wide variety of affordable housing choices for the District’s seniors, taking into account the income range and health-care needs of this population. Recognize the coming growth in the senior population so that the production and rehabilitation of publicly-assisted senior housing that meets universal design standards becomes a major governmental priority. Acknowledge and support the establishment of Senior Villages throughout the city that allow seniors to remain in their homes and age in-place.

The Commission finds that the Project will expand the District’s housing supply in an established and highly desirable central residential neighborhood on a parcel that is otherwise underutilized. By providing 44 new housing units, the Project will promote housing in the central part of the city. Furthermore, almost all of the units will be suitable for families because they will be large (two plus bedrooms), with the townhouse units providing three plus bedrooms each. Furthermore, the Project will provide more affordable housing than required at the lowest level of affordability (50% AMI) under IZ. Finally, the inclusion of a unit designed for seniors will give a senior resident the option for housing in this location that accommodates their needs. (Ex. 1, 9, 40C1-40C2.).

56. The PUD will advance the following policy from the Parks, Recreation, and Open Space element of the Comprehensive Plan:

- **Policy PROS-4.3.3: Common Open Space in New Development** – Provide incentives for new and rehabilitated buildings to include “green roofs”, rain gardens, landscaped open areas, and other common open space areas that provide visual relief and aesthetic balance.

The Commission finds that the Project will provide common open space through the two courtyards as well as the improved tree boxes along the sidewalks in the Square. (Ex. 9, 40C1-40C2.)

57. The PUD will promote the following policies from the Environmental Protection Element of the Plan:

- **Policy E-1.1.1: Street Tree Planting and Maintenance** – Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District’s neighborhoods;
- **Policy E-3.1.1: Maximizing Permeable Surfaces** – Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff; and
- **Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff** – Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.

The Commission finds that the Project will contain environmentally sustainable features. The Project’s extensive green roof, and inclusion of courtyards will maximize permeable surfaces and reduce runoff. Also, the reparation of tree boxes will improve and increase tree coverage. (Ex. 9, 40C1-40C2,)

58. The PUD will promote the following policies from the Capitol Hill Element of the Plan:

- **Policy CH-1.1.1: Conserving Residential Uses** – Maintain the integrity and quality of Capitol Hill’s residential uses, and recognize the importance of its historic architecture and housing stock to the entire District of Columbia. Ensure that the Comprehensive Plan and zoning designations for Capitol Hill neighborhoods sustain its moderate density land use pattern;
- **Policy CH-1.1.2: Renovation of Housing Stock** – Encourage the rehabilitation and renovation of the building stock throughout the Capitol Hill Planning Area, taking steps to preserve and restore important historic features. Where infill

development occurs, its scale and character should be compatible with prevailing neighborhood densities and its design should contribute to neighborhood continuity and quality; and

- **Policy CH-1.1.7: Alleys** – Protect Capitol Hill’s system of historic alleys and develop plans for the use of large block interior spaces where appropriate. These plans should be developed in coordination with the affected Advisory Neighborhood Commissions, residents, and community groups.

The Commission finds that the Project will advance three key policies of the Capitol Hill Area Element by constructing an infill residential project that respects the integrity of the architecture and maintains the scale of the neighborhood. As described, the scale and character of the Project will emulate that of the surrounding community and will respect and improve the character of the surrounding alley system. Furthermore, the Project will put a large block of interior alley space into productive residential use that benefits the community by replacing an otherwise disruptive automobile repair shop and parking lot and warehouse. (Ex. 1, 9, 40C1- 40C2.)

Compliance with PUD Standards

59. In evaluating a PUD application, the Commission must “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects.” The Commission finds that the development incentives for the height, density, flexibility and related rezoning to R-5-B are appropriate and fully justified by the additional public benefits and project amenities proffered by the Applicant. The Commission finds that the Applicant has satisfied its burden of proof under the Zoning Regulations regarding the requested flexibility from the Zoning Regulations and satisfaction of the PUD standards and guidelines as set forth in the Applicant’s evidence and testimony and the OP report. (Ex. 1, 10, 14, 25, 40, 40C1, 40C2, 47B.)
60. The Commission credits the testimony of the Applicant, its architectural expert, and its transportation expert as well as OP, DDOT, and ANC 6B, and finds that the design, site planning, sustainable design features, transportation infrastructure improvements, housing and affordable housing, and uses of special value of the Project all constitute acceptable project amenities and public benefits.
61. The Commission finds that the Project is acceptable in all proffered categories of public benefits and project amenities, and is superior in public benefits and project amenities related to landscaping and open space, housing and affordable housing, site planning, transportation measures, environmental benefits, social services, parks and open space, and uses of special value to the neighborhood and District as a whole.
62. The Commission credits the testimony of the Applicant regarding the community-based planning effort that guided the development of the Project, and finds that the process resulted in amenities that reflect community preferences and priorities. The Commission

credits OP and ANC 6B that the PUD provides significant and sufficient public benefits and project amenities.

63. The Commission finds that the character, scale, and design of the Project are appropriate, and finds that the site plan is consistent with the intent and purposes of the PUD process to encourage high quality developments that provide public benefits.
64. The Commission credits the testimony of OP and ANC 6B that the Project will provide benefits and amenities of substantial value to the community and the District commensurate with the additional density and height sought through the PUD. Further, the Commission credits OP's testimony that the impact of the PUD on the level of services will not be unacceptable.
65. For the reasons detailed in this Order, the Commission credits the testimony of the Applicant's traffic consultant and DDOT and finds that the traffic, parking, and other transportation impacts of the Project on the surrounding area, including in the alley system in particular, are not likely to be adverse and are capable of being mitigated through the measures proposed by the Applicant. Any transportation impacts will be acceptable given the quality of the public benefits of the PUD.
66. The Commission credits the testimony of the Applicant and OP that the Project is not inconsistent with the District of Columbia Comprehensive Plan. The Project is consistent with and furthers the goals and policies in the map, citywide, and area elements of the plans, including:
 - a. Designation of the Property as Moderate Density Residential on the Future Land Use Map as well as provisions of the Framework Element of the Comprehensive Plan that explicitly state density and height gained through the PUD process are bonuses that may exceed the typical ranges listed in the Comprehensive Plan;
 - b. Land Use Element policies promoting redevelopment around Metrorail stations, strengthening of residential neighborhoods, infill development, management of non-residential uses in residential areas, and rezoning of industrial land;
 - c. Housing Element policies promoting the even distribution of mixed-income housing across the city;
 - d. Other policies in the Transportation, Urban Design, Environmental Protection, and Parks Recreation and Open Space Elements related to the Land Use policies and goals stated above;
 - e. The Capitol Hill Area Element of the Comprehensive Plan; and
 - f. The Generalized Policy Map ("GPM") which includes the Property in the Neighborhood Conservation Area category.

Agency Reports

67. By report dated March 25, 2016 and by testimony at the public hearing, OP recommended approval of the application and concluded that the Applicant had addressed previous concerns raised by OP and the Commission, including questions about design and circulation, a lighting plan, justifications for requested flexibility, and refined public benefits package. OP raised several supplemental comments to be addressed at the hearing: reducing E Street projections to two stories; changing windows to double-hung; removing arches on the E Street elevation; and separating ganged windows with brickwork. The Applicant responded to these issues at the hearing and addressed them further in its post-hearing submission. OP submitted an additional report on May 19, 2016, which analyzed the Applicant's post-hearing submission in response to the Commission's concerns. OP concluded that the PUD and related rezoning was not inconsistent with the Comprehensive Plan. OP evaluated the PUD and related rezoning under the evaluation standards set forth in Chapter 24 of the Zoning Regulations and concluded that the Project's benefits and amenities package was appropriate given the size and nature of the PUD and related requests for rezoning and flexibility. (Ex. 29, 45; 4/4/16 Tr. at p. 78).
68. By report dated March 25, 2016 and by testimony at the public hearing, DDOT expressed no objection to the PUD. DDOT found that the Project would have minimal impact on the existing roadway and alley network, that existing transit service should be able to accommodate demand, that the Project will include adequate bicycle facilities; that the Project is expected to generate a low number of vehicle trips; and that the Applicant's loading management and TDM plans are acceptable. DDOT also noted that it would continue to work with the Applicant on public space matters including curbside management and design, and pedestrian safety measures in the alley. (Ex. 28; 4/4/16 Tr. at pp. 79-82).

ANC 6B Report

69. At a properly noticed special public meeting on March 29, 2016, with a quorum present, ANC 6B voted to support the proposed PUD and related rezoning, based on the Project's benefits and amenities and a Memorandum of Understanding between the ANC and the Applicant. (Ex. 32, 33.)
70. At the April 4, 2016 public hearing, a representative of the ANC testified in support of the application. (4/4/16 Tr. at pp. 84-86)

Letters in Support

71. The Commission received four letters in support of the Application. One neighbor's letter stated that the Project will be an asset to the neighborhood. Two letters stated support for the project but expressed some concern about potential congestion in the alley, the width of the north-south alley east of the Property, the combined impacts of

another project planned for directly across the alley to the east, and safety and security resulting from the E Street pedestrian passageway. The Capitol Hill Restoration Society stated its support for the Project, particularly the large unit sizes. (Ex. 23, 27, 30, 34.)

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process provides a means for creating a “well-planned development.” The objectives of the PUD process are to promote “sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities.” (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.)
2. Under the PUD process, the Commission has the authority to consider this application as a consolidated PUD. (11 DCMR § 2402.5.) The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment. (11 DCMR § 2405.)
3. Proper notice of the proposed PUD and related rezoning was provided in accordance with the requirements of the Zoning Regulations.
4. The development of the Project will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right standards. Here, the height, character, scale, and proposed use for the proposed PUD are appropriate, and the proposed construction of a multifamily residential building with large, family-sized units that capitalizes on the Property’s transit-oriented location is compatible with the citywide and area plans of the District of Columbia.
5. The Applicant seeks a PUD-related zoning map amendment to the R-5-B Zone District, including flexibility from lot occupancy, rear yard, alley lot width, alley lot dwelling height, and parking space location requirements in the Zoning Regulations. The Commission has judged, balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects, and concludes approval, including the requested flexibility from the Zoning Regulations, is warranted for the reasons detailed below.
6. The Applicant requests the Commission to waive the minimum land area requirement of § 2401.1 (b). The minimum land area for a PUD in the R-5-B Zone District is one acre (43,560 square feet). The PUD site has a land area of 30,067, which is 60% of the minimum required. The Commission may waive not more than 50% of the minimum

area requirement for a residential development provided that the Commission finds after a public hearing that the development is of exceptional merit and in the best interest of the city or country. Because of the project's innovative site plan and large residential units, and the other public benefits noted above, the Commission concludes that this standard has been met.

7. The Commission concludes that approval of the PUD and related rezoning is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP and finds that the proposed project is consistent with the Property's Moderate-Density Residential designation on the FLUM and is consistent with the Property's Neighborhood Conservation Area designation on the GPM. The Project will further numerous goals and policies of the Comprehensive Plan in the Land Use Element, Housing Element, Transportation, and other citywide elements and policies as delineated by the Applicant and in the OP reports:
 - a. The Interpretation Guidelines for the FLUM also state that the Future Land Use Map is not a zoning map and does not specify allowable uses or dimensional standards. The Guidelines also indicate that the typical building heights and densities included in the land use category simply describe the "general character" of the area, and state that the "granting of density bonuses [through PUDs] may result in heights that exceed the typical ranges cited here." Finally, the Guidelines indicate that the Future Land Use Map designations are not parcel-specific and should be interpreted in conjunction with the text of the Plan;
 - b. The Interpretation Guidelines for the FLUM indicate that it should be considered in conjunction with the policies and guidelines in the text of the Comprehensive Plan. The location and uses of the PUD will advance many policies in the text of the Comprehensive Plan, such as transit-oriented development. Thus, the proposed scale of the Project is not inconsistent with Moderate-Density Residential development; and
 - c. The Commission finds that the proposed Map Amendment to the R-5-B Zone District is not inconsistent with the Comprehensive Plan or the character of the surrounding area. The Commission notes that the proposed zoning is consistent with the Property's location in a moderate-density residential neighborhood. The rezoning is necessary to allow additional development in this residential and transit-oriented location. Further, the rezoning is part of a PUD application, which allows the Commission to review the design, site planning and provision of public benefits and amenities against the requested zoning flexibility.
8. The Commission concludes that the proposed PUD-related Zoning Map Amendment for the Property from the C-M-1 and R-4 Zone Districts to the R-5-B Zone District is not inconsistent with the Comprehensive Plan, including the Property's designation as Moderate-Density Residential on the FLUM, and is appropriate given the superior features of the PUD, the benefits and amenities provided through the PUD, the goals and

- policies of the Comprehensive Plan, and other District of Columbia policies and objectives.
9. The proposed height, density, and bulk of the PUD will not cause an adverse effect on nearby properties, are consistent with surrounding properties, and will create a more appropriate and efficient utilization of land in a predominantly residential neighborhood. The large family-sized residential units also will be appropriate for the site's location.
 10. The Project's design will be appropriate for and consistent with its context. The varied architectural styles – on both the E Street elevation and within the alley system – will create architecturally variety that is compatible with its surroundings. The Project's design reflects influences from the history of the neighborhood to appropriately integrate the Project while giving it architectural interest.
 11. The Project will provide superior features that benefit the surrounding neighborhood to a greater extent than a matter-of-right development on the Property would provide. The Commission finds that the urban design, site planning, efficient and safe traffic circulation, sustainable features, housing and affordable housing, and uses of special value are all significant public benefits. The impact of the Project will be acceptable given the quality of the public benefits of the Project.
 12. The impact of the Project on the surrounding area and the operation of city services will be acceptable. The Commission agrees with the conclusions of the Applicant's traffic expert and DDOT that the proposed project will not create adverse traffic, alley, parking, or pedestrian impacts on the surrounding community. The application will be approved with conditions to ensure that any potential adverse effects on the surrounding area for the Project will be mitigated.
 13. The PUD and rezoning for the Property will promote orderly development of the Property in conformance with the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
 14. The Commission is required under D.C. Official Code § 6-623.04 to give great weight to OP recommendations. OP recommended approval and, accordingly, the Commission concludes that approval of the consolidated PUD and related rezoning should be granted.
 15. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the written issues and concerns of the affected ANC. The Commission accorded the issues and concerns raised by ANC 6B the "great weight" to which they are entitled, and in so doing fully credited the unique vantage point that ANC 6B holds with respect to the impact of the proposed application on the ANC's constituents. ANC 6B recommended approval of the Application, so the Commission concludes that the PUD and related rezoning should be approved.
 16. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission of the District of Columbia **ORDERS APPROVAL** of the Application for consolidated approval of a PUD and related rezoning to the R-5-B Zone District for the Property. This approval is subject to the following guidelines, conditions, and standards of this Order:

A. Project Development

1. The Project shall be developed in accordance with the plans and materials marked as Exhibits 47B1-47B6 and 48 of the record, as modified by the guidelines, conditions, and standards herein (collectively, the “Plans”).
2. The Property shall be rezoned from C-M-1 and R-4 to R-5-B. Pursuant to 11 DCMR § 3028.9, the change of zoning shall be effective upon the recordation of the covenant discussed in Condition No. D1.
3. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, kitchens, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary final selection of the exterior materials within the color ranges and materials types as proposed based on availability at the time of construction;
 - c. To vary the final selection of landscaping materials utilized, based on availability and suitability at the time of construction;
 - d. To vary the final streetscape design and materials, including the final design and materials, in response to direction received from District public space permitting authorities;
 - e. To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings, trim, louvers, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the

structural, mechanical, or operational needs of the building uses or systems; and

- f. To adjust the final unit type mix of the Project.

B. Public Benefits

- 1. **For the life of the Project**, the Applicant shall provide the following housing and affordable housing:

- a. The Project shall provide approximately 87,703 square feet of residential Gross Floor Area (“GFA”) of housing. Approximately 78,933 square feet of Gross Floor Area of this total will be market rate housing, and approximately 8,770 square feet (equivalent to 10% of the GFA) will be affordable housing and is subject to the Inclusionary Zoning Regulations in effect as of the date of approval;
- b. The affordable housing shall be provided in accordance with the following:

Residential Unit Type	GFA/Percentage of Total	Units*	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	87,703/100%	44				
Market Rate	78,933/90%	39				
IZ (50% AMI)	Approximately 6,665/7.6%	4	50% AMI	Life of the Project	Condo	
IZ (80% AMI)	Approximately 2,105/2.4%	1	80% AMI	Life of the Project	Condo	

- c. The affordable housing units shall be distributed generally in accordance with the matrix and plans marked as Exhibit 47B1, sheet A.16;
- d. The Project shall include a minimum of two three-bedroom townhouse units and two two-bedroom apartment units (approximately 7.6% of the residential gross floor area) as affordable housing units affordable to a household of one or more individuals with a total annual income adjusted for household size equal to less than 50% of the Metropolitan Statistical

Area median. The Project shall also include a minimum of one three-bedroom townhouse unit (approximately 2.4% of the residential gross floor area) affordable to a household of one or more individuals with a total annual income adjusted for household size equal to between 51% and 80% of the Metropolitan Statistical Area median. The Applicant shall set aside the first three units for households of one or more individuals with a total annual income adjusted for household size equal to less than 50% of the Metropolitan Statistical Area median, followed by each additional odd number unit being set aside for households of one or more individuals with a total annual income adjusted for household size equal to equal to less than 50% of the Metropolitan Statistical Area median, in accordance with § 2603.3 of the 1958 Zoning Regulations; and

- e. The inclusionary zoning covenant required by D.C. Official Code § 6-1041.05. shall include a provision requiring compliance with Conditions B1.b, B1.c, and B1.d.

2. **Prior to the issuance of a certificate of occupancy for the Project**, the Applicant shall complete or provide the following:

- a. The Applicant will improve and enhance the 13 tree boxes on the sidewalks west of the north-south alley in Square 1043 and will repaint the street light posts, subject to all permits and final approval from DDOT. The improvements will consist of cleaning and repairing (or replacing, if necessary) the tree box railings as well as planting trees where none exist and replacing trees if necessary (as determined by an arborist);

The Applicant will design and construct the interior of one of the townhouse units as a “senior unit” incorporating design features to accommodate seniors pursuant to the guidelines supplied by Capitol Hill Village. The Applicant shall provide the guidelines and evidence of the design features in the unit to the Zoning Administrator;

- b. The Applicant shall expend \$30,000 towards improvements at the Potomac Avenue Metro Plaza, if approved by WMATA and DDOT. Subject to final approval by the agencies, the improvements will include installing greenery/landscaping around the station elevator and removal of the kiosk. The Applicant shall provide to the Zoning Administrator evidence that the improvements by WMATA and DDOT have been or are being provided;
- c. Up to a maximum cost of \$40,000, the Applicant will resurface a portion of the alley system in Square 1043 in a material to be coordinated with DDOT. Subject to all final permits and approvals, the Applicant will resurface the portion of the alley system west of the project site;

- d. The Applicant will install mirrors, signage, and cameras on the building, subject to all permits and final approval from DDOT if necessary, to improve safety and circulation in the alley system;
 - e. The Applicant will ensure that snow in the rear alley is plowed by incorporating into the condominium documents for the Project a requirement that the condominium association will plow snow from the alley system adjacent to the project site and leading out to E Street any time there is a more than three inches of snow from a single event;
 - f. The Applicant will replace the metal fence along G Street for the Potomac Gardens apartment complex in a style and type as agreed to by the Applicant and the ownership of the apartment complex; and
 - g. The Applicant will contribute \$1,000 to DC Safety Net for the purchase of vests and office supplies for its Safe Routes program. The Applicant will provide evidence from DC Safety Net to the Zoning Administrator that such supplies were purchased.
3. The Project shall be designed to achieve a Silver level under LEED for Homes version 4, but the Applicant shall not be required to obtain LEED-Silver certification from the U.S. Green Building Council. **Prior to the issuance of a certificate of occupancy**, the Applicant shall submit to the Zoning Administrator a LEED scorecard showing that the Project will receive sufficient points to achieve Silver certification.

C. **Mitigation**

1. The Applicant shall implement the following transportation demand management (“TDM”) measures:
 - a. Designate a Transportation Management Coordinator (“TMC”). The TMC will be responsible for ensuring that information is disseminated to residents of the building. The position may be part of other duties assigned to the individual;
 - b. Provide information on and/or links to current transportation programs and services on the property management website;
 - c. Provide convenient, covered, and secure bike parking facilities. A bicycle storage room will be provided in the lower level of the building with storage for approximately 48 bicycles; and

- d. Provide a one-time, one-year Capital Bikeshare membership or one-time, one-year car share membership for all new residents for the first three years the project is open.
2. The Applicant shall implement the following loading management plan:
 - a. A member of the management team will be designated as a loading coordinator (duties may be part of other duties assigned to the individual). He or she will coordinate all loading activities of the building (including deliveries, trash disposal, and residential move-in and move-out activities). The loading coordinator will be responsible for informing residential tenants of the guidelines and procedures for loading and delivery operations; and
 - b. All tenants will be required to notify the loading coordinator before moving in or out so that the loading coordinator can assist in the establishment of curbside loading, if needed. In the event that a moving truck is required for residential tenants, a temporary no parking zone can be established on the adjacent E Street to allow for curbside loading or unloading adjacent to the building, in accordance with DDOT policies. The residential tenant shall provide the loading coordinator the following information: time and date that the truck is anticipated to arrive, size of truck being used, and name of the moving service, if applicable.

D. **Miscellaneous**

1. No building permit shall be issued for this project until the owner of the Property has recorded a covenant among the land records of the District of Columbia between the owners and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the owner of the Property and all successors in title to construct on or use the Property in accordance with this Order or amendment thereof by the Zoning Commission.
2. The application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for the building permit or permits needed to construct the Project as specified in 11 DCMR § 2409.1. Construction of the Project approved by the building permit must be within three years of the effective date of this Order.
3. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning

Administrator requests and shall simultaneously file that letter with the Office of Zoning.

4. The Applicant is required to comply fully with the provisions of the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On July 11, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On September 12, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt; third mayoral appointee position vacant, not voting).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on October 21, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-34
Z.C. Case No. 15-34
Sherman Avenue, LLC
(Consolidated PUD @ Square 2873)
July 28, 2016

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on June 6, 2016, to consider an application for a consolidated planned unit development ("PUD") filed by Sherman Avenue, LLC ("Applicant"). The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

A. The Applications, Parties, Hearings, and Filings

1. On December 22, 2015, the Applicant filed an application with the Commission for consolidated review of a PUD for property located at 965 Florida Avenue, N.W. (Square 2873, Lot 1102) ("Property"). The Property has a land area of approximately 63,389 square feet with frontage on Sherman and Florida Avenues, N.W. to the west and a small portion of 9th Street, N.W. to the east. The Property is located in the CR Zone District, and is within the boundaries of Advisory Neighborhood Commission ("ANC") 1B.
2. The Property is presently improved with a vacant warehouse building and associated surface parking. The Applicant proposes to raze the existing building in connection with redevelopment of the Property and construct a mixed-use project with a grocery store on the ground and mezzanine levels of the building and an apartment house on floors two through 10 above ("Project").
3. The grocery store will have approximately 51,540 square feet of floor area and the apartment house will have approximately 351,245 square feet of floor area, generating approximately 428 dwelling units. The Project will have approximately 343 parking spaces – 218 spaces dedicated to the grocery store use and 125 spaces dedicated to the residential use. The maximum building height will be 110 feet, as measured from Sherman Avenue, and the site density will be 7.42 floor area ratio ("FAR"), not including the area of the proposed private street. The lot occupancy for the PUD, at the lowest residential level, will be 76% where 75% is permitted in the CR Zone District as a matter of right.¹

¹ A maximum lot occupancy of 80% is permitted for an inclusionary zoning ("IZ") development in the CR Zone District.

4. Of the 428 units, 30% shall be set aside as affordable units. Of the affordable units, 25% (approximately 32 units) will be reserved for households with incomes not exceeding 30% of the Area Median Income (“AMI”) and 75% (approximately 97 units) will be reserved for households with incomes not exceeding 50% of AMI.
5. By report dated February 18, 2016, the District of Columbia Office of Planning (“OP”) recommended that the application be set down for a public hearing. (Exhibit [“Ex.”] 12.) At its public meeting on February 29, 2016, the Commission voted to set down the application for a public hearing.
6. The Applicant submitted a prehearing statement on March 16, 2016, and a public hearing was timely scheduled for the matter. (Ex. 14-14L.) On March 30, 2016, the notice of public hearing was mailed to all owners of property located within 200 feet of the Property and to ANC 1B. A description of the proposed development and the notice of the public hearing in this matter were published in the *DC Register* on April 8, 2016.
7. On May 17, 2016, the Applicant submitted a supplemental prehearing statement. (Ex. 23-23D.) The supplemental submission included the following materials: (i) revised architectural plans and elevations; (ii) a comprehensive transportation review (“CTR”) report prepared by Gorove/Slade Associates, Inc.; (iii) a security plan submitted in response to comments from the Metropolitan Police Department (“MPD”); and (iv) a letter from the Pleasant Plains Civic Association expressing support for the Project.
8. On May 27, 2016, the Applicant submitted a letter requesting a waiver from 11 DCMR § 3013.8 in order for the Commission to accept, less than 20 days prior to the public hearing, a corrected site plan, building sections, and penthouse plans. (Ex. 27, 28.) In this submission, the Applicant also amended its application to include flexibility from the penthouse regulations to permit: (i) a guard rail that is not set back a distance equal to its height from the front of the building; and (ii) a penthouse that is not set back a distance equal to one-half of its height from the side building wall.
9. On May 27, 2016, OP submitted a report on the application. The OP report recommended approval of the application and requested that the Applicant address the following two items at the public hearing: (i) provide a plan showing the distribution of the affordable units within the building; and (ii) provide information regarding maintenance of the proposed pocket park across Florida and Sherman Avenues from the Property Site. (Ex. 25.) At the hearing, the Applicant submitted the affordable unit plan and confirmed that the District Department of Transportation (“DDOT”) will maintain the pocket park.
10. On May 27, 2016, DDOT submitted a report on the application. The DDOT report indicated no objection to the application with a number of conditions set

forth on page 3 of its report and as listed in Finding of Fact (“FF”) No. 63 herein. (Ex. 26.)

11. MPD submitted a letter (attachment 1 to the OP report) indicating no objection to the Project. MPD also submitted an email to OP, dated May 2, 2016, requesting that the Applicant address concerns related to security, rules and regulations for the rooftop amenity spaces, the impact of the Project on surrounding traffic flow, residential and retail loading, and parking flexibility. The MPD email noted that the Project was a “positive indication of vibrant progress and growth,” and that the additional items would help to “minimize any negative impacts on public safety.”
12. At its regularly scheduled public meeting on May 5, 2016, for which notice was properly given and a quorum was present, ANC 1B voted unanimously 12-0-0 to support the application. (Ex. 22.)
13. The parties to the case were the Applicant and ANC 1B.
14. The public hearing on the Application was held on June 6, 2016. At the hearing, the Applicant presented four witnesses in support of the application: Matthew Robinson on behalf of the Applicant; Frank Andre of Hord/Coplan/Macht Architects, architect for the Project; Don Hoover of Oculus, landscape architect for the Project; and Erwin Andres of Gorove/Slade Associates, Inc., transportation consultant for the Project. Based upon their professional experience and qualifications, the Commission qualified Mr. Andre as an expert in architecture, Mr. Hoover as an expert in landscape architecture, and Mr. Andres as an expert in transportation planning and engineering.
15. The Applicant submitted the following supplemental materials at the public hearing: (i) proposed PUD conditions; (ii) an updated civil sheet responding to comments by DDOT; (iii) an updated LEED checklist; (iv) affordable unit plan; (v) a copy of the Applicant’s PowerPoint presentation to the Commission; and (vi) photographs of the materials board. (Ex. 30-35.)
16. Maxine Brown-Roberts and Joel Lawson testified at the public hearing on behalf of OP.
17. Jonathan Rogers and Anna Chamberlin testified at the public hearing on behalf of DDOT.
18. Commissioner Robb Hudson, the Single Member District Representative for ANC 1B11, testified in support of the Application.
19. At the close of the public hearing, the Commission took proposed action to approve the application.

20. The proposed action was referred to the National Capital Planning Commission (“NCPC”) on June 7, 2016, pursuant to § 492 of the Home Rule Act.
21. On June 24, 2016, the Applicant submitted its proposed Findings of Fact and Conclusions of Law. (Ex. 42.)
22. On June 27, 2016, the Applicant submitted a post-hearing submission, which included the following materials and information requested by the Commission at the public hearing: revised architectural drawings; clarification on the flexibility for signage; eligibility for residential parking permits; a comprehensive list of transportation demand management (“TDM”) measures; a revised loading management plan; the revised affordable dwelling unit plan and details about the level and amount of affordable housing for the PUD; additional information on the Community Foundation and the Howard University incubator; a discussion on the Project’s consistency with the Comprehensive Plan; and a description of the penthouse structures. (Ex. 44-44E.)
23. On July 1, 2016, DDOT submitted a supplemental report (discussed below). (Ex. 45.)
24. On July 8, 2016, the Applicant submitted a copy of its letter to the Director of DDOT regarding the revisions to the loading management plan. (Ex. 46.)
25. The Executive Director of NCPC, by delegated action dated July 1, 2016, found that the project would not be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 47A.)
26. At a public meeting on July 25, 2016, the Commission considered the case, but deferred action to permit the Applicant to work with DDOT on finalizing the PUD’s loading management plan, and to submit a revised affordable dwelling unit plan showing the location of the affordable and market rate units on the second floor over the loading dock.
27. On July 27, 2016, the Applicant submitted an additional post-hearing submission that attached a final loading management and operations plan, and a revised second floor affordable dwelling unit plan. (Ex. 49, 49A-B.) The submission stated that DDOT had approved the loading management and operations plan.
28. On July 28, 2016, the Commission took final action to approve the application.
29. On August 3, 2016, the Applicant submitted a comprehensive set of the final architectural plans and elevations reflecting all of the changes accepted by the Commission following the public hearing in this case and a copy of the affordable unit plan that was accepted by the Commission. (Ex. 51-51A8, 52.)

30. On August 12, 2016, the Applicant requested that the Commission re-open the record to receive revised plans and state that the Applicant planned to present the revised plans to ANC 1B, and to community stakeholders. (Ex. 53.)
31. The Commission denied the request at its September 12, 2016 public meeting and advised the Applicant it should submit its request as a PUD modification.

B. The Property and Surrounding Area

32. The Property consists of 63,389 square feet located in the Shaw/Cardozo neighborhood on the east side of Florida Avenue, adjacent to the intersection where Florida Avenue and Sherman Avenue split into two streets. The Property is presently improved with a vacant warehouse building and associated surface parking.
33. The Property is located within the CR Zone District, which extends east of the Property to Georgia Avenue and south of the Property to V Street. Ninth Street and a Howard University surface parking lot are located to the east of the PUD Site. A vacant, privately-owned lot is located to the south of the Property. The parcel to the north is in the R-5-E Zone District and is improved with the Howard Plaza Towers, residential dormitory buildings owned by Howard University. The parcels across Florida Avenue to the west are in the R-5-B and ARTS/C-2-B Zone Districts, and are developed with a mix of residential, institutional, and commercial uses.
34. The Property is linked to an abundance of public transportation options, dedicated bicycle lanes, and safe pedestrian infrastructure. It is within walking distance (approximately 0.2 miles) of the U Street/African American Civil War Memorial/Cardozo Metrorail station, which services the Yellow and Green Metrorail lines. Nine Metrobus routes are located within 0.3 miles of the PUD Site; six permanent car-share locations are located within 0.3 miles of the PUD Site; and two Capital Bikeshare stations are located within 0.3 miles of the PUD Site. Additionally, the Property is rated a "Walker's Paradise" on walkscore.com (96/100) due to its location in close proximity to a variety of restaurants and bars, retail and service establishments, parks and schools, and entertainment venues.

C. Description of the Project

35. The Project is a 10-story building with a grocery store on the ground floor and mezzanine levels and an apartment house on floors two through 10 above. The grocery store will contain approximately 51,540 square feet of floor area with frontage on Florida and Sherman Avenues. The mezzanine space along Florida and Sherman Avenues will include customer seating and will have elevator and stair access. A second mezzanine is located at the rear of the grocery store for the grocery store's mechanical equipment. The apartment house will have approximately 351,245 square feet of floor area, generating approximately 428

dwelling units. Separate pedestrian entrances for the grocery store and apartment house will be located along Florida Avenue.

36. Vehicular access to the Project will be on the east side of the building from a single curb cut on 9th Street, which will be accessed via a new private street along the northern boundary of the Property. The private street will function as an extension of Bryant Street and will facilitate the east-west connection between Sherman/Florida Avenues and Georgia Avenue. The curb cut on 9th Street will lead to a parking garage with three levels of below-grade parking. The first two levels of the parking garage will have 218 parking spaces dedicated to the grocery store use; the third level of the garage will have 125 parking spaces dedicated to the residential use. All loading facilities and trash rooms will be on the ground level of the building and will be accessed from the private street. For the grocery store, the PUD will provide two 70-foot loading berths, one 100-square-foot platform, and one 200-square-foot platform. For the residential use, the PUD will provide one 40-foot loading berth and one 200-square-foot platform.
37. The PUD will have a maximum building height of 110 feet, measured from Sherman Avenue, and the site density will be 7.42 FAR. The lot occupancy at the second floor of the building, which is the lowest residential level for the Project, will be 76%.
38. The programmed amenities for the residential building include a fitness center, bicycle storage, club room, an expansive central courtyard of approximately 14,000 square feet, an on-site leasing facility, a secondary lobby from 9th Street, a rooftop club room, a rooftop pool, and indoor and outdoor gathering spaces.
39. The primary residential entrance is located along Florida Avenue at the southwest corner of the building. The entrance is expressed as a glass tower element that visually links the lobby, second-floor amenity spaces, and the rooftop amenity. A continuous element forms the entry canopy as a vertical plane that defines the edge of the Project. The roof of the tower element spans the courtyard forming a bridge that connects the hardscape amenities (roof deck and swimming pool) on the west side of the building with more natural amenities (community gardens and dog run) on the east side of the building.
40. As indicated in the chart shown below, the Applicant will reserve a minimum of 30% of the residential units as affordable units. Of the affordable units, 25% (approximately 32 units) will be reserved for households with incomes not exceeding 30% of the AMI, and 75% of the affordable units (approximately 97 units) will be reserved for households with incomes not exceeding 50% of the AMI. The affordable units will be provided for the life of the Project, and be distributed throughout the project as reflected on the Affordable Dwelling Unit Plan. (Ex. 52.)

Residential Unit Type	GFA/Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	351,245 sf of GFA (100%)	428	NA	NA	NA
Market Rate	245,871 sf of GFA (70%)	299	Market Rate	NA	NA
30% AMI	28,100 sf of GFA (8%)	32	30% AMI	For the life of the project	Rental
50% AMI	77,274 sf of GFA (22%)	97	50% AMI	For the life of the project	Rental

D. Zoning Flexibility

41. The Applicant requested zoning flexibility from the following requirements of the Zoning Regulations: (i) ground level open space (11 DCMR § 663); (ii) loading (11 DCMR § 2201.1); (iii) number of penthouse enclosures and penthouse setbacks (11 DCMR § 411); (iv) lot occupancy at the second level of the building (11 DCMR § 634.1); and (v) residential parking (11 DCMR § 2101.1); and a waiver from the IZ requirements (11 DCMR, Chapter 26).
42. Ground-Level Open Space. Section 633 of the Zoning Regulations requires that 10% of the total lot area must be public space at the ground level, immediately adjacent to the main entrance to the principal building. The Project is unable to provide any open space at the ground level due to the minimum amount of space necessary to provide a full-service grocery store and the land area required to be set aside for the new private street.
43. Loading. For the residential use, the Project includes a 40-foot loading berth instead of the required 55-foot berth, and does not provide the required 20-foot service/delivery space. For the grocery store use, the PUD provides two 70-foot loading berths instead of the required 30-foot and 55-foot loading berths, and does not provide the required 20-foot service/delivery space.
44. Penthouse Number and Setback. The Applicant requests flexibility to have multiple penthouse structures on the roof of the building. The Commission finds this flexibility appropriate. Due to the shape of the building and the ground level constraints created by the grocery tenant, having a single penthouse enclosure would be impractical. Moreover, providing a single penthouse would severely limit the amount of usable exterior space on the roof and reduce the extent of rooftop amenities and design elements proposed by the Applicant.
45. Lot Occupancy. The Applicant requests flexibility to have a lot occupancy of 76% at the lowest residential level of the building where a maximum lot occupancy of 75% is permitted.
46. Residential Parking. The Applicant proposes 125 residential parking spaces where a minimum of 143 spaces are required. The PUD Site is located in close

proximity to abundant public transportation services such as bus routes on Sherman Avenue and the U Street/African-American Civil War Memorial/Cardozo Metrorail station. The PUD Site also has convenient access to car-share and ride-share services and Capitol Bikeshare stations. The Applicant will also provide a substantial TDM plan that includes additional measures to reduce the number of vehicular trips associated with the PUD.

47. Inclusionary Zoning. The Applicant will reserve 30% of the residential units as affordable units for households with incomes not exceeding 30% and 50% of AMI, respectively. The amount and levels of affordability provided by the PUD exceed the minimum Inclusionary Zoning requirements under Chapter 26 of the Zoning Regulations.

E. Development Flexibility

48. The Applicant requests flexibility in the following additional areas:
- a. To be able to provide a range in the number of residential units of plus or minus 10% from the 428 proposed for the development so long as the 30% of the units are reserved as affordable units and, of the affordable units, 25% are reserved for households with incomes not exceeding 30% AMI and 75% are reserved for households with incomes not exceeding 50% AMI;
 - b. To shift the location of the penthouse walls so long as the penthouses meet the required setbacks;
 - c. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, amenity spaces, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building;
 - d. To vary the number, location, and arrangement of parking spaces provided that the minimum number of residential parking spaces is not reduced below a ratio of 0.25 spaces per unit, and that the number of retail spaces is not reduced below the minimum number of spaces required by the Zoning Regulations;
 - e. To vary the final selection of the color of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit; and

- f. To vary the final selection of all exterior signage on the building, except that permanent signage for the grocery store and apartment house shall be limited to the ground floor of the building.

F. Project Benefits and Amenities

49. Urban Design, Architecture, and Open Space (11 DCMR § 2403.9(a)). The Project will have a positive impact on the visual and aesthetic character of the immediate neighborhood and will further the goals of urban design while enhancing the streetscape. The Project will be a vibrant mixed use, mixed income community that will serve and enhance the neighborhood by providing a new grocery store and housing close to excellent public transportation infrastructure. The programmed amenities for building residents include a fitness center, bicycle storage, club room, an expansive central courtyard, on-site leasing facility, a secondary lobby from 9th Street, rooftop club room, rooftop pool, and indoor and outdoor gathering spaces.
50. Housing and Affordable Housing (11 DCMR § 2403.9(f)). The PUD will deliver substantially more housing than what could be developed on the Property under the matter-of-right CR zoning. More importantly, the Applicant will reserve a minimum of 30% of the dwelling units for households with incomes not exceeding 30% AMI and 50% AMI, respectively, for the life of the Project. The project will include approximately 77,274 square feet reserved for households earning less than 50% of AMI and 28,100 square feet reserved for households earning less than 30% of AMI. This will result in significantly more affordable housing at deeper levels of affordability than what is required under the Inclusionary Zoning regulations in Chapter 26 of the Zoning Regulations. The PUD has approximately 351,245 square feet of residential gross floor area and approximately 4,110 square feet of habitable penthouse space subject to IZ. Therefore, 28,100 square feet would have to be set aside for households with incomes not exceeding 80% of AMI and 329 square feet would have to be set aside for households with incomes not exceeding 50% of AMI.
51. Environmental Benefits (11 DCMR § 2403.9(h)). The PUD will achieve LEED Silver certification. The Applicant commits to use LEED for Homes v4, the most current LEED standards. In addition, the Applicant will utilize solar panels on the roof to generate electricity to support approximately one percent of the residential component's project power requirements.
52. Employment and Training Opportunities (11 DCMR § 2403.9(e)).
 - a. First Source Agreement. The Applicant has entered into a First Source Agreement with the Department of Employment Services ("DOES"). The First Source Agreement requires the Applicant to use diligent efforts to hire at least 51% District residents for all new jobs created by the PUD

and use diligent efforts to ensure that at least 51% of apprentices and trainees employed are residents of the District and registered in apprentice programs approved by the DC Apprenticeship Council; and

- b. CBE Agreement. The Applicant has entered into a Certified Business Enterprise (“CBE”) Agreement with the Department of Small and Local Business Development, which requires the Applicant to contract with a CBE for at least 35% of the contract dollar volume of the Project, and requires at least 20% equity and 20% development participation of CBEs.

53. Uses of Special Value to the Neighborhood and the District of Columbia as a Whole (11 DCMR § 2403.9(i)).

- a. Community Grant Program. The Applicant will contribute \$200,000 to the Community Foundation of the National Capital Region. The funds will be placed in the Community Foundation’s Greater Washington Workforce Development Collaborative to be used for job training for residents and employers within a one-mile radius of the PUD Site;
- b. Local Retailers Assistance Program. The Applicant will contribute \$118,462 to the Shaw Main Streets organization. The funds will be used to establish a grant program for locally based retailers to make capital improvements to their stores. Any businesses that front or are located with the boundaries of S Street, 7th Street/Georgia Avenue, 11th Street, and Harvard Street shall be eligible for grants. ANC 1B shall establish a committee of community members to determine the criteria for grant applications. In the event that a Georgia Avenue Main Streets Program is established prior to the creation of the local retailers’ assistance program, the community committee and Shaw Main Streets shall coordinate their work with the newly formed Georgia Avenue Main Streets; and
- c. Off-Site Business Incubator. The Applicant will contribute \$142,155 to Howard University to subsidize the costs associated with the business incubator joint venture between the District of Columbia and Howard University.

G. Comprehensive Plan

54. The Commission finds that the PUD advances the purposes of the Comprehensive Plan, is consistent 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. The PUD significantly advances these purposes by promoting the social, physical, and economic development of the District by delivering to the Shaw/Cardozo neighborhood a new large-format grocery store and approximately 428 new residential units.

Moreover, 30% of the residential units will be affordable, accommodating households with incomes at 30% AMI and 50% AMI, respectively.

55. The Property is designated in the Mixed-Use Medium-Density Residential/Medium-Density Commercial land use category on the District of Columbia Comprehensive Plan Future Land Use Map.
56. The Medium-Density Residential designation is used to define neighborhoods or areas where mid-rise (four-seven stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium-Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone Districts are generally consistent with the Medium-Density designation, although other zones may apply. (10A DCMR § 225.5.)
57. The Medium-Density Commercial designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone Districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. (10A DCMR § 225.10.)
58. In this case, the Property is located in the CR Zone District, which permits, as a matter of right, a building height of 90 feet and a density of 6.0 FAR, the same height and density permitted for a building permitted as a matter of right in the C-2-C Zone District, which is a corresponding zone district for the Medium-Density Commercial Designation.
59. The Property is designated in the Land Use Change Area on the District of Columbia Comprehensive Plan Generalized Policy Map. The guiding philosophy in Land Use Change Areas is to encourage and facilitate new development and to promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks, and civic facilities. (10A DCMR § 223.11.) As Land Use Change Areas are redeveloped, the District aspires to create high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact neighborhoods. (10A DCMR § 223.12.) Consistent with the purpose of Land Use Change Areas, the PUD includes a mix of housing and retail, which will improve and positively impact the surrounding urban environment. Thus, the Commission finds that the PUD redevelopment of the PUD Site is consistent with the policies indicated in the Land Use Change Area.

60. The Commission finds that the PUD is also consistent with many guiding principles in the Comprehensive Plan for managing growth and change and creating successful neighborhoods, as follows:

Managing Growth and Change. In order to manage growth and change in the District, the Comprehensive Plan encourages, among other factors, the growth of both residential and non-residential uses, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (10A DCMR § 217.4.) The Comprehensive Plan also states that redevelopment and infill opportunities along corridors are an important part of reinvigorating and enhancing neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. (10A DCMR § 217.6.) The PUD is fully consistent with these goals. Redeveloping the PUD Site into a vibrant, mixed-use development in an infill location along a major corridor will contribute to the revitalization of the neighborhood; and

Creating Successful Neighborhoods. One of the guiding principles 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. (10A DCMR § 218.8.) The PUD furthers this goal, since as part of the PUD process, the Applicant worked with several community stakeholders - ANC 1B, Georgia Avenue Task Force and the Pleasant Plains Civic Association - to ensure that the PUD, especially through the benefits and amenities package, positively impacts the surrounding neighborhood.

61. The Commission also finds that the PUD furthers the objectives and policies of many of the Comprehensive Plan's major elements as set forth in the Applicant's Statement in Support and in the OP reports. (Ex. 4, 12, 25.)

H. Duke Small Area Plan

62. The Project is within the boundaries of and consistent with the Duke Small Area Plan (the "Duke Plan"), which was approved by the City Council in 2005. Specifically, for public land disposition, the Public Policy & Placemaking section of the Duke Plan states that public amenities on any one site may include some combination of a minimum of 20%-30% of the total residential units as affordable, local business development opportunities, cultural use set asides, public parking and job apprenticeships for local residents. In this case, 30% of the residential units will be reserved as affordable for households within incomes not exceeding 30% and 50% of the AMI, respectively.
63. The Duke Plan also recommends greater connectivity through the area and, to this end, suggests that Bryant Street be continued between Georgia Avenue and Sherman Avenue. The PUD proposes the construction of the Bryant Street

connection along the northern boundary of the Property as suggested by the Duke Plan.

I. Office of Planning Reports

64. On February 18, 2016, OP submitted a report recommending setdown of the application. (Ex. 12.) The OP setdown report found that the Project is not inconsistent with the Comprehensive Plan Future Land Use Map, Generalized Policy Map, and specific recommendations of the Duke Plan. Moreover, the OP report asserted that the Project would meet or further many of the policies of the Comprehensive Plan.
65. On May 27, 2016, OP submitted a hearing report recommending approval of the application. (Ex. 25.) The OP hearing report reconfirmed that the Project is not inconsistent with the Comprehensive Plan Future Land Use Map, Generalized Policy Map, and specific recommendations of the Duke Plan. The hearing report also noted that the Applicant had responded to the issues and questions raised by OP and the Commission at the setdown meeting, and requested that the Applicant address the following two items at the public hearing: (i) provide a plan showing the distribution of the affordable units; and (ii) provide information regarding maintenance of the pocket park.
66. The OP hearing report also included a memorandum from MPD, which had no objection to the Project. MPD also submitted an email to OP, dated May 2, 2016, requesting that the Applicant address concerns related to Project security, rules and regulations for the rooftop amenity spaces, the impact of the Project on surrounding traffic flow, residential and retail loading, and parking flexibility. The MPD email noted that the Project is a “positive indication of vibrant progress and growth,” but that the additional items would help to “minimize any negative impacts on public safety.”

J. DDOT Reports

67. On May 27, 2016, DDOT submitted a report indicating that it had no objection to the application, subject to the following conditions:
 - a. Construct the proposed redesign of the Sherman Avenue/Florida Avenue intersection and the associated traffic signal improvements to DDOT standards;
 - b. Construct the proposed Bryant Street to all DDOT construction standards and all applicable design standards, including street lighting, street trees, and pedestrian infrastructure;

- c. Construct the proposed traffic signal and associated pedestrian infrastructure and vehicle circulation improvements at the W Street/Florida Avenue intersection;
 - d. Strengthen the Loading Management Plan to include:
 - i. Peak period restrictions to prohibit trucks maneuvers affecting eastbound Bryant Street operations. These restrictions may vary by the type of delivery vehicle (grocery versus residential) and truck type/size, and should be informed by traffic volume counts and truck turning diagrams; and
 - ii. A standard operating procedure, including flaggers and flagger positions, to effectively accommodate loading activity affecting eastbound Bryant Street;
 - e. Provide 177 long-term bicycle parking spaces and ensure that residents can use the residential lobby elevators to access the spaces on P3; and
 - f. Strengthen the TDM plan to include:
 - i. Install at least 40 short-term bicycle parking spaces;
 - ii. Install a transportation information screen in the grocery store;
 - iii. Provide showers and changing facilities for grocery store employees;
 - iv. Dedicate two parking spaces for car sharing services to use with right of first refusal;
 - v. Provide one carshare space in the residential parking level of the garage for prospective carshare providers, for use by residents of the building only. In the event that no carshare providers are willing to operate in that space, the dedicated space shall be returned to the general residential parking supply;
 - vi. Offer each unit's incoming residents an annual carsharing membership or an annual Capital Bikeshare membership for a period of three years; and
 - vii. Price residential parking no less than charges of the lowest fee garage within one quarter mile.
68. On July 1, 2016, DDOT submitted a supplemental report responding to the Applicant's revised loading management plan. (Ex. 45.) The report stated that the Applicant's revised loading management plan was insufficient to address the

issues identified in the report related to loading from Bryant Street. The report identified three options for effectively addressing the loading concerns.

69. On July 27, 2016, the Applicant submitted a revised loading management and operations plan. (Ex. 49A.) The Applicant represented that DDOT had approved the plan.
70. The Applicants final list of transportation mitigations and TDM elements are set forth in Decision Nos. C.1 and C.2 of this Order. The Applicant's loading management and operations plan is set forth in Decision Nos. C.3, C.4, and C.5 of this Order.

K. ANC Report

71. At its regularly scheduled public meeting on May 5, 2016, for which notice was properly given and a quorum was present, ANC 1B voted unanimously 12-0-0 to support the application. (Ex. 22.) At the public hearing, Commissioner Robb Hudson of ANC 1B-11 testified on behalf of ANC 1B in support of the application.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. The PUD complies with the development standards of the Zoning Regulations. The retail and residential uses for the Project are appropriate for the PUD Site. The impact of the Project on the surrounding area and the operation of city services is acceptable, given the quality of the public benefits in the Project. Accordingly, the Project should be approved.

5. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The mixed uses for the Project are appropriate for the Property. The impact of the Project on the surrounding area is not unacceptable. Accordingly, the Project should be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. The Commission also concludes that the Project benefits and amenities are reasonable trade-offs for the requested development flexibility in accordance with §§ 2400.3 and 2400.4.
8. Approval of the PUD is appropriate because the Project is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the Project will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the applications persuasive.
10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The Commission carefully considered the ANC 1B's recommendation for approval and concurs in its recommendation.
11. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401 *et seq.* (2007 Repl.)).

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 consolidated review and approval of a planned unit development for property located at 965 Florida Avenue, N.W. (Square 2873, Lot 1102). The approval of the PUD is subject to the guidelines, conditions, and standards set forth below.

A. Project Development

1. The PUD shall be developed in accordance with the plans titled “965 Florida Ave., NW” prepared by PGN Architects, PLLC, dated August 3, 2016, and marked as Exhibits 51A1-51A8 of the record (the “Plans”), and as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the Plans, the PUD shall have a density of 7.42 FAR, excluding the area for the private street along the northern boundary of the PUD Site. The maximum building height for the Project shall be 110 feet, as measured from Sherman Avenue.
3. The Applicant has flexibility from the requirements for ground level open space (11 DCMR § 663); loading (11 DCMR § 2201.1); number of penthouse enclosures and setbacks (11 DCMR § 411); lot occupancy at the second level of the building (11 DCMR § 634.1); and residential parking (11 DCMR § 2101.1) and a waiver from the IZ requirements (11 DCMR, Chapter 26), consistent with the Plans and as discussed in the Development Incentives and Flexibility section of this Order.
4. The Applicant has 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 428 proposed for the development, so long as the 30% of the units are reserved as affordable units and, of the affordable units, 25% are reserved for households with incomes not exceeding 30% AMI and 75% of the affordable units are reserved for households with incomes not exceeding 50% AMI;
 - b. To vary the locations and unit mix of the affordable units, provided that the locations and unit mix of affordable units are proportional to the locations and unit mix of market-rate units;
 - c. To shift the location of the penthouse walls so long as the penthouses meet the required setbacks;
 - d. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, amenity spaces, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the building;
 - e. To vary the number, location, and arrangement of parking spaces, provided that the minimum number of residential parking spaces is not reduced below a ratio of 0.25 spaces per unit, and that the number of retail spaces is not reduced below the minimum number of spaces required by the Zoning Regulations;

- f. To vary the final selection of the color of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit; and
- g. To vary the final selection of all exterior signage on the building, except that permanent signage for the grocery store and apartment house shall be limited to the ground floor of the building.

B. Public Benefits

- 1. Affordable Housing. The project shall provide the following housing and affordable housing:
 - a. The project shall provide a total of approximately 351,245 square feet of residential Gross Floor Area (“GFA”) of housing, and approximately 4,110 square feet of habitable penthouse space. Approximately 245,871 sq. ft. of GFA of this total will be market-rate housing, and approximately 105,374 sq. ft. will be affordable housing;
 - b. The Applicant shall set aside a minimum of 30% of the residential units as affordable units **for the life of the project**. Of the affordable units, 25% (approximately 32 units) shall be reserved for households with incomes not exceeding 30% of the AMI and 75% (approximately 97 units) shall be reserved for households with incomes not exceeding 50% of the AMI;
 - c. The distribution of the affordable housing units shall be in substantial accordance with the matrix and plans marked as Ex. 52 of the record², and substantially in accordance with the following chart³; and

² The Applicant has the flexibility to vary the locations and the unit mix of the affordable units, provided the locations and unit mix of affordable units are proportional to the locations and the unit mix of market rate units.

³ The Applicant has the flexibility to be able to provide a range in the number of residential units of plus or minus 10% from the 428 proposed for the development, so long as the 30% of the units are reserved as affordable units and, of the affordable units, 25% are reserved for households with incomes not exceeding 30% AMI and 75% of the affordable units are reserved for households with incomes not exceeding 50% AMI, and provided further that the total amount of gross square feet devoted to affordable housing and the total amount devoted to each income type as specified in the chart is not reduced .

Residential Unit Type	GFA/Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	351,245 sf of GFA (100%)	428	NA	NA	NA
Market Rate	245,871 sf of GFA (70%)	299	Market Rate	NA	NA
30% AMI	28,100 sf of GFA (8%)	32	30% AMI	For the life of the project	Rental
50% AMI	77,274 sf of GFA (22%)	97	50% AMI	For the life of the project	Rental

- d. The monitoring and enforcement documents required by 11 DCMR § 2409.10 shall include a provision requiring compliance with Conditions B.1.b and B.1.c.

- 2. Environmental Benefits. The Project shall be certified LEED Silver for Homes v4, the most current LEED standards. In addition, the Project shall utilize solar panels on the roof to generate electricity to support approximately one percent of the residential component’s project power requirements.

- 3. Agreements with the District.
 - a. First Source Agreement. **Prior to the issuance of a building permit for the PUD,** the Applicant shall submit to the Department of Consumer and Regulatory Affairs (“DCRA”) evidence that the Applicant executed and submitted a First Source Employment Agreement to DOES. The First Source Employment Agreement shall require the Applicant to use diligent efforts to hire at least 51% District residents for all new jobs created by the PUD and use diligent efforts to ensure that at least 51% of apprentices and trainees employed are residents of the District and registered in apprentice programs approved by the DC Apprenticeship Council; and
 - b. CBE Agreement. **Prior to the issuance of a building permit for the PUD,** the Applicant shall enter into a CBE Agreement with the Department of Small and Local Business Development, which shall require the Applicant to contract with a CBE for at least 35% of the contract dollar volume of the Project, and require at least 20% equity and 20% development participation of CBEs.

- 4. Community Programs.
 - a. Community Grant Program. **Prior to the issuance of a building permit,** the Applicant shall fund \$200,000 to the Community Foundation of the National Capital Region. The funds shall be placed in the Community Foundation’s Greater Washington Workforce Development Collaborative to be used for job training for residents and employers within a one-mile radius of the PUD site. ANC 1B shall establish a committee of community members to determine the criteria for grant applications. The

Applicant shall submit evidence to the Zoning Administrator that the items funded have been provided prior to the issuance of a certificate of occupancy for the Project;

- b. Local Retailers Assistance Program. Prior to the issuance of a building permit, the Applicant shall fund \$118,462 to Shaw Main Streets, Inc. The funds shall be used to establish a grant program for locally-based retailers to make capital improvements to their storefront or other exterior improvements. Any businesses that front or are located within the boundaries of: (i) S Street to the south; (ii) 7th Street/Georgia Avenue to the east; (iii) 11th Street to the west; (iv) Harvard Street to the north; and (v) the 600 block of Florida Avenue and T Street, N.W. will be eligible for grants. ANC 1B shall establish a committee of community members to determine the criteria for grant applications. In the event that a Georgia Avenue Main Streets Program is established prior to the creation of the local retailers' assistance program, the community committee and Shaw Main Streets shall coordinate their work with the newly formed Georgia Avenue Main Streets. The Applicant shall submit evidence to the Zoning Administrator that the items funded have been provided prior to the issuance of a certificate of occupancy for the Project; and
- c. Off-Site Business Incubator. Prior to the issuance of a building permit, the Applicant shall fund \$142,155 to Howard University to subsidize the costs associated with the business incubator joint venture between the District of Columbia and Howard University. The Applicant shall submit evidence to the Zoning Administrator that the items funded have been provided prior to the issuance of a certificate of occupancy for the Project.

C. **Transportation Mitigation Measures**

1. Transportation Improvements. The Applicant shall provide the following transportation improvements:
 - a. Prior to the issuance of a certificate of occupancy for the PUD, the Applicant shall construct or cause the construction of a private street along the northern edge of the PUD Site that will connect Sherman Avenue to 9th Street. The Applicant shall construct Bryant Street generally in conformance with DDOT standards for private streets and consistent with the civil drawings included as Sheets C-4 and C-5 of the Plans. The Applicant shall make best efforts to install two street trees along Bryant Street, which may require earth berming, alternate tree species, and/or raised planter boxes in order to achieve the required soil depths;
 - b. Prior to the issuance of a certificate of occupancy for the PUD, the Applicant shall cause the extension of the public access easement along 9th Street to the intersection of the new private Bryant Street;

- c. **Prior to the issuance of a certificate of occupancy for the PUD**, the Applicant shall reconfigure and signalize the intersection between Florida and Sherman Avenues as shown on Sheet C-6 of the Plans. The intersection and signal shall be built to DDOT standards;
 - d. **Prior to the issuance of a certificate of occupancy for the PUD**, the Applicant shall signalize the existing intersection between Florida Avenue and W Street to improve operational efficiency, improve safety, and accommodate the proposed new private street at 945 Florida Avenue;
 - e. **Prior to the issuance of a certificate of occupancy for the PUD**, the Applicant shall widen the sidewalks along Florida and Sherman Avenues adjacent to the PUD Site from 8 feet to 14 feet, and shall widen the sidewalk along 9th Street from 5 feet to 11 feet;
 - f. **Prior to the issuance of a certificate of occupancy for the PUD**, the Applicant shall construct or cause the construction of a pocket park on the west side of Florida Avenue, at the intersection of Florida and Sherman Avenues. The pocket park shall contain approximately 4,500 square feet of land area and shall substantially conform to the drawing on Sheet L1.01 of the Plans; and
 - g. **Prior to the issuance of a certificate of occupancy for the PUD**, the Applicant shall widen the sidewalks along Florida and Sherman Avenues adjacent to the PUD Site from eight feet to 14 feet, and shall widen the sidewalk along 9th Street from five feet to 11 feet.
2. **Transportation Demand Management. For the life of the Project (except where noted)**, the Applicant shall provide the following TDM measures:
- a. Unbundle the cost of residential parking from the cost of lease or purchase;
 - b. Identify TDM leaders (for planning, construction, and operations) for the residential and grocery uses. The TDM leaders will work with residents in the building to distribute and market various transportation alternatives and options;
 - c. Provide TDM materials to new residents in the Residential Welcome Package materials.
 - d. Install a Transportation Information Center Display (electronic screen) within the residential lobby containing information related to local transportation alternatives;

- e. Provide bicycle repair stations within the bicycle rooms in the development;
 - f. Provide a minimum of one secure, indoor bicycle parking space for every three residential units, and provide a minimum of 40 short-term, outdoor bicycle parking spaces adjacent to the PUD Site;
 - g. Install and maintain a transit information screen in the residential lobby and the grocery portion of the building;
 - h. Provide a minimum of one on-site shower and changing facilities for grocery employees;
 - i. Provide one carshare space in the residential parking level of the garage for prospective carshare providers. The carshare space shall be made available to residents of the building only. In the event that no carshare providers are willing to operate in that space, the dedicated space shall be returned to the general residential parking supply; and
 - j. **For a period of one year following the issuance of a certificate of occupancy for the PUD**, the Applicant shall offer to each residential unit the option of either a one-time annual carshare membership or a one-time annual Capital Bikeshare membership, up to a maximum amount of \$85.00 per unit and up to a maximum total benefit of \$36,380.00 for 428 residential units.
3. **Loading Management. For the life of the Project (except where noted)**, the Applicant shall implement a loading management plan for the PUD as follows:
- a. Loading dock managers will be designated for grocery and residential uses. The dock managers will coordinate with one another as well as vendors and tenants to schedule deliveries and will be on duty during business hours;
 - b. All tenants will be required to schedule deliveries that utilize the loading docks – defined here as any loading operation conducted using a truck 30 feet in length or larger;
 - c. The dock manager(s) will schedule deliveries such that the dock's capacity is not exceeded. In the event that an unscheduled delivery vehicle arrives while the dock is full, that driver will be directed to return at a later time when a berth will be available so as to not impede the drive aisle that passes in front of the loading dock;
 - d. The loading dock operation will be limited to daytime hours of operation, with signage indicating these hours posted prominently at the loading dock

and at both entrances to the garage. The loading dock will be open seven days a week from 7:00 a.m. to 10:00 p.m.;

- e. Trucks using the loading dock will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System;
 - f. The dock manager(s) will be responsible for disseminating suggested truck routing maps to the building's tenants and to drivers from delivery services that frequently utilize the loading dock. The dock manager(s) will also distribute flyers materials as DDOT's Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with idling laws. The dock manager(s) will also post these documents in a prominent location within the service area. In order to effectively access the loading docks for the building, it is recommended that trucks approach the site via 9th Street and turn left onto Bryant Street before accessing the loading dock;
 - g. When a 55-foot truck or larger arrives to the dock, the receiver will assist in directing traffic while the truck backs into the dock, as stated below in the "Loading Operations Plan";
 - h. Signage with flashing beacons will be placed at the intersection of Sherman Avenue/Florida Avenue and Bryant Street as well as at the Bryant Street/9th Street intersection to alert drivers to the presence of backing trucks and to not enter Bryant Street when the lights are flashing. The flashing lights will be controlled by the receiver at the loading dock and will be turned on for any truck that is 55 feet or larger; and
 - i. Closed Circuit TV (CCTV) cameras will be installed on the northwest corner of the building directed at the intersection of Florida Avenue, Sherman Avenue and Bryant Street to record the truck backing operations. These operations will be reviewed with DDOT on a fixed periodic basis to determine if any additional mitigation measures are required to address any issues arising from the truck loading operations. The monitoring of these operations are discussed in the "Loading Operations Monitoring Program" stated below.
4. Loading Operations Plan. **For the life of the project, (except as noted)**, the Applicant shall implement the following large truck loading operations plan for the proposed 965 Florida Avenue grocery store for all trucks 55 feet or larger. The components of the Loading Operations Plan are as follows and is graphically presented in Exhibit 49A, Figure 1:

- a. As the large truck approaches the site, the truck driver will contact the loading dock manager (LDM) of their impending arrival at the site;
 - b. With this advance notice, the receiver walks to his position in the loading berth;
 - c. As the receiver walks to the designated position to assist with maneuvering, the receiver will manually activate the two flashing signs via switches installed within the loading dock. The signs shall be installed on Bryant Street, with one sign located on the western end of Bryant Street and the other sign located on the eastern end of the loading dock area on Bryant Street;
 - d. As traffic is alerted not to enter by the flashing signage, the receiver will ensure that no conflicting vehicles are present in Bryant Street and guide the driver maneuvering the large truck into the appropriate berth; and
 - e. When the truck is positioned fully within the building, the receiver will turn off the flashing signs to indicate that the truck loading maneuvering is complete. This procedure is similar to fire trucks backing into District firehouses throughout the District.
5. Loading Operations Monitoring Program. Upon completion of the building, the Applicant shall implement the following loading operations monitoring program. As shown on Exhibit 49A, Figure 2, the Applicant shall install a CCTV camera on the northwest corner of the building to record the large truck loading operations and any resulting impacts at the intersection of Bryant Street, Florida Avenue and Sherman Avenue. The components of this loading operations monitoring program are as follows:
- a. Upon completion of the building and within the first six months of operation of the grocery store, the Applicant shall compile and review the CCTV recorded instances (approximately four trucks per day for 180 days (or approximately 720 possible loading maneuvers) of large trucks backing into the loading dock as part of the operation of the grocery store. The six-month period should include the Friday before Howard University's Homecoming and a weekday leading up to the Thanksgiving holiday. In the event that the initial six-month period does not include these two days, additional monitoring will be performed on those two days. As part of this monitoring review of the CCTV recorded data, the Applicant will quantify any instances where vehicles are stuck waiting within the intersection of Florida Avenue, Bryant Street and Sherman Avenue. This will include (but is not limited to) a review and quantifying of the following:

- i. Vehicles queued at the Bryant Street/Florida Avenue/Sherman Avenue intersection due to truck maneuvering and whether through traffic on Florida Avenue or Sherman Avenue is impeded and specific times in which these occurred;
 - ii. Vehicles that cause queuing in the Bryant Street/Florida Avenue/Sherman Avenue intersection by entering Bryant Street while a truck is maneuvering into the loading berth and ignoring the flashing signage (and potentially stopping in the middle of the intersection) and specific times in which these occurred; and
 - iii. Additionally, any significant pedestrian and bicycle conflicts with the loading operations will also be quantified to determine if the loading operations plan has resulted in any issues. This will include (but is not limited to) a review and quantifying of pedestrian or bicycles that may be impeded by trucks blocking crosswalks for more than one minute and any potential conflicts that may result from loading maneuvers and specific times in which these occurred;
- b. After the review of the CCTV video and the compilation of the data, the CCTV video clips and observations compilation will be reviewed with DDOT staff to determine if additional mitigation measures are necessary to address any issues identified in the video compilations. Additional mitigation measures will be deemed necessary if any of the following instances occur during the review phase:
 - i. Over six instances of vehicular queuing on any approach to the Bryant Street/Florida Avenue/Sherman Avenue intersection due to truck turning maneuvers of more than eight vehicles (or to the adjacent intersection) through one signal cycle length on any approach is noted and thereby blocking through traffic and when they occurred; and
 - ii. Over 36 instances of vehicles (or approximately five percent of the 720 potential loading maneuvers noted above) that cause queuing in the Bryant Street/Florida Avenue/Sherman Avenue intersection by ignoring the flashing signage and entering Bryant Street (and potentially stopping in the middle of the intersection) and when they occurred. Based on the review above, should none of the thresholds be met in the initial review, no further mitigation or monitoring will be necessary;
- c. If DDOT requires additional mitigation due to peak hour conflicts noted in the review period, the additional mitigation outlined further below for peak period conflicts will be implemented and monitored for three additional months after the improvements have been installed to determine

the level of effectiveness addressing any issues. Similar criteria as noted above will be used to evaluate this effectiveness as follows:

- i. Over three instances of vehicular queuing on any approach to the Bryant Street/Florida Avenue/Sherman Avenue intersection due to truck turning maneuvers of more than eight vehicles (or to the adjacent intersection) through one signal cycle length on any approach is noted and thereby blocking through traffic and when they occurred; and
 - ii. Over 18 instances of vehicles (or approximately five percent of the 360 potential loading maneuvers in the three-month period) that cause queuing in the Bryant Street/Florida Avenue/Sherman Avenue intersection by ignoring the flashing signage and entering Bryant Street (and potentially stopping in the middle of the intersection) and when they occurred;
- d. If DDOT requires additional mitigation due to conflicts occurring throughout the day as noted in either the first or second review period, the additional mitigation outlined further below to convert Bryant Street to one-way westbound will be implemented; and
- e. This section presents the additional mitigation that DDOT may require to address any issues that may arise from the loading operations plan. DDOT may request the following additional mitigation measures:
- i. Peak period mitigation: signage will be placed on the southbound approach of Sherman Avenue to the Bryant Street/Florida Avenue restricting southbound left turns into Bryant Street during the a.m. and p.m. peak grocery hours (similar to turn restrictions throughout the District: 7:00-9:30 a.m. and 5:00-7:30 p.m). Turn restrictions during these hours will limit the number of vehicles that may queue onto Sherman Avenue or block the intersection waiting for trucks to complete their backing maneuvers during peak periods. This additional phase of mitigation is graphically illustrated in Exhibit 49A, Figure 2. These improvements will be monitored for three additional months after the improvements have been installed to determine the level of effectiveness addressing any issues based on the criteria described above; and
 - ii. One-Way Bryant Street mitigation: consistent with DDOT's review letter dated July 1, 2016, the last phase consists of converting Bryant Street to one-way westbound. This one-way westbound conversion would be complemented by the currently proposed measures of flashing signs and the designated flagger. This additional phase of mitigation is graphically illustrated in Exhibit 49A, Figure 3. The Applicant will review and implement any other mitigations that may

be necessary as a result of the conversion of Bryant Street from two-way operations to one-way westbound operation beyond those improvements currently planned by DDOT (such as the installation of the planned signal at the Florida Avenue/9th Street/V Street intersection).

D. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the PUD Site in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 15-34. Within such time, an application must be filed for a building permit, with construction to commence within three years of the effective date of this Order.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 *et seq.*, (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
4. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.

On June 6, 2016, upon the motion of Commissioner Turnbull, as seconded by Commissioners Miller, the Zoning Commission **APPROVED** the application at the conclusion of the 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 July 28, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Michael G. Turnbull to adopt; Peter G. May to adopt by absentee ballot).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *DC Register*; that is on October 21, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 16-21
(North Capitol Hospitality, LLC – Map Amendment @ Square 617)
October 11, 2016

THIS CASE IS OF INTEREST TO ANC 5E

On October 6, 2016, the Office of Zoning received an application North Capitol Hospitality, LLC (the “Applicant”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 152-156, 239, 801, and 802 in Square 617 in northwest Washington, D.C. (Ward 5), on property located at 1326 N. Capitol Street, N.W. The property is currently zoned MU-4. The Applicant is proposing a map amendment to rezone the property to the MU-5-A zone.

The MU-4 zone is intended to: permit moderate-density mixed-use development; 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 be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers. The MU-4 zone allows a maximum height of 50 feet; maximum lot occupancy of 60% (70% for Inclusionary Zoning [IZ]); 2.5 FAR (3.0 for IZ and 1.5 for non-residential¹).

The MU-5 zones are intended to: permit medium-density, compact mixed-use development with an emphasis on residential use; 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 be located on arterial streets, in uptown and regional centers, and at rapid transit stops. The MU-5-A zone allows a maximum height of 65 feet (70 feet for Inclusionary Zoning); maximum lot occupancy of 80%; 3.5 FAR (4.2 for IZ and 1.5 for non-residential).

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

¹ In the MU-4 and MU-5 zones, an existing building on a lot with an area 10,000 sq. ft. or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story. For new construction, any additional use is limited to 0.5 FAR.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 16-22
(Valor Benning, LLC – Consolidated PUD & Related Map
Amendment @ Square 4510)
October 13, 2016

THIS CASE IS OF INTEREST TO ANCs 6A & 5D

On October 7, 2016, the Office of Zoning received an application Valor Benning, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 98 and 99 (the “16th Street Section”), 153 and 156 (the “Benning Road Section”), and 801-803 and 818 (the “Alley Lots”) in Square 4510 in northeast Washington, D.C. (Ward 6), on property located at 1603-1625 Benning Road, N.E. The 16th Street and Benning Road Sections are currently zoned MU-4 and the Alley Lots are zoned RF-1. The Applicant is proposing a PUD-related map amendment to rezone, for the purposes of this project, the 16th Street Section to the MU-5-A zone and the Benning Road Section to the MU-6 zone.

The Applicant proposes to construct a nine story, mixed-use building on the Benning Road Section and a three-story residential building on the 16th Street Section. The Alley Lots, which are currently surface parking areas, will be cultivated as a community garden. The Applicant proposes approximately 303 dwelling units, up to 7,000 s.f. of ground-floor retail space, and a below-grade garage with up to 108 parking spaces and 113 bicycle parking spaces. The maximum height of the Benning Road Section building will be 90 feet and the 38 feet, 9 inches for the 16th Street Section building. The project will have an aggregate floor area ratio of 5.89.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <https://app.dcoz.dc.gov/Help/Home.html>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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