

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-539, Commission on Climate Change and Resiliency Establishment Act of 2016
- D.C. Council enacts Act 21-540, Substance Abuse and Opioid Overdose Prevention Amendment Act of 2016
- D.C. Council enacts Act 21-542, Statute of Limitations Clarifying Amendment Act of 2016
- D.C. Council schedules a public roundtable on “Sustainability of Co-operative Housing in the District”
- Department of Health Care Finance announces funding availability for the implementation of Health Information Exchange (HIE) initiatives
- Office of the Deputy Mayor for Planning and Economic Development solicits applications for the Great Streets Small Business(es) Grants - Lower Georgia Avenue
- Department of Motor Vehicles clarifies circumstances in which a suspension or revocation of a driver license, learner permit, provisional permit, or driving privilege may be extended

DISTRICT OF COLUMBIA REGISTER

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MAYOR

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-530

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To approve, on an emergency basis, Modification Nos. 2 and 5 to Contract No. CW28295 with Maru Solutions Incorporated 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW28295 Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 2 and 5 to Contract No. CW28295 with Maru Solutions Incorporated to provide Mission Oriented Business Integrated Services, and authorizes payment in the total not-to-exceed amount of \$10,000,000.00 for the goods and services received and to be received under the modifications.

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.

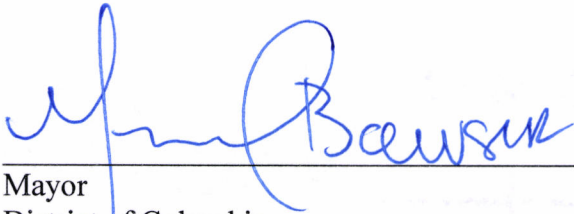
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-531

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 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 Stevens School, located at 1050 21st Street, N.W., and designated for tax and assessment purposes as Lot 876 in Square 73.

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 the Stevens School 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-9) to read as follows:

“(d-9) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of District-owned real property located at 1050 21st Street, N.W., designated for tax and assessment purposes as Lot 876 in Square 73, in accordance with the Stevens School Disposition Emergency Approval Act of 2014, effective December 10, 2014 (D.C. Act. 20-513; 61 DCR 12729), is extended to June 10, 2017.”.

Sec. 3. Fiscal impact statement.

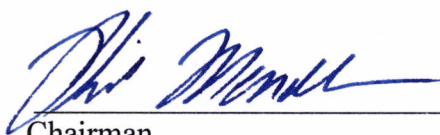
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

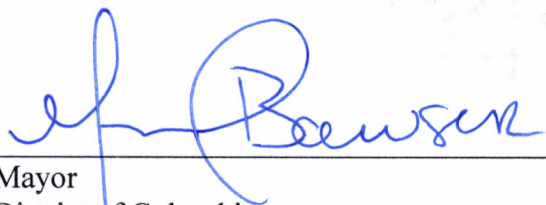
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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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
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-532

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Wage Theft Prevention Clarification Emergency Amendment Act of 2016”.

Sec. 2. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

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

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

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

(2) Subsection (c) is amended by striking the phrase “shall furnish to each employee at the time of hiring a written notice, both in English and in the employee’s primary language, containing the following information:” and inserting the phrase “shall furnish to each employee at the time of hiring a written notice in English in the form made available by the Mayor pursuant to subsection (e) of this section. If, pursuant to subsection (e) of this section, the Mayor has made available a translation of the sample template in a second language that is known by the employer to be the employee’s primary language or that the employee requests, the

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employer also shall furnish written notice to the employee in that second language. The notice shall contain the following information:" in its place.

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

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

(b) Section 9a is amended as follows:

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

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

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

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

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

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

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

"(E) The anticipated length of the assignment;

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

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

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

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

ENROLLED ORIGINAL

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

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

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

Sec. 4. Applicability.

This act shall apply as of November 17, 2016.

Sec. 5. Fiscal impact statement.

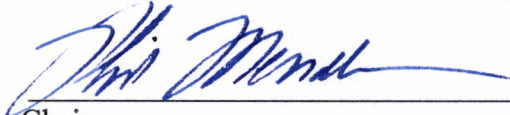
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

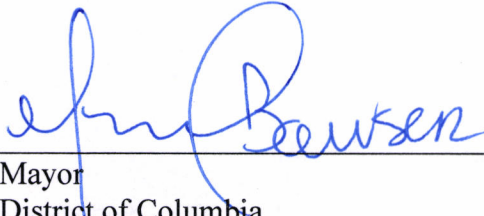
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
November 18, 2016

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-533

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To amend, on an emergency basis, due to congressional review, the Rental Housing Act of 1985 to limit the amount of a hardship petition conditional rent increase to 5% of the rent charged, and to require that a rent adjustment be repaid by a housing provider to a tenant within 21 days of a conditional increase being amended.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rent Control Hardship Petition Limitation Congressional Review Emergency Amendment Act of 2016”.

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

(a) Section 206(c) (D.C. Official Code § 42-3502.06(c)) is amended to read as follows:

“(c)(1) At the housing provider’s election, instead of any adjustment authorized by subsection (b) of this section, the rent charged for an accommodation may be adjusted through a hardship petition under section 212. The petition shall be clearly identified as an election instead of the general adjustments authorized by subsection (b) of this section. The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed.

“(2) In the case of any petition filed under this subsection as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any information request made under section 216, the rent charged adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period; provided, that the conditional rent increase for an affected unit shall not exceed 5% of the rent charged.

“(3) A conditional rent charged adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days before the expiration of the 90 days, make a provisional finding as to the rent charged adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

“(4) If the Rent Administrator denies the requested rent increase or approves a

ENROLLED ORIGINAL

rent increase that is less than the amount of the conditional rent increase charged by the housing provider, the housing provider shall refund to the tenant within 21 days of the Rent Administrator's order any rent paid in excess of the amount approved by the Rent Administrator, except that the tenant may elect within 14 days of the Rent Administrator's order to apply the amount of the refund as a credit against future rental payments."

(b) Section 212(c) (D.C. Official Code § 42-3502.12(c)) is amended to read as follows:

"(c)(1) At the housing provider's election, instead of any adjustment authorized by section 206(b), the rent charged for an accommodation may be adjusted through a hardship petition under this section. The petition shall be clearly identified as an election instead of the general adjustments authorized by section 206(b). The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed.

"(2) In the case of any petition filed under this section as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any information request made under section 216, the rent charged adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period; provided, that the conditional rent increase for an affected unit shall not exceed 5% of the rent charged.

"(3) A conditional rent charged adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days before the expiration of the 90 days, make a provisional finding as to the rent charged adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

"(4) If the Rent Administrator denies the requested rent increase or approves a rent increase that is less than the amount of the conditional rent increase charged by the housing provider, the housing provider shall refund to the tenant within 21 days of the Rent Administrator's order any rent paid in excess of the amount approved by the Rent Administrator, except that the tenant may elect within 14 days of the Rent Administrator's order to apply the amount of the refund as a credit against future rental payments."

Sec. 3. Applicability.

This act shall apply as of November 16, 2016.

Sec. 4. 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).

ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-534

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To approve, on an emergency basis, Modification Nos. 17 and 18 to Contract No. DDOE-2010-SEU-0001 with Vermont Energy Investment Corporation to provide sustainable energy utility services, and to authorize payment in the not-to-exceed amount of \$20,000,000.00 for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DDOE-2010-SEU-0001 Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2 (a). Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 17 and 18 to Contract No. DDOE-2010-SEU-0001 with Vermont Energy Investment Corporation to provide sustainable energy utility services, and authorizes payment in the total not-to-exceed amount of \$20,000,000.00 for the goods and services received and to be received under the modifications.

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.

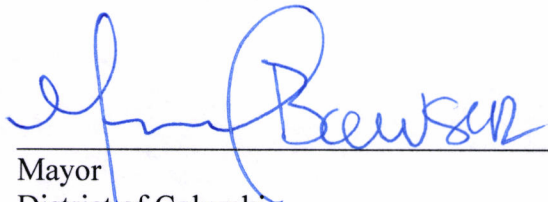
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-535

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To amend, on an emergency basis, the District of Columbia Public School Nurse Assignment Act of 1987 to require that any public school receiving school nurse services above 20 hours per week as of October 25, 2016 continue at that existing level of service, or the level recommended by the Department of Health’s risk-based assessment, whichever is greater, for the remainder of school year 2016-2017.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public School Nurse Assignment Emergency Amendment Act of 2016”.

Sec. 2. Section 2 of the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621), is amended as follows:

(a) Subsection (c) is repealed.

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

“(c-1) Any school that, on October 25, 2016, received school nurse services pursuant to this section that exceeded the minimum hours per week prescribed by subsection (b) of this section shall continue the level of service existing on that date, or the level recommended by the Department of Health’s risk-based assessment, whichever is greater, for the remainder of school year 2016-2017.”.

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.

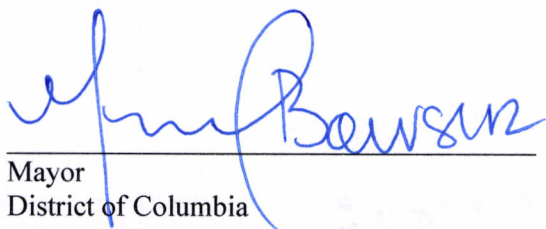
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-536

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To amend, on an emergency basis, the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007 to expand the boundaries of the Ward 4 Georgia Avenue Retail Priority Area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Georgia Avenue Retail Priority Area Emergency Amendment Act of 2016”.

Sec. 2. Section 2(4) of the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194), is amended to read as follows:

“(4) Ward 4 Georgia Avenue Retail Priority Area, consisting of the parcels, squares, and lots within or abutting the area bounded by a line beginning at the intersection of Euclid Street, N.W., and Georgia Avenue, N.W.; continuing north along Georgia Avenue, N.W., to Kenyon Street, N.W.; then continuing west along Kenyon Street, N.W., to Sherman Avenue, N.W.; then continuing north along Sherman Avenue, N.W., to New Hampshire Avenue, N.W.; then continuing northeast along New Hampshire Avenue, N.W., to Spring Road, N.W.; then continuing northwest along Spring Road, N.W., to 14th Street, N.W.; then continuing north along 14th Street, N.W., to Longfellow Street, N.W.; then continuing east along Longfellow Street, N.W., to Georgia Avenue, N.W.; then continuing north along Georgia Avenue, N.W., to Eastern Avenue, N.W.; then continuing southeast along Eastern Avenue, N.W., to Kansas Avenue, N.E.; then continuing southwest along Kansas Avenue, N.E., to Blair Road, N.W.; then continuing south along Blair Road, N.W., to North Capitol Street, N.E.; then continuing south along North Capitol Street, N.E., to Kennedy Street, N.W.; then continuing west along Kennedy Street, N.W., to Kansas Avenue, N.W.; then continuing southwest along Kansas Avenue, N.W., to Varnum Street, N.W.; then continuing east along Varnum Street, N.W., to 7th Street, N.W.; then continuing south along the center line of 7th Street, N.W., until the point where 7th Street, N.W., becomes Warder Street, N.W.; then continuing further south along Warder Street, N.W., to Kenyon Avenue, N.W.; then continuing west along Kenyon Avenue, N.W., to Georgia Avenue, N.W.; and then continuing south on Georgia Avenue, N.W., to the beginning point;”


ENROLLED ORIGINAL

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 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
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-537

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To amend, on a temporary basis, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Access to Emergency Epinephrine in Schools Clarification Temporary Amendment Act of 2016”.

Sec. 2. The Student Access to Treatment Act of 2007, effective February 2, 2008 (D.C. Law 17-107; D.C. Official Code § 38-651.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-651.01) is amended as follows:

(1) The existing paragraph (1) is redesignated as paragraph (1A).

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

“(1) “Designated epinephrine auto-injector” means a disposable drug delivery system with a spring-activated needle, which is obtained with a prescription for a particular person, that is designed for the emergency administration of epinephrine to a person suffering an episode of anaphylaxis.”.

(b) Section 5a (D.C. Official Code § 38-651.04a) is amended as follows:

(1) Subsection (b)(2) is amended by striking the phrase “an undesignated” and inserting the phrase “a designated or undesignated” in its place.

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

“(e) An employee or agent of a public school who is certified pursuant to this section may administer a designated epinephrine auto-injector to the student to whom it is prescribed, who the employee or agent believes in good faith to be suffering or about to suffer an anaphylactic episode.”.

Sec. 3. Fiscal impact statement.

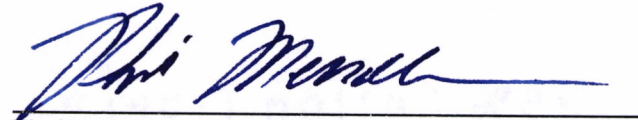
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

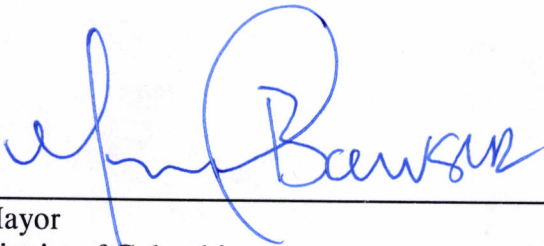
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-538

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To establish the Kennedy Street, N.W., Economic Development and Small Business Revitalization Advisory Committee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Kennedy Street, N.W., Economic Development and Small Business Revitalization Advisory Committee Establishment Act of 2016”.

Sec. 2. Kennedy Street, N.W., Economic Development and Small Business Revitalization Advisory Committee.

(a) There is established the Kennedy Street, N.W., Economic Development and Small Business Revitalization Advisory Committee (“Committee”).

(b) The Committee shall consist of the following 11 members:

- (1) The Deputy Mayor for Planning and Economic Development or his or her designee;
- (2) The Director of the Office of Planning or his or her designee;
- (3) The Councilmember from Ward 4 or his or her designee;
- (4) Two business owners from the Kennedy Street, N.W., district, chosen by the Council Chairman from recommendations made by the Councilmember for Ward 4;
- (5) The Director of the Department of Consumer and Regulatory Affairs or his or her designee;
- (6) Two members from the Kennedy Street, N.W., community, chosen by the Council Chairman from recommendations made by the Councilmember for Ward 4;
- (7) One member chosen by Advisory Neighborhood Commission 4D;
- (8) The Director of the Department of Small and Local Business Development or his or her designee; and
- (9) One member chosen by the Washington DC Economic Partnership.

(c) Vacancies in the membership of the Committee shall be filled in same manner as individual appointments.

(d) All members of the Committee shall be District residents.

(e) The Chairperson of the Committee shall be designated by the Councilmember for Ward 4.

ENROLLED ORIGINAL

- (f) Members of the Committee shall serve without compensation.
- (g) The Committee shall meet no less frequently than quarterly.
- (h) The purpose of the committee shall be to provide recommendations to the Mayor and Council regarding the portion of Kennedy Street, N.W., running from North Capitol Street to 14th Street, N.W., with respect to the following matters:
 - (1) Implementation of recommendations of the Kennedy Street small area plan (the “Kennedy Street Revitalization Plan”) adopted by the Council pursuant to the Kennedy Street Revitalization Plan Approval Resolution of 2008, effective July 15, 2008 (Res. 17-705; 55 DCR 8414);
 - (2) The needs of the community, including providing retail uses that are accessible to the community and serve the needs of both the community and visitors to Kennedy Street, N.W.;
 - (3) Parking and transportation issues; and
 - (4) Economic development opportunities that may be created for surrounding neighborhoods as a result of the Kennedy Street Revitalization Plan.
- (i) The Committee shall submit a report that includes its recommendations to the Mayor and Council after each meeting of the Committee.
- (j) The Committee shall dissolve as of December 31, 2020.

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

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-539

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To establish a Commission on Climate Change and Resiliency to assess the impacts of the changing climate and potential impacts of adverse weather events, the District’s ability to mitigate and adapt to climate change, and the status of the District’s ability to prepare, plan for, absorb, recover from, and adapt to adverse events, to require the commission to transmit reports and recommendations to the Council and the Mayor, and to establish the Climate Change and Resiliency Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Commission on Climate Change and Resiliency Establishment Act of 2016”.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “Commission” means the Commission on Climate Change and Resiliency established by section 3.
- (2) “Fund” means the Climate Change and Resiliency Fund established by section 6.

Sec. 3. Commission on Climate Change and Resiliency.

(a) There is established a Commission on Climate Change and Resiliency to:

- (1) Assess the potential effects of climate change on the District;
- (2) Assess the District’s ability to adapt to and mitigate the effects of climate change;
- (3) Assess the District’s ability to prepare for, respond to, and recover from severe, adverse weather events;
- (4) Identify vulnerabilities related to climate change effects and preparedness and prepare recommendations to the Council and the Mayor to mitigate those vulnerabilities; and
- (5) Provide comments and recommendations to all District agencies on climate change adaptation and vulnerability mitigation plans.

(b) The Commission shall have 16 voting members, who shall be appointed as follows:

- (1)(A) Eight voting members appointed by the Mayor, including a chairperson.
- (B) The voting members appointed by the Mayor shall be appointed for a term of 3 years, with initial staggered appointments of 4 voting members appointed for 3 years and 4 voting members appointed for 2 years.

ENROLLED ORIGINAL

(2)(A) Eight voting members appointed by the Chairman of the Council.

(B) The voting members appointed by the Chairman of the Council shall be appointed for a term of 3 years, with initial staggered appointments of 4 voting members appointed for 3 years and 4 voting members appointed for 2 years.

(3) The voting members shall have demonstrable expertise in at least one of the following areas:

- (A) Emergency preparedness;
- (B) Energy;
- (C) Environmental justice;
- (D) Environmental science;
- (E) Insurance;
- (F) Natural resources;
- (G) Public health; and
- (H) Transportation.

(c) Vacancies shall be filled in the same manner as the original appointment to the position that became vacant. Voting members who are appointed to fill vacancies that occur before the expiration of a voting member's full term shall serve only the unexpired portion of the voting member's term.

(d) All initial appointments to the Commission shall be made within 60 days after the effective date of this act.

(e) The Commission shall consult with and seek the advice of the following agencies and entities as appropriate:

- (1) The Department of Energy and Environment;
- (2) The Office of Planning;
- (3) The Homeland Security and Emergency Management Agency;
- (4) The District Department of Transportation;
- (5) The Department of Health;
- (6) The Department of General Services;
- (7) The District of Columbia Water and Sewer Authority;
- (8) The Office of People's Counsel;
- (9) The Public Service Commission;
- (10) The Mayor's Office of Budget and Finance;
- (11) The Deputy Mayor for Planning and Economic Development;
- (12) The Office of the City Administrator;
- (13) The Washington Metropolitan Area Transit Authority; and
- (14) Local electric, gas, and telecommunications utilities.

(f) The Commission shall invite federal partners, including the General Services Administration, the Architect of the Capitol, the Department of Defense, the Department of Homeland Security, the United States Army Corps of Engineers, the National Capital Planning Commission, and the National Parks Service to participate in its discussions and planning.

Sec. 4. Duties and functions of the Commission.

(a) The Commission shall:

ENROLLED ORIGINAL

- (1) Identify best practices in resiliency, including those being pursued by other municipalities, other states, other regions, and the federal government;
- (2) Conduct vulnerability assessments for the current resilience of critical infrastructure and systems, including energy production, food and water security, the built environment, natural resources, emergency preparedness and response, transportation, housing, economic risk management, telecommunications, and public health;
- (3) Develop recommendations to address vulnerabilities and increase resiliency;
- (4) Evaluate the projected impacts of climate change on critical infrastructure and systems, natural resources, public health, and the economy;
- (5) Develop recommendations for proactive solutions to mitigate the expected impacts of climate change, including how agencies and other entities should integrate mitigation and adaptation strategies when planning and designing policies, programs, and projects; and
- (6) Identify and recommend standard resiliency guidelines for the design and planning of infrastructure and development projects.

(b) In the course of its work, the Commission shall consider climate adaptation, infrastructure management, planning documents, and hazard mitigation plans initiated by District agencies, including the Department of Energy and Environment, the Office of Planning, the Homeland Security and Emergency Management Agency, and the District Department of Transportation.

(c) Within 14 months of the effective date of this act, the Commission shall submit an interim report to the Council and the Mayor that provides:

- (1) Details on the work completed pursuant to this section as of the date of the report;
- (2) Preliminary recommendations for mitigation of climate change impacts and vulnerabilities; and
- (3) Preliminary recommendations to coordinate adaptation strategies across agencies and other entities.

(d) Within 2 years of the effective date of this act, and every 3 years thereafter, the Commission shall submit a report to the Council and the Mayor that provides:

- (1) Details on the work completed pursuant to this section as of the date of the report;
- (2) A comprehensive inventory of at-risk infrastructure; provided, that the Commission may redact portions of the inventory in the interest of national security or public safety;
- (3) A list of action items needed to reduce vulnerabilities related to climate change, including recommendations for coordination of climate change mitigation and adaptation strategies to increase resiliency across agencies and other entities;
- (4) Recommendations for legislative or regulatory changes needed to implement the action items developed pursuant to paragraph (3) of this subsection;
- (5) Recommendations for future updates to the Comprehensive Energy Plan, the Climate Adaptation Plan, and the All Hazards Mitigation Plan; and
- (6) A timeline of future meetings and actions of the Commission.

ENROLLED ORIGINAL

Sec. 5. Procedures and powers of the Commission.

- (a) The Commission shall meet at least once per quarter.
- (b) The chairperson of the Commission, or his or her designee from among the voting members of the Commission, shall convene all Commission meetings.
- (c) A majority of the voting members appointed to the Commission at any given time shall constitute a quorum for the transaction of official business.
- (d) Official actions of the Commission shall be taken by majority vote of the voting members present and voting at the meeting.
- (e) The Commission may form workgroups to consider specific subtopics and invite participation from outside individuals and entities, including the public and subject-matter experts.
- (f) The Department of Energy and Environment shall provide principal staff and equipment support for the activities of the Commission.
- (g) The Mayor may provide additional support to the Commission.
- (h) The Commission may use space and supplies owned or rented by the District government for purposes consistent with this act.

Sec. 6. Climate Change and Resiliency Fund.

- (a) There is established as a special fund the Climate Change and Resiliency Fund, which shall be administered by the Department of Energy and Environment on behalf of the Commission in accordance with subsection (c) of this section.
- (b) Revenue from the following sources shall be deposited into the Fund:
 - (1) Appropriations;
 - (2) Private gifts or donations; and
 - (3) Federal grants, when awarded.
- (c) Money in the Fund shall be used to fulfill the functions and duties of the Commission, as set forth in section 4.
- (d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.
- (2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

Sec. 7. 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. 8. Effective date.

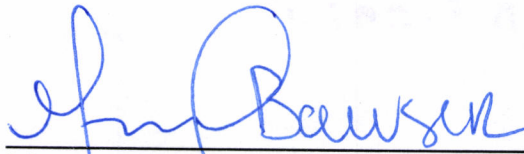
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-540

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To amend An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia to allow physicians licensed to practice medicine and licensed pharmacists to prescribe an opioid antagonist, such as Naloxone, to a person at risk of experiencing an opioid-related overdose or a family member, friend, or other person in a position to assist a person who is likely to experience an opioid-related overdose, to allow employees or volunteers of a community-based organization to distribute or dispense an opioid antagonist under a standing order or a health care professional’s prescriptive authority to a person at risk of experiencing an opioid-related overdose or a family member, friend, or other person in a position to assist a person who is likely to experience an opioid-related overdose, to provide limited liability to physicians and pharmacists prescribing an opioid antagonist, and to provide limited liability to employees or volunteers of a community-based organization distributing or dispensing an opioid antagonist.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Substance Abuse and Opioid Overdose Prevention Amendment Act of 2016”.

Sec. 2. An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Official Code § 7-401 *et seq.*), is amended by adding a new section 4 to read as follows:

“Sec. 4. Prescribing authority of opioid antagonist for overdose victim and 3rd parties.

“(a) For the purposes of this section, the term:

“(1) “Community-based organization” means an organization that provides services, including medical care, counseling, homeless services, or drug treatment, to individuals and communities impacted by drug use. The term “community-based organization” includes all organizations currently participating in the Needle Exchange Program with the Department of Human Services under section 4a of the Drug Paraphernalia Act of 1982, effective March 25, 1993 (D.C. Law 9-252; D.C. Official Code § 48-1103.01).

“(2) “Health care professional” means a physician or pharmacist licensed under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.1 *et seq.*).

ENROLLED ORIGINAL

“(3) “Opioid antagonist” shall have the same meaning as provided in section 3(i)(2).

“(4) “Overdose” shall have the same meaning as provided in section 3(i)(3).

“(5) “Standing order” means a prescriptive order written by a health care professional that is not specific to and does not identify a particular patient.

“(b) Except as provided in subsection (d) of this section, a health care professional acting in good faith may directly or by standing order prescribe, dispense, and distribute an opioid antagonist to the following persons:

“(1) A person at risk of experiencing an opioid-related overdose;

“(2) A family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose; or

“(3) An employee or volunteer of a community-based organization.

“(c) Except as provided in subsection (d) of this section, an employee or volunteer of a community-based organization acting in good faith and in accordance with a standing order or under a health care professional’s prescriptive authority may dispense and distribute an opioid antagonist to the following persons:

“(1) A person at risk of experiencing an opioid-related overdose; or

“(2) A family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

“(d)(1)(A) A pharmacist may not prescribe an opioid antagonist under this section unless he or she completes training conducted by the Department of Health; provided, that a pharmacist is not required to complete training in order to dispense or distribute an opioid antagonist prescribed by a physician.

“(B) An employee or volunteer of a community-based organization shall not dispense or distribute an opioid antagonist under this section unless he or she completes training conducted by the Department of Health.

“(2) The frequency of the training required by this subsection shall be determined by the Department of Health through rulemaking.

“(3) The training required by this subsection shall include:

“(A) How to screen a patient for being at risk of an opioid-related overdose;

“(B) How opioid antagonists operate to stop an opioid-related overdose;

“(C) When the administration of an opioid antagonist is medically indicated;

“(D) How to properly administer an opioid antagonist and circumstances under which administration of an opioid antagonist is contraindicated; and

“(E) Precautions, warnings, and potential adverse reactions related to the administration of an opioid antagonist.

“(e) Upon prescribing, dispensing, or distributing an opioid antagonist, the health care professional or employee or volunteer of a community-based organization shall provide education and training to the recipient of an opioid antagonist. The education and training shall include:

ENROLLED ORIGINAL

“(1) How to identify an opioid-related overdose;

“(2) How to properly administer the prescribed opioid antagonist and circumstances under which administration is contraindicated;

“(3) Precautions, warnings, and potential adverse reactions related to administration of the prescribed opioid antagonist;

“(4) How opioid antagonists operate to stop an opioid-related overdose;

“(5) The importance of seeking medical care for the person experiencing the opioid-related overdose immediately after the opioid antagonist is administered; and

“(6) Information on how to access substance abuse treatment services.

“(f)(1) A health care professional or an employee or volunteer of a community-based organization who prescribes, dispenses, or distributes an opioid antagonist in accordance with this section shall be immune from civil or criminal liability for the subsequent use of the opioid antagonist, unless the health care professional’s actions or the actions of the employee or volunteer of a community-based organization with regard to prescribing, dispensing, or distributing the opioid antagonist constitute recklessness, gross negligence, or intentional misconduct.

“(2) The immunity granted pursuant to paragraph (1) of this subsection shall apply whether or not the opioid antagonist is administered by or to the person for whom it was prescribed, dispensed, or distributed.

“(g) Within 180 days after the effective date of the Substance Abuse and Opioid Overdose Prevention Amendment Act of 2016, passed on 2nd reading on November 1, 2016 (Enrolled version of Bill 21-602), the Mayor, pursuant to Title 1 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.”.

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.

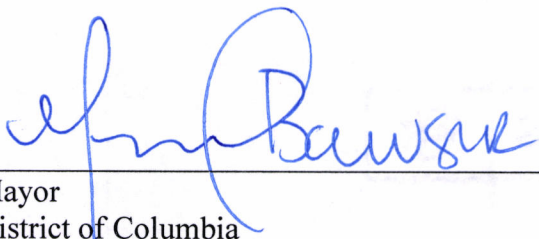
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-541

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To amend the Language Access Act of 2004 to provide that written materials made available to the public by the Department of Motor Vehicles relating to obtaining or renewing a license, permit, or identification card, including examinations, study guides, and other similar materials, are vital documents; to amend the District of Columbia Traffic Act, 1925 to provide that the Department of Motor Vehicles shall not require an applicant to complete a course of driver instruction before the issuance of a license or permit, unless the required course of driver instruction is available without charge to all public school students, public charter school students, and low-income applicants, and to require that the procedures for obtaining a limited purpose driver’s license, permit, or identification card be substantially similar to the procedures for obtaining a non-limited purpose driver’s license, permit, or identification card, unless other procedures are specifically required by law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Driver’s License Fair Access and Equality Amendment Act of 2016”.

Sec. 2. Section 2(7) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931(7)), is amended by striking the phrase “and instructions.” and inserting the phrase “and instructions. The term “vital documents” shall include all written materials that the Department of Motor Vehicle makes available to the public relating to obtaining or renewing a license, permit, or identification card under sections 7, 8a, or 8c of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-1401.01, § 50-1401.03, or § 50-1401.05), including application forms, study guides, examinations, and other similar materials.” in its place.

Sec. 3. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 7 (D.C. Official Code § 50-1401.01) is amended by adding a new subsection (h) to read as follows:

“(h)(1) The Department shall not require an applicant to complete a course of driver instruction before the issuance of a license or permit under this section, section 8a, or section 8c, unless the required course of driver’s instruction is available without charge to all:

ENROLLED ORIGINAL

- “(A) Public school students and public charter school students; and
- “(B) Low-income applicants.

“(2) At least 90 days before requiring a course of driver instruction pursuant to paragraph (1) of this subsection, 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 paragraph (1) of this subsection. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within the 45-day period, the proposed rules shall be deemed approved.”

(b) Section 8c (D.C. Official Code § 50-1401.05) is amended by adding a new subsection (j) to read as follows:

“(j) Unless otherwise provided in this section, the procedures for obtaining a limited purpose driver’s license, permit, or identification card under this section, including policies pertaining to walk-in applicants, shall be substantially similar to the procedures for obtaining a non-limited purpose driver’s license, permit, or identification card, respectively, under section 7 or section 8a.”

Sec. 4. 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. 5. Effective date.

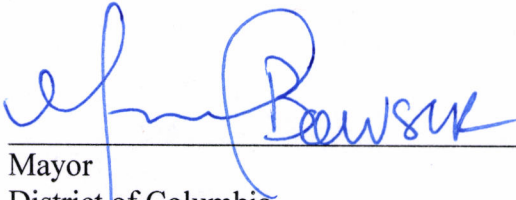
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To amend section 47-4301 of the District of Columbia Official Code to conform District law to the federal statute of limitations in the case of overstatement of basis to clarify that the 6-year statute of limitations on assessment applies to an overstatement of unrecovered cost or other basis.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Statute of Limitations Clarifying Amendment Act of 2016".

Sec. 2. Section 47-4301(d)(2) of the District of Columbia Official Code is amended as follows:

(a) The existing text is designated as subparagraph (A).

(b) A new subparagraph (B) is added to read as follows:

“(B)(i) For the purposes of subparagraph (A) of this paragraph, an understatement of gross income by reason of an overstatement of unrecovered cost or other basis is an omission from gross income.

“(ii) This subparagraph shall apply to returns filed:

“(I) After the effective date of the Statute of Limitations Clarifying Amendment Act of 2016, passed on 2nd reading on November 1, 2016 (Enrolled version of Bill 21-763) (“2016 Clarifying Act”); and

“(II) On or before the effective date of the 2016 Clarifying Act if the applicable assessment period provided for in this section for assessment of the taxes with respect to the return has not expired as of the date return was filed.”.

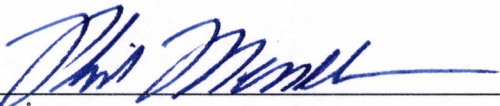
Sec. 3. Fiscal impact statement.

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).

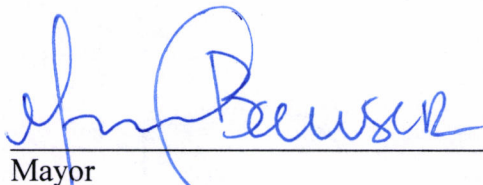
ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 18, 2016

To amend the Department of Health Functions Clarification Act of 2001 to ensure that the prohibition on smoking electronic smoking devices in restricted areas is in parity with that for traditional tobacco products.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Electronic Cigarette Parity Amendment Act of 2016".

Sec. 2. Section 4915 of the Department of Health Functions Clarification Act of 2001, effective April 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-741.01), is amended as follows:

(a) Redesignate paragraph (1) as paragraph (1A).

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

"(1) "Electronic smoking device" means any product, including one composed of a heating element, battery, or electronic circuit, that contains or delivers nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term "electronic smoking device" includes any such product, regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, vape pen, or by any other product name or descriptor."

(c) Paragraph (4) is amended to read as follows:

"(4) "Smoking" means the inhaling, exhaling, burning, or carrying of a lighted or heated cigar, cigarette, pipe, electronic smoking device, or any other tobacco or plant product intended for human consumption through inhalation, in any manner or in any form."

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.

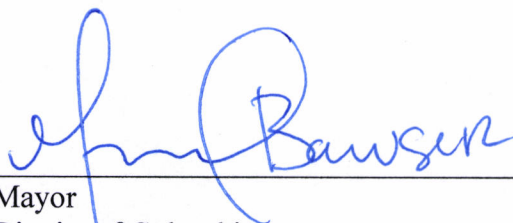
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-544

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 22, 2016

To amend, on a temporary basis, the Fiscal Year 2017 Budget Support Act of 2016 to clarify provisions supporting the Fiscal Year 2017 budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2017 Budget Support Clarification Temporary Amendment Act of 2016”.

Sec. 2. The Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), is amended as follows:

(a) Section 2152(4) is amended by striking the phrase “a theatre in the Central Business District that” and inserting the phrase “capital improvements for a historic theatre on Pennsylvania Avenue, N.W., that produces primarily Broadway-style musical theatrical performances and”.

(b) A new section 4153 is added to read as follows:

“Sec. 4153. In Fiscal Year 2018 and each fiscal year thereafter, of the funds allocated to the Non-Departmental agency, \$500,000 shall be transferred to the University of the District of Columbia for elder-law programming.”

(c) Section 8002 is amended as follows:

(1) Subsection (a) is amended by striking the figure “\$180,809,546” and inserting the figure “\$180,909,957” in its place.

(2) The tabular arrays identified as Table A and Table B are amended to read as follows:

“

TABLE A.

Owner Agency Name	Project Number	Implementing Agency	Bond Issuance Series	Amount
Office of the Chief Financial Officer	BF2	OCFO	2010A	140,465
Department of General Services	BC1	DGS	2012C I.T.	113,644
Department of Parks and Recreation	BSM	DGS	2012C I.T.	3,124,785
Department of Parks and Recreation	QH7	DPR	2012C I.T.	393,520
Department of Parks and Recreation	QJ8	DGS	2012C I.T.	529,131

ENROLLED ORIGINAL

Department of Parks and Recreation	QN4	DGS	2012C I.T.	334,244
District Department of Transportation	ED1	DDOT	2012C I.T.	599,509
District Department of Transportation	EDS	DDOT	2012C I.T.	292,359
District Department of Transportation	STC	DDOT	2012C I.T.	43,409
District of Columbia Public Schools	MO3	DGS	2012C I.T.	1,565,607
District of Columbia Public Schools	ND4	DGS	2012C I.T.	11,664
District of Columbia Public Schools	NJ8	DGS	2012C I.T.	11,442
District of Columbia Public Schools	PE3	DGS	2012C I.T.	39,641
Fire and Emergency Management Services	LB7	FEMS	2012C I.T.	2,268,528
Metropolitan Police Department	ECS	MPD	2012C I.T.	300,000
Office of the Chief Technology Officer	N60	OCTO	2012C I.T.	481,728
Department of Behavioral Health	XA6	OCTO	2013A G.O.	81,575
Department of Behavioral Health	XA8	DBH	2013A G.O.	150,119
Department of Corrections	CRF	DOC	2013A G.O.	508,089
Department of Healthcare Finance	MPM	DHCF	2013A G.O.	1,330,140
Department of Parks and Recreation	QE5	DGS	2013A G.O.	75,757
Department of Parks and Recreation	QJ8	DGS	2013A G.O.	351,837
Department of Parks and Recreation	RE0	DGS	2013A G.O.	1,265
Department of Public Works	FS1	DPW	2013A G.O.	76,846
Deputy Mayor for Planning and Economic Development	AWR	DMPED	2013A G.O.	1,546,808
District Department of Employment Services	UIM	DOES	2013A G.O.	2,354,064
District Department of Transportation	BRI	DDOT	2013A G.O.	1,678,669
District Department of Transportation	ED1	DDOT	2013A G.O.	500,000
District Department of Transportation	FLD	DDOT	2013A G.O.	39,030
District Department of Transportation	PM0	DDOT	2013A G.O.	150,941
District of Columbia Public Schools	PK3	DGS	2013A G.O.	538,150
Fire and Emergency Management Services	LD2	DGS	2013A G.O.	34,362
Office of the Chief Technology Officer	EQ1	OCTO	2013A G.O.	83,199
Office of the Chief Technology Officer	N60	OCTO	2013A G.O.	140,419
D.C. Public Library	WOD	DCPL	2013A GO	791,863
Office of the Secretary	AB1	DGS	2013A GO	784,215
Department of General Services	BC1	DGS	2014 A/B GO	25,054
D.C. Public Library	WOD	DCPL	2014C G.O.	2,300,000

ENROLLED ORIGINAL

Department of Corrections	CEV	DOC	2014C G.O.	1,566,292
Department of Corrections	CRF	DOC	2014C G.O.	1,500,000
Department of General Services	BC1	DGS	2014C G.O.	950,000
Department of Parks and Recreation	QS5	DGS	2014C G.O.	3,927,608
Deputy Mayor for Planning and Economic Development	EB0	DMPED	2014C G.O.	9,000,000
District Department of Employment Services	UIM	DOES	2014C G.O.	2,500,000
District Department of Transportation	6EQ	DDOT	2014C G.O.	3,526,564
District Department of Transportation	BRI	DDOT	2014C G.O.	8,000,000
District Department of Transportation	FLD	DDOT	2014C G.O.	1,469,644
Office of the Secretary	AB1	DGS	2014C G.O.	2,500,000
Office of the Chief Financial Officer	BF2	OCFO	2015A G.O.	429,148
D.C. Public Library	CAV	DCPL	Pending	4,500,000
D.C. Public Library	CPL	DCPL	Pending	4,125,000
D.C. Public Library	PAL	DCPL	Pending	5,700,000
Department of Corrections	CEV	DGS	Pending	33,708
Department of Healthcare Finance	HI1	DHCF	Pending	3,145,040
Department of Healthcare Finance	MPM	DHCF	Pending	2,300,000
Department of Parks and Recreation	FTD	DGS	Pending	2,000,000
Department of Parks and Recreation	IVY	DGS	Pending	1,925,000
Department of Parks and Recreation	Q10	DGS	Pending	1,000,000
Department of Parks and Recreation	Q11	DGS	Pending	1,500,000
Department of Parks and Recreation	QF4	DGS	Pending	1,400,000
Department of Parks and Recreation	WBR	DGS	Pending	14,000,000
Deputy Mayor for Planning and Economic Development	STH	DMPED	Pending	1,000,000
District Department of Employment Services	UIM	DOES	Pending	2,500,000
District Department of Transportation	AW0	DDOT	Pending	40,000,000
District Department of Transportation	CDT	DDOT	Pending	10,340
District Department of Transportation	PLU	DDOT	Pending	4,000,000
District Department of Transportation	TRF	DDOT	Pending	1,500,000
District of Columbia Public Schools	JOH	DGS	Pending	2,886,000
District of Columbia Public Schools	NX8	DGS	Pending	3,000,000
District of Columbia Public Schools	SG3	DGS	Pending	7,738,513
Fire and Emergency Management Services	LC4	DGS	Pending	3,000,000

ENROLLED ORIGINAL

Fire and Emergency Management Services	LC4	DGS	Pending	2,000,000
Metropolitan Police Department	PEQ	MPD	Pending	2,000,000
Office of the Chief Technology Officer	N90	OCTO	Pending	3,000,000
Office of the Chief Technology Officer	N91	OCTO	Pending	1,500,000
Office of the Chief Technology Officer	N92	OCTO	Pending	445,022
Special Education Transportation	BU4	SET	Pending	2,740,000
Special Education Transportation	BU5	SET	Pending	1,000,000
State Superintendent of Education	SIS	OSSE	Pending	1,800,000
TOTAL				\$180,909,957

TABLE B.

Owner Agency Name	Project Number	Implementing Agency	Bond Issuance Series	Amount
District of Columbia Public Schools	BRK	DGS	N/A	8,200,000
District of Columbia Public Schools	GM1	DGS	N/A	6,200,411
District of Columbia Public Schools	GM3	DGS	N/A	5,000,000
District of Columbia Public Schools	NA6	DGS	N/A	20,100,000
District of Columbia Public Schools	NR9	DGS	N/A	15,500,000
State Superintendent of Education	SFF	OSSE	N/A	2,000,000
Deputy Mayor for Economic Development	AMS	DMPED	N/A	1,467,000
WMATA	SA5	DDOT	N/A	693,923
Fire and Emergency Management Services	LF2	DGS	Pending	2,275,000
Department of Parks and Recreation	WBR	DGS	Pending	14,000,000
Department of Parks and Recreation	QE2	DGS	Pending	9,730,000
Department of Parks and Recreation	QN7	DPR	Pending	19,000,000
Department of Human Services	CMS	DHS	Pending	14,000,000
District Department of Transportation	CEL	DDOT	Pending	3,000,000
WMATA	SA3	DDOT	Pending	20,000,000
WMATA	SA5	DDOT	Pending	39,743,623
TOTAL				\$180,909,957

”.

ENROLLED ORIGINAL

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.

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
November 18, 2016

ENROLLED ORIGINAL

A RESOLUTION

21-583

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To confirm the appointment of Mr. Chris Landis to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Historic Preservation Review Board Chris Landis Confirmation Resolution of 2016”.

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

Mr. Chris Landis
6217 30th Street, N.W.
Washington, D.C. 20015
(Ward 4)

as an architect member of the Historic Preservation Review Board, established by Mayor’s Order 83-119, issued May 6, 1983 (30 DCR 3031), in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2019.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-584

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To confirm the appointment of Ms. Linda Greene to the Historic Preservation Review Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Historic Preservation Review Board Linda Greene Confirmation Resolution of 2016”.

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

Ms. Linda Mercado Greene
1354 W Street, S.E.
Washington, D.C. 20020
(Ward 8)

as a public member of the Historic Preservation Review Board, established by Mayor’s Order 83-119, issued May 6, 1983 (30 DCR 3031), in accordance with section 4 of the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144; D.C. Official Code § 6-1103), for a term to end July 21, 2019.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-602

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To confirm the appointment of Mr. Otto Condon to the District of Columbia Commemorative Works Committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Commemorative Works Committee Otto Condon Confirmation Resolution of 2016”.

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

Mr. Otto Condon
2233 12th Place, N.W.
Washington, D.C. 20009
(Ward 1)

as a citizen member of the District of Columbia Commemorative Works Committee, established by section 412 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 4, 2001 (D.C. Law 13-275; D.C. Official Code § 9-204.12), for a term to end July 22, 2019.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 11, 2016

To approve proposed rules to establish procedures for the Office of Public-Private Partnerships.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of Public-Private Partnership Rules Approval Resolution of 2016”.

Sec. 2. Pursuant to section 301(c)(2) of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-274.01(c)(2)), the Mayor transmitted to the Council proposed rules to establish procedures for the Office of Public-Private Partnerships. The proposed rules were published in the D.C. Register on April 29, 2016 (63 DCR 6657). The Council approves the proposed rules as submitted.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the City Administrator, the Executive Director of the Office of Public-Private Partnerships, and the Administrator of the Office of Documents and Administrative Issuances.

Sec. 4. 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. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-622

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To confirm the reappointment of Mr. James Short to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board James Short Confirmation Resolution of 2016”.

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

Mr. James Short
2400 Branch Avenue, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, for a term to end May 7, 2020.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-623

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To confirm the appointment of Mr. David Jacob Perry to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Alcoholic Beverage Control Board David Jacob Perry Confirmation Resolution of 2016".

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

Mr. David Jacob Perry
1664 Beekman Place, N.W. Unit D
Washington, D.C. 20009
(Ward 1)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, replacing Victor Rodriguez, for a term to end May 7, 2019.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-624

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To confirm the appointment of Ms. Mafara Hobson to the Alcoholic Beverage Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Alcoholic Beverage Control Board Mafara Hobson Confirmation Resolution of 2016”.

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

Ms. Mafara Hobson
3128 Sherman Avenue, N.W. Apt. 7
Washington, D.C. 20010
(Ward 1)

as a member of the Alcoholic Beverage Control Board, established by D.C. Official Code § 25-201, replacing Ruthanne Miller, for a term to end May 7, 2020.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-632

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To confirm the appointment of Ms. Tameka Collier to the District of Columbia Board of Ethics and Government Accountability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Board of Ethics and Government Accountability Tameka Collier Confirmation Resolution of 2016”.

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

Ms. Tameka Collier
1700 11th Street, N.W.
Washington, D.C. 20001
(Ward 2)

as a member of the District of Columbia Board of Ethics and Government Accountability, established by section 202 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 § 1-1162.02), for a 6-year term to end July 1, 2018.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-633

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To confirm the reappointment of Ms. Faith Gibson Hubbard to the Board of Library Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Library Trustees Faith Gibson Hubbard Confirmation Resolution of 2016".

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

Ms. Faith Gibson Hubbard
3213 Walnut St., N.E.
Washington, D.C. 20018
(Ward 5)

as a member of the Board of Library Trustees, established by section 4 of 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 (29 Stat. 244; D.C. Official Code § 39-104), for a term to end January 5, 2020.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-634

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To confirm the appointment of Mr. Ernest Chrappah as the Director of the Department of For-Hire Vehicles.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Department of For-Hire Vehicles Ernest Chrappah Confirmation Resolution of 2016”.

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

Mr. Ernest Chrappah
4000 Massachusetts Avenue, N.W.
Apartment 928
Washington, D.C. 20016
(Ward 3)

as the Director of the Department of For-Hire Vehicles, established by section 5 of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.04), in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-635

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To approve the borrowing of funds by the District through the issuance and sale of income tax secured revenue bonds and notes and general obligation bonds and notes in an aggregate principal amount not to exceed \$ 1,150,000,000.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2017 Income Tax Secured Revenue Bond, General Obligation Bond and General Obligation and Income Tax Secured Revenue Bond Anticipation Note Issuance Approval Resolution of 2016".

Sec. 2. (a) Pursuant to and in accordance D.C. Official Code § 47-335.01, the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999 -2004 Authorization Act of 1999, effective July 29, 1999 (D.C. Law 13-22; D.C. Official Code § 1-204.61, note); the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002 -2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note); the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2007-2012 Authorization Act of 2006, effective March 6, 2007 (D.C. Law 16-212; D.C. Official Code § 1-204.61, note), and the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2013-2018 Authorization Act of 2012, effective March 19, 2013 (D.C. Law 19-231) (the "Bond Acts"), and Subchapter II-D of the District of Columbia Official Code (§ 47-340.26 *et seq.*) ("Income Tax Bond Act"), the Council approves the issuance and sale of:

(1) Income tax secured revenue bonds and general obligation bonds in an aggregate principal amount not to exceed \$500,000,000 to fund the following capital projects, as that term is defined in the Income Tax Bond Act or the Bond Acts, plus all costs and expenses authorized by the Income Tax Bond Act or the Bond Acts, including, but not limited to, reimbursing amounts temporarily advanced from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District, and all costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the bonds, the payment of costs of contracts described in the Income Tax Bond Act or the Bond Acts, and the payments of other debt program related costs as provided in the related agreements:

ENROLLED ORIGINAL

Owner Agency	Project Number	Project Title	Implementing Agency	Total Borrowing Plan \$
COUNCIL	WIL	John A. Wilson Building	DGS	2,808,596
Total - Council of the District of Columbia				2,808,596
DGS	AA3	Consolidated Laboratory Facility	DGS	14,312
DGS	N14	One Judiciary Square	DGS	347,860
DGS	PL1	Hazardous Material Abatement/ADA	DGS	4,934,756
DGS	PL6	HVAC Repair Renovation Pool	DGS	17,539
DGS	PL9	Energy Retrofitting & System Replacement	DGS	1,546,688
DGS	PUT	Property Tracking System	DGS	487,003
DGS	SPC	Soccer Stadium	DGS	63,407,000
Total - Department of General Services				70,755,158
OCFO	CIM	CFO\$olve Financial Application	OCFO	751,862
OCFO	CSP	SOAR Modernization	OCFO	5,565,059
Total - Office of the Chief Financial Officer				6,316,921
PLANNING	PLN	Ward 8 Citizens' Summit Challenge	OP	1,527,396
Total - Office of Planning				1,527,396
Arts	AH7	Arts & Humanities Grants & Projects	ARTS	128,708
Total - Commission on Arts and Humanities				128,708
DCOA	EA3	Washington Center For Aging Services Renovation	DGS	514,125
Total - DC Office on Aging				514,125
DCPL	FGR	Francis A. Gregory Library	DCPL	3,777
DCPL	NEL	Northeast Library	DCPL	547,780
DCPL	WOD	Woodridge Library	DCPL	3,576,539
Total - DC Public Library				4,128,096
DCRA	EB3	Vacant Property Inspection And Abatement	DCRA	163,585
DCRA	ISM	IT Systems Modernization	DCRA	539,639
Total - Department of Consumer and Regulatory Affairs				703,224
DHCD	40	Property Acquisition & Disposition	DHCD	343,706
Total - Department of Housing and Community Development				343,706
DMPED	AMS	McMillan Site Redevelopment	DMPED	2,100,000
DMPED	ASC	Skyland Shopping Center	DMPED	2,425,819
Total - Deputy Mayor for Economic Development				4,525,819
MPD	CTV	Tactical Village Training Facility	DGS	336,413
MPD	PDB	CCTV/Shotspotter Integration	MPD	379,112
MPD	PEQ	Specialized Vehicles - MPD (Short-Term)	MPD	3,916,314
MPD	PLR	Renovation of MPD District Stations	DGS	6,394,172

ENROLLED ORIGINAL

MPD	PLT	Crime Fighting Technology	MPD	217,302
Total - Metropolitan Police Department				11,243,313
FEMS	206	Fire Apparatus	FEMS	5,967,154
FEMS	LA1	Fire Apparatus	FEMS	60,000
FEMS	LB6	E-15 Complete Modernization/Renovation	DGS	40,913
FEMS	LB7	Engine Company 16 Renovation	DGS	4,273,892
FEMS	LB8	E-17 Complete Renovation	FEMS	46,360
FEMS	LC7	E-25 Complete Renovation	FEMS	21,966
FEMS	LD1	E-28 Complete Modernization/Renovation	FEMS	411,230
FEMS	LD2	E-29 Complete Renovation/Modernization	DGS	57,527
FEMS	LD8	EVOC Course	FEMS	1,213,561
FEMS	LE5	Engine 14 Major Renovation	DGS	2,741,137
FEMS	LF2	FEMS Scheduled Capital Improvements	DGS	734,352
Total - Fire and Emergency Medical Services				15,568,092
DOC	CGN	General Renovations at DOC Facilities	DGS	339,268
DOC	CR0	Inmate Processing Center	DGS	1,292,619
DOC	CRF	Roof Refurbishment at DOC Facilities	DGS	3,900
DOC	FL4	Suicide Risk Mitigation	DGS	16,412
DOC	MA2	Elevator/Escalator Pool	DGS	502,088
Total - Department of Corrections				2,154,287
DFS	LIM	Renovation of University Facilities	DFS	883,297
Total - Department of Forensic Sciences				883,297
DCPS	BRK	Brookland MS Modernization	DGS	509,455
DCPS	GAH	Healthy School Yards	DGS	901,100
DCPS	GI0	Special Education Classrooms	DGS	425,238
DCPS	GI5	Rose/Reno School Small Cap Project	DGS	2,490,110
DCPS	GM1	Major Repairs/Maintenance - DCPS	DGS	2,671,102
DCPS	MH1	Dunbar SHS Modernization	DGS	487,126
DCPS	MR3	Maury ES Modernization/Renovation	DGS	137,496
DCPS	N50	IT Products and Services	DCPS	13,345
DCPS	N80	DCPS IT Infrastructure Upgrade	OCTO	4,770,451
DCPS	NA6	Ballou SHS	DGS	2,514,278
DCPS	NR6	Woodson HS - Modernization/Renovation	DGS	67,925
DCPS	NR9	Roosevelt HS Modernization	DGS	6,812,961
DCPS	NX4	Anacostia HS Modernization	DGS	1,465,706
DCPS	NX8	Coolidge HS Modernization/Renovation	DGS	1,500
DCPS	PK3	Martin Luther King ES Modernization	DGS	16,022
DCPS	SG1	Window Replacement - DCPS	DGS	2,047,000
DCPS	SG3	Maintenance Improvements	DGS	12,860,000

ENROLLED ORIGINAL

DCPS	SG4	Duke Ellington	DGS	19,250
DCPS	SK1	Marie Reed ES (Stadium)	DGS	2,108,774
DCPS	T22	DCPS DCSTARS IT Upgrade	OCTO	3,544,845
DCPS	TB2	Burroughs ES Modernization/Renovation	DGS	43,104
DCPS	TK3	Takoma ES Renovation/Modernization	DGS	88,199
DCPS	YY1	Modernization/Renovation - DCPS	DGS	14,864,700
DCPS	YY2	Stabilization	DGS	56,325
DCPS	YY6	Planning - DCPS	DGS	795,463
Total - District of Columbia Public Schools				59,711,475
OSSE	BU0	Special Education Vehicle Replacement	OSSE	540,098
OSSE	GD2	OSSE Facility Improvements	OSSE	29,716
OSSE	EMG	Educational Grant Management System II	OSSE	1,695,523
OSSE	N28	Special Education Data Systems	OSSE	2,140,178
Total - Office of the State Superintendent of Education				4,405,515
UDC	UG7	Renovation of University Facilities	UDC	11,588,220
Total - University of the District of Columbia				11,588,220
SET	BU0	Vehicle Replacement	SET	1,108,658
Total - Special Education Transportation				1,108,658
DPR	ANR	Anacostia Rec Center Modernization	DPR	128,171
DPR	AW3	Marvin Gaye Recreation Center	DGS	24,163
DPR	BSM	Benning Stoddert Modernization	DPR	2,797,210
DPR	COM	Congress Heights Modernization	DPR	47,587
DPR	DUC	Duck Pond	DPR	12,200
DPR	FTL	Fort Lincoln Park	DPR	63,171
DPR	HTS	Hearst Park	DPR	205,585
DPR	LFR	Lafayette Rec Expansion	DGS	105,000
DPR	NPR	IT Infrastructure - DPR	OCTO	750,000
DPR	Q10	Fort Greble Recreation Center	DGS	41,446
DPR	Q11	Hillcrest Recreation Center	DGS	25,189
DPR	QB3	Roper / Deanwood Recreation Center	DPR	66,357
DPR	QE2	Ridge Road Recreation Center	DGS	4,668,060
DPR	QE5	ADA Compliance	DPR	149,787
DPR	QFL	DPR Fleet Upgrades	DPR	37,728
DPR	QH7	Park Improvements	DPR	39,692
DPR	QI8	Guy Mason Rehabilitation	DGS	116,262
DPR	QI9	Rosedale Recreation Center	DGS	68,856
DPR	QJ8	Friendship Park	DGS	719,495
DPR	QK3	Fort Stanton Recreation Center	DGS	374,008
DPR	QM6	Raymond Recreation Center	DGS	45,336

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DPR	QM7	Chevy Chase Recreation Center	DGS	750
DPR	QN5	Langdon Community Center Redevelopment	DGS	1,161,416
DPR	QN7	Athletic Field and Park Improvements	DGS	517,295
DPR	QN8	Banneker Baseball Center	DGS	208,717
DPR	QS5	Barry Farm Recreation Center	DGS	1,640,051
DPR	R67	Bald Eagle Recreation Center	DGS	59,095
DPR	RE0	Parkview Recreation Center & Small House	DGS	249,609
DPR	RG0	General Improvements - DPR Facilities	DGS	5,801,735
DPR	RR0	General Improvements	DGS	141,105
DPR	SET	Southeast Tennis and Learning Center	DGS	3,005,197
Total - Department of Parks and Recreation				23,270,273
DOH	HC1	DC Animal Shelter	DGS	164,587
DOH	R23	Laboratory Re-Engineering	DGS	5,358
Total - Department of Health				169,945
DHCF	MPM	MMIS System Upgrade	DHCF	98,731
DHCF	UMC	East End Medical Center	DHCF	8,798,867
Total - Department of Health Care Finance				8,897,598
DHS	THK	Temporary and Supportive Housing	DGS	493,234
DHS	CMS	Case Management System - GO Bond	DHS	3,444,322
Total - Department of Human Services				3,937,556
DYRS	SH7	DYRS Campus Upgrades	DGS	1,065,720
Total - Department of Youth Rehabilitation Services				1,065,720
DDOT	6EQ	Equipment Acquisition - DDOT Short-Term	DDOT	809,036
DDOT	AD0	Lighting Asset Management	DDOT	82,684
DDOT	BRI	Pedestrian Bridge - Parkside	DDOT	113,585
DDOT	CA3	Stormwater Management	DDOT	1,252,681
DDOT	CAL	Curb and Sidewalk Rehab	DDOT	2,865,148
DDOT	CB0	Replace and Upgrade Attenuators and Guiderails	DDOT	136,604
DDOT	CD0	Bridge Design Consulting	DDOT	28,372
DDOT	CE5	Union Market Infrastructure	DDOT	66,805
DDOT	CEL	Alley Rehab	DDOT	2,819,191
DDOT	CG3	Greenspace Management	DDOT	2,906,604
DDOT	CI0	Traffic Signal Systems	DDOT	2,913,307
DDOT	ED0	11th Street Bridge Park	DDOT	86,611
DDOT	FDT	MBT Rhode Island Ave Bridge	DDOT	142,728
DDOT	GFL	DDOT Facilities	DDOT	263,264
DDOT	MNT	Road Maintenance	DDOT	137,650
DDOT	MRR	Major Rehabilitation, Reconstruction and Replacement	DDOT	1,524,086
DDOT	PED	Pedestrian Bridge	DDOT	6,555

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DDOT	SA3	H St./Benning/K St. Streetcar Line	DDOT	35,260,753
DDOT	SR3	Local Streets - Wards 1-8	DDOT	2,278,723
Total - District Department Of Transportation				53,694,387
WMATA	SA3	WMATA Fund - PRIIA	WMATA	42,865,738
WMATA	SA5	WMATA CIP Contribution	WMATA	89,740,895
WMATA	TOP	WMATA Project Development	WMATA	1,648,500
Total - Mass Transit Subsidies				134,255,133
DDOE	ARC	Watts Branch Stream Restoration	DDOE	807,170
DDOE	HMR	Hazardous Material Remediation - DDOE	DDOE	2,626,702
Total - Department of Energy and Environment				3,433,872
DPW	EQ9	Heavy Equipment Acquisition - DPW	DPW	823,720
DPW	EQ9	Heavy Equipment Acquisition - Short-Term	DPW	168,907
Total - Department of Public Works				992,627
DMV	RID	Secure Credentialing	DMV	1,738,214
DMV	MVS	Inspection Station Upgrade	DMV	797,162
Total - Department of Motor Vehicles				2,535,376
DBH	HX4	Housing Initiatives	DBH	266,303
DBH	HX5	New Mental Health Hospital	DBH	2,337,074
DBH	HX7	DBH Facilities Small Capital Improvements	DBH	365,908
DBH	XA5	Renovation SEH Buildings	DBH	56,000
DBH	XA6	Avatar Upgrade	DBH	328,635
DBH	XA8	Integrated Care Applications Mgmt (ICAM)	DBH	85,347
Total - Department of Behavioral Science				3,439,267
OCTO	1SL	DC Firstnet (SLIGP)	OCTO	76,468
OCTO	EQ1	Credentialing and Wireless-GO Bond	OCTO	35,713
OCTO	EQ1	Credentialing and Wireless-GO Bond	OCTO	381,162
OCTO	N16	DC Wide Area Network (WAN)	OCTO	492,862
OCTO	N16	Citywide Network Infrastructure Upgrade	OCTO	2,023,177
OCTO	N17	Cyber Security Modernization	OCTO	1,084,441
OCTO	N25	Data Center Relocation - GO Bond	OCTO	1,008,110
OCTO	N25	Data Center Relocation	OCTO	104,893
OCTO	N38	Procurement System - GO Bond	OCTO	3,885,282
OCTO	N60	Transportation Infrastructure Modernization	OCTO	653,288
OCTO	N92	Citywide Disk Based Backup Infrastructure	OCTO	371,518
OCTO	ZB2	Enterprise Integration Projects	OCTO	969,993
Total - Office of the Chief Technology Officer				11,086,907
OUC	PL4	Underground Commercial Power Feed to UCC	DGS	2,589,762
OUC	UC2	IT and Communications Upgrades	OUC	3,716,971
Total - Office of Unified Communications				6,306,733
Grand Total Bond Issuance Fall 2016				

ENROLLED ORIGINAL

451,500,000*

*Numbers may not sum up due to rounding

(2) Federally taxable income tax secured revenue bonds and general obligation bonds in an aggregate principal amount not to exceed \$50,000,000 to fund capital projects, as that term is defined in the Income Tax Bond Act or the Bond Acts, which are not eligible for federal tax-exempt financing, or to redeem or refund outstanding District federally tax-exempt or taxable bonds which need to be redeemed or refunded, from time to time, because current or planned changes in the use of projects funded by those bonds would jeopardize the federal tax-exemption of those bonds, plus all costs and expenses authorized by the Income Tax Bond Act or the Bond Acts, including, but not limited to, reimbursing amounts temporarily advanced from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District, and all costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the bonds, the payment of costs of contracts described in the Income Tax Bond Act or the Bond Acts, and the payments of other debt program related costs as provided in the related agreements; and

(3) Income tax secured federally tax-exempt and taxable bond anticipation notes or general obligation secured federally tax-exempt and taxable bond anticipation notes in an aggregate principal amount not to exceed \$600,000,000 to fund the initial costs of capital projects, as those projects are included in the District's annual Budget and Financial Plan and defined in the Income Tax Bond Act or the Bond Acts, plus all costs and expenses authorized by the Income Tax Bond Act or the Bond Acts, including, but not limited to, reimbursing amounts temporarily advanced from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District, and all costs and expenses of issuing and delivering the commercial paper, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the commercial paper, the payment of costs of contracts described in the Income Tax Bond Act or the Bond Acts, and the payments of other debt program related costs as provided in the related agreements.

(b) The capital projects referenced in subsection (a)(i) of this section have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (Pub. L. No. 93-198; 87 Stat. 801; D.C. Official Code § 1-204.46), the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Pub. L. No. 106-522; 114 Stat. 2457), the District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 923), the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. No. 108-7; 117 Stat. 11), the District of Columbia Appropriations Act, 2004, approved January 23, 2004 (Pub. L. No.

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108-199; 118 Stat. 3), the District of Columbia Appropriations Act, 2005, approved October 18, 2004 (Pub. L. No. 108-335; 118 Stat. 1322), the District of Columbia Appropriations Act, 2006, approved November 30, 2005 (Pub. L. No. 109-115; 119 Stat. 2508), the Revised Continuing Appropriations Resolution, 2007, approved February 15, 2007 (Pub. L. No. 110-5; 121 Stat. 8), the Continuing Appropriations Resolution, 2008, approved September 29, 2007 (Pub. L. No. 110-92; 121 Stat. 989), the District of Columbia Appropriations Act, 2008, approved December 26, 2007 (Pub. L. No. 110-161; 121 Stat. 1990), the Continuing Appropriations Resolution, 2009, approved September 30, 2008 (Pub. L. No. 110-329; 122 Stat. 3574), the District of Columbia Appropriations Act, 2009, approved March 11, 2009 (Pub. L. No. 111-8; 123 Stat. 524), the Continuing Appropriations Resolution, 2010, approved October 1, 2009 (Pub. L. No. 111-68; 123 Stat. 2023), the Further Continuing Appropriations Resolution, 2010, approved October 30, 2009 (Pub. L. No. 111-88; 123 Stat. 2904), the District of Columbia Appropriations Act, 2010, approved December 16, 2009 (Pub. L. No. 111-117; 123 Stat. 3034), as extended by the Department of Defense and Full-Year Continuing Appropriations Act, 2011, approved April 15, 2011 (Pub. L. No. 112-10; 125 Stat. 38), the District of Columbia Appropriations Act, 2012, approved December 23, 2011 (Pub. L. No. 112-74; 125 Stat. 903); the Continuing Appropriations Resolution 2013, approved September 28, 2012 (Pub. L. No. 112-175; 126 Stat. 1313); the Consolidated and Further Continuing Appropriations Act, 2013, approved March 26, 2013 (Pub. L. No. 113-6; 127 Stat. 198); the Continuing Appropriations Act, 2014, approved October 17, 2013 (Pub. L. No. 113-46; 127 Stat. 558); the Consolidated Appropriations Act, 2014, approved January 17, 2014 (Pub. L. No. 113-76; 128 Stat. 5); the Continuing Appropriations Resolution, 2015, approved September 19, 2014 (Pub. L. No. 113-164; 128 Stat. 1867); Joint Resolution Making further continuing appropriations for fiscal year 2015, and for other purposes, approved December 12, 2014 (Pub. L. No. 113-202; 128 Stat. 2069); Joint Resolution Making further continuing appropriations for fiscal year 2015, and for other purposes, approved December 13, 2014 (Pub. L. No. 113-203; 128 Stat. 2070); the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. No. 113-235; 128 Stat. 2130), approved December 16, 2014; the Continuing Appropriations Act, 2016 (Pub. L. No. 114-53; 129 Stat. 502), approved September 30, 2015; the Further Continuing Appropriations Act, 2016 (Pub. L. No. 114-96; 129 Stat. 2193), approved December 11, 2015; the Joint Resolution Making further continuing appropriations for fiscal year 2016, and for other purposes (Pub. L. No. 114-100; 129 Stat. 2202), approved December 16, 2015; the Consolidated Appropriations Act, 2016 (Pub. L. No. 114-113; 129 Stat. 2242), approved December 18, 2015; the Fiscal Year 2017 Local Budget Act of 2016, effective July 29, 2016 (D.C. Law 21-142); the Continuing Appropriations Act, 2017 (Pub. L. No. 114-223; 130 Stat. 857), approved September 29, 2016; and are capital projects for which the District of Columbia is authorized to incur indebtedness under the Bond Acts and the Income Tax Bond Act.

(c) The Chief Financial Officer is further authorized to determine whether income tax secured revenue bonds, general obligation bonds, or bond anticipation notes or other short-term notes authorized by the Income Tax Bond Act or the Bond Acts, will be issued to finance or refinance the capital projects described in subsection (a) of this section. If short-term notes are

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issued to finance the capital projects described in subsection (a) of this section, the Chief Financial Officer shall determine when and whether income tax secured revenue bonds or general obligation bonds will be issued to refund or refinance the outstanding short-term notes in accordance with the Income Tax Bond Act, the Bond Acts and other applicable laws.

Sec. 3. If the funds allocated to any agency pursuant to this resolution exceed the amount required by that agency to complete any authorized capital project listed in section 2 for that agency, the excess funds shall be made available to finance other capital projects approved by a prior or subsequent Council bond issuance resolution or act.

Sec. 4. Pursuant to sections 7 and 8 of the Bonds Acts, section 2 of the Income Tax Bond Act, and other applicable law, the Council approves the execution and delivery by the Mayor, or the Chief Financial Officer, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of District of Columbia general obligation bonds or notes or income tax secured revenue bonds or notes pursuant to the Bond Acts or the Income Tax Bond Act.

Sec. 5. The Council shall submit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 6. 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. 7. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-642

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 2 and 5 to Contract No. CW28295 with Maru Solutions Incorporated 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. CW28295 Approval and Payment Authorization Emergency Declaration Resolution of 2016".

Sec. 2. (a) There exists a need to approve Modification Nos. 2 and 5 to Contract No. CW28295 with Maru Solutions Incorporated 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.

(b) By Modification No. 2, the Office of Contracting and Procurement exercised option year 2 of Contract No. CW28295 for the period from June 12, 2016 to June 11, 2017 in the not-to-exceed amount of \$950,000.00.

(c) Modification No. 5 is now necessary to increase the not-to-exceed amount for option year 2 to \$10,000,000.00.

(d) Council approval is necessary because these modifications increase the contract amount by more than \$1,000,000.00 during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Maru Solutions Incorporated cannot be paid for services provided in excess of \$1,000,000.00 for the contract period from June 12, 2016 through June 11, 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. CW28295 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

21-643

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To declare the existence of an emergency with respect to the need to approve Modification Nos. 17 and 18 to Contract No. DDOE-2010- SEU-0001 with Vermont Energy Investment Corporation to provide sustainable energy utility services, and to authorize payment in the not-to-exceed amount of \$20,000,000.00 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. DDOE-2010-SEU-0001 Approval and Payment Authorization Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists a need to approve Modification Nos. 17 and 18 to Contract No. DDOE-2010-SEU-0001 with Vermont Energy Investment Corporation to provide sustainable energy services, and to authorize payment in the not-to-exceed amount of \$20,000,000.00 for the goods and services received and to be received under the modifications.

(b) The modifications are necessary to fully exercise option period 6 of the contract, for the period from October 1, 2016 through September 30, 2017. The total not-to-exceed amount for option period 6 is \$20,000,000.00.

(c) Council approval is necessary since the modifications would increase the contract by more than \$1,000,000 during a 12-month period.

(d) Approval is necessary to allow the continuation of these vital services. Without this approval, Vermont Energy Investment Corporation cannot be paid for services provided in excess of \$1,000,000.00 for the period from October 1, 2016 through September 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. DDOE-2010-SEU-0001 Approval and Payment Authorization Emergency Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

21-644

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To declare the existence of an emergency with respect to the need to amend 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 Stevens School, located at 1050 21st Street, N.W., and designated for tax and assessment purposes as Lot 876 in Square 73.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Extension of Time to Dispose of the Stevens School Emergency Declaration Resolution of 2016”.

Sec. 2. (a) The District owns real property located at located at 1050 21st Street, N.W. (“Property”), commonly referred to as the Stevens School. The Property consists of 30,620 square feet of land partially improved by a vacant building of approximately 41,800 square feet.

(b) The Council passed the Stevens School Disposition Emergency Approval Act of 2014, effective December 10, 2014 (D.C. Act. 20-513; 61 DCR 12729) (“Act”) authorizing the disposition and development of the Property.

(c) The intended use of the Property is the rehabilitation of the vacant building for an educational use, a mixed-use development with office and retail on the vacant portion of the site, and any ancillary uses allowed under applicable law.

(d) The developer of the Property will be a team comprised of the John Akridge Company, the Argos Group, and IvyMount School, Inc (“Developer”). The Developer intends to renovate and preserve the former school building to serve students diagnosed with Autism Spectrum Disorders and to develop a commercial office building on the adjacent vacant land. The school will be operated by IvyMount, a private, non-profit school currently located in Rockville, Maryland that provides quality educational programs and therapeutic services to students with special needs from 4 to 21 years of age.

(e) The Developer will enter into an agreement that shall require the lessees to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises.

(f) The Developer will enter into a First Source Agreement with the District that shall

govern certain obligations of the lessees pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265 (November 9, 1983) regarding job creation and employment as a result of the construction on the Property.

(g) Without this emergency action, the Mayor's authority to dispose of the property pursuant to the Act will expire on December 10, 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 Extension of Time to Dispose of the Stevens School Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-645

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To declare the existence of an emergency with respect to the need to amend the Minimum Wage Act Revision Act of 1992 to exempt an employer from keeping precise time records for bona fide executive, administrative, and professional employees; to limit the languages necessary for an employer's compliance with payment notice requirements to those languages required in notices by the Mayor pursuant to the Language Access Act of 2004; and to amend An Act To provide for the payment and collection of wages to continue to exempt an employer from paying wages to bona fide executive, administrative, and professional employees at least twice during each calendar month.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Revised Wage Theft Prevention Clarification Emergency Declaration Resolution of 2016".

Sec. 2. (a) In July 2014, the Council enacted the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 61 DCR 10157) ("Act") to prevent employers' failure to pay earned wages through enforcement by the District and to create a private right of action for injured employees.

(b) Following the passage of the Act, the Council identified several unintended consequences of the Act, including the requirement that all employees, including white-collar, salaried employees, be paid at least twice per month, the requirement that employers keep records of the precise time worked each day and each workweek by all employees, including those not compensated on an hourly or other unit-of-time basis, and the requirement that an employer provide notice to an employee regarding payment in an employee's primary language, without providing a limit on the languages in which that notice was required to be furnished.

(c) The Council addressed the unintended consequences of the Act in subsequent legislation, including the Wage Theft Prevention Clarification Temporary Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-101; 63 DCR 2220) ("Law 21-101"), which will expire on November 17, 2016.

(d) Except for the provision regarding bona fide collective bargaining agreements, which the Council addressed on a permanent basis in the Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), which is not, therefore, addressed

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in the substantive legislation before the Council, it is important that the other provisions of Law 21-101 remain in effect until permanent law is in place.

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 Revised Wage Theft Prevention Clarification Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-646

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that any public school receiving school nurse services above 20 hours per week as of October 25, 2016 continue at that existing level of service, or the level recommended by the Department of Health's risk-based assessment, whichever is greater, for the remainder of school year 2016-2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public School Nurse Assignment Emergency Declaration Resolution of 2016".

Sec. 2. (a) In 1987, the Council passed the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-601 *et seq.*), to require a registered nurse be assigned to each District of Columbia elementary and secondary public and public charter school a minimum of 20 hours per week beginning in 1989.

(b) In 2006, the Council's Committee on Health requested that the Department of Health and Children's National, the school nurse program contractor, transition to 40 hours of nurse coverage per week by supplementing registered nurses with licensed practical nurses.

(c) In April 2016, the Deputy Mayor for Education sent a letter to local education agency ("LEA") leaders announcing the Department of Health's new model for the school health services program as part of the broader Whole School, Whole Community, Whole Child ("WSCC") model developed by the Centers for Disease Control and Prevention ("CDC"). Under the new program, registered nurses will continue to provide clinical care for all children with special health care needs who require daily medications or treatment. Additional health professionals and community navigators will work with families, schools, and students' primary care providers to make sure students receive well-child exams and the preventive services they need to be healthy. However, the school nurse service levels will be reset for all schools at a minimum of 20 hours each week. Schools may receive more nursing coverage depending on the medical needs of their student population based on a risk-based health needs assessment. This new model was to be implemented at the start of school year 2016-2017.

(d) On May 23, 2016, the Chancellor of District of Columbia Public Schools ("DCPS") and Executive Director of the DC Public Charter School Board sent a joint letter to the Director

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of the Department of Health, the Deputy Mayor for Education, and the Deputy Mayor for Health and Human Services requesting that the new model be delayed to school year 2017-2018 and to request that the current system and nurse staffing levels be kept in place for the upcoming 2016-2017 school year. While they believed the new model held promise to improve the quality of health care delivery to students, they also believed this promise could only be realized if LEAs and schools had sufficient time to plan, adjust their own budgets and processes, and adequately communicate with families. They had been told to expect sharp reductions in the service hours of school nurses at many schools.

(e) On June 7, 2016, the Director of the Department of Health responded to the May letter by announcing that the implementation of the new school health services model would be delayed until January 2017.

(f) On August 2, 2016, the Office of the State Superintendent of Education (“OSSE”) sent a letter to LEA leaders regarding engagement with communities on the new model. OSSE also invited leaders to LEA engagement sessions on August 23, 2016, and September 19, 2016, to solicit additional feedback to support the planning process.

(g) After weeks of constituents contacting Councilmembers, the Department of Health, and schools expressing concern and confusion about the new school health services and the potential for a reduction in school nurse services, on October 5, 2016, and October 18, 2016, the Department of Health held community engagement sessions. This did not completely assuage concerns raised.

(h) On October 23, 2016, the Executive Director of the Public Charter School Board reiterated concerns about implementing the new school health services model mid-school year. According to his letter, schools still have not received staffing plans from the Department of Health and therefore do not know just how much school staff will need to absorb if their service levels do change.

(i) On October 25, 2016, the Committee on Education held a public roundtable to discuss the new model. The hearing began at 2:33 p.m. and lasted until 8:03 p.m. The Committee on Education heard from many public witnesses, including staff from LEAs, about the concern regarding the new program. Many asked for the Council to introduce and pass legislation to increase the statutory minimum school nursing service level to 40 hours per week. Both the American Academy of Pediatrics and the CDC recommend having at least one full-time nurse in every school.

(j) The 2016 School Health Assessment completed by DC Action for Kids stated that 98% of schools that have current Department of Health nurses are staffed more than 20 hours a week. According to the Department of Health, as of October 25, 2016, 66 DCPS schools had full-time coverage, and 47 had part-time coverage of either 24 or 32 hours a week. For public charter schools, 30 had full-time coverage, and 27 had part-time coverage of 24 or 32 hours a week.

(k) For almost a decade, the District’s public schools have been receiving over 20 hours of school nursing services. While the Department of Health’s new school health program model may improve student health outcomes, there is nothing to suggest that efforts to add more allied health professionals to schools to help with care coordination and have community navigators to

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connect families with local assets could not continue without reducing school nurse hours. During the roundtable, the Director of the Department of Health stated: "If we determine that all schools require 40 hours of coverage, all schools will receive 40 hours." Further, the Director stated that the decision to reset school nursing levels was not due to the budget allocated for the program.

(l) There have been significant concerns raised about a change to school nursing hours and the ability of the Department of Health to seamlessly transition and implement new staffing plans in January 2017. Further, there has been no true public campaign to inform students, parents, and school-based staff about what to expect under the new model. The National Institutes of Health states that the broader WSCC model requires careful consideration, planning, and full buy-in of school administrations to have effective implementation and sustainability. This is currently lacking among our public school communities in the District of Columbia.

(m) Therefore, there exists an immediate need to amend existing law to require that any school receiving school nurse services above 20 hours per week as of October 25, 2016 continue at that existing level of service, or the level recommended by the Department of Health's new risk-based assessment, whichever is greater, for the remainder of school year 2016-2017.

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 Public School Nurse Assignment Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-647

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2016

To declare the existence of an emergency with respect to the need to amend the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007 to expand the boundaries of the Ward 4 Georgia Avenue Retail Priority Area.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Georgia Avenue Retail Priority Area Emergency Declaration Resolution of 2016”.

Sec. 2. (a) Recent changes to the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007 contained errors related to the boundaries of the Ward 4 Georgia Avenue Retail Priority Area that wrongly excluded certain streets along the Georgia Avenue corridor.

(b) Approximately 9 blocks were affected by this error, principally the streets between Euclid Street, N.W., and Kenyon Street, N.W.

(c) This error is particularly problematic as these blocks represent an area with many small businesses, which arguably have the highest need for the benefits of the Great Streets program.

(d) The original application deadline for the Great Streets program was October 21, 2016. Because of the boundary error, the Deputy Mayor for Planning and Economic Development extended the deadline to November 6, 2016.

(e) Accordingly, the boundaries must be corrected immediately to ensure that all affected businesses may apply to the Great Streets program by the November 6 deadline.

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 Georgia Avenue Retail Priority Area Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

21-658

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To declare the sense of the Council that the Eastern Legacy sites, including all of the District of Columbia, should be incorporated into the Lewis and Clark National Historic Trail.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council Regarding Completion of the Lewis and Clark National Historic Trail Resolution of 2016”.

Sec. 2. The Council finds that:

(1) It is clear that the Lewis and Clark Expedition was an important historical mission of exploration that benefits Americans and visitors today, over 200 years after the Corps of Discovery led by Meriwether Lewis and William Clark blazed what is known today as the Lewis and Clark National Historic Trail (“Trail”).

(2) The Trail was established by Congress in 1978 and extended to the west from Wood River, Illinois to the mouth of the Columbia River in Oregon and Washington.

(3) Section 343 of the Consolidated Natural Resources Act of 2008, approved May 8, 2008 (Pub. L. No. 110-229; 122 Stat. 797) (“Act”), directed the Secretary of the Department of the Interior, of which the National Park Service is a part, to conduct a special resource study to determine the suitability and feasibility of adding the Eastern Legacy sites, which includes the District of Columbia, to the Trail. In July 2016, however, the National Park Service completed the study called for in the Act, and recommended against the extension of the Trail to include any areas within the District of Columbia.

(4) Extending the Trail eastward fulfills the objectives of the National Trails Systems Act, approved October 2, 1968 (82 Stat. 919; 16 U.S.C. § 1243), which are to establish a system of national recreation trails and scenic trails to provide for the ever-increasing outdoor recreation needs of an expanding population and to promote the preservation of, public access to, travel within, and enjoyment and appreciation of open-air, outdoor areas and historic resources of the nation.

Sec. 3. It is the sense of the Council that the United States Congress should overrule the determination of the National Park Service that the Eastern Legacy sites, including sites and segments associated with the Lewis and Clark Expedition in the District of Columbia, are not

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nationally significant, and should expand the Trail to include the historically significant eastern corridor of the Lewis and Clark Expedition, including the entirety of the District of Columbia.

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Delegate to the House of Representatives from the District of Columbia, the Chairman of the Committee on Natural Resources of the House of Representatives, the Chairman of the Committee on Energy and Natural Resources of the United States Senate, the Secretary to the Department of the Interior, the Director of the National Park Service, and the Lewis and Clark Trust, Inc.

Sec. 5. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

21-666

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 15, 2016

To declare the existence of an emergency with respect to the need to amend the Retail Incentive Act of 2004 to modify the boundaries of the Bladensburg Road, N.E., Retail Priority Area; and to amend the H Street, N.E., Retail Priority Area Incentive Act of 2010 regarding the location of businesses that are eligible to receive retail development project grants.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “H Street, N.E., Retail Priority Area Clarification Emergency Declaration Resolution of 2016”.

Sec. 2. (a) There exists an immediate need to amend, on an emergency basis, section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73), to modify the boundaries of the Bladensburg Road, N.E., Retail Priority Area and to amend section 4 of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.173), to clarify the location of businesses that are eligible to receive retail development project grants.

(b) The Fiscal Year 2015 Budget Support Act of 2014, effective February 26, 2015 (D.C. Act 20-424; 61 DCR 9990), and subsequent emergency legislation amended the Bladensburg Road, N.E., Retail Priority Area, and included it as part of the H Street, N.E., Retail Priority Area.

(c) The H Street, N.E., Retail Priority Area Clarification Temporary Amendment Act of 2015, effective June 4, 2015 (D. C. Law 21-0001; 62 DCMR 4550) (“Temporary Act”) amended the criteria for grant eligible retail development projects by removing the restriction that a project must be on H Street, and expanding it to projects with frontage on the commercial corridors within the H Street, N.E. Retail Priority Area.

(d) The Temporary Act expired on January 15, 2016, and permanent legislation has not been enacted to reflect the Council’s previous intent. Thus, businesses within the Retail Priority Area that do not have frontage on H Street are not eligible for grant funds.

(e) This emergency legislation addresses those immediate concerns. The Deputy Mayor for Economic Development’s office has indicated that unless emergency legislation is moved in November they will not have enough time to issue grants this cycle.

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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 H Street, N.E., Retail Priority Area Clarification Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

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

on

PR 21-989, Office of Employee Appeals Pamela Victoria Williams Confirmation Resolution of 2016

&

PR 21-992, Office of Employee Appeals Patricia Hobson Wilson Confirmation Resolution of 2016

on

**Thursday, December 8, 2016
12:30 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR 21-989**, the “Office of Employee Appeals Pamela Victoria Williams Confirmation Resolution of 2016” and **PR 21-992**, the “Office of Employee Appeals Patricia Hobson Wilson Confirmation Resolution of 2016.” The roundtable will be held at 12:30 p.m. on Thursday, December 8, 2016 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of PRs 21-989 and 21-992 is to confirm the appointment of Pamela Victoria Williams and reappointment of Patricia Hobson Wilson, respectively, as members of the Office of Employee Appeals (OEA). The OEA renders decisions on appeals filed by District government employees who have been removed as a result of an adverse action for cause, placed on enforced leave for 10 days or more, suspended for 10 days or more, reduced in grade, or been subject to a reduction in force. The stated purpose of this roundtable is to receive testimony from public witnesses as to the fitness of these nominees for the OEA.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Christina Setlow, Deputy Committee Director at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business Tuesday, December 6, 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 December 6, 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 PRs 21-989 and 21-992 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 December 16, 2016.

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

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

on

**PR 21-994, the “Historic Preservation Review Board Outerbridge Horsey Confirmation
Resolution of 2016”**

on

**Thursday, December 8, 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 roundtable before the Committee of Whole on PR 21-994, the “Historic Preservation Review Board Outerbridge Horsey Confirmation Resolution of 2016.” The roundtable will be held Thursday, December 8, 2016 at 11:30 a.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 21-994 is to confirm the appointment of Mr. Outerbridge Horsey to the Historic Preservation Review Board. The Historic Preservation Review Board (“Board”) is the official body of advisors appointed by the Mayor to guide the government and public on preservation matters in the District of Columbia. The Board also assists with the implementation of federal preservation programs and the review of federal projects in the District. The purpose of this roundtable is to receive testimony from government and public witnesses as to the fitness of this nominee for the Board.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Sydney Hawthorne, Legislative Counsel at (202) 724-7130, and provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business Tuesday, December 6, 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 December 6, 2016 the testimony will be distributed to Councilmembers before the roundtable. 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 roundtable, 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 December 16, 2016.

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

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

on

**PR 21-1007, Board of Trustees of the University of the District of Columbia Charlene Drew
Jarvis Confirmation Resolution of 2016**

&

**PR 21-1008, Board of Trustees of the University of the District of Columbia Esther Barazzone
Confirmation Resolution of 2016**

on

**Thursday, December 8, 2016
1:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on **PR 21-1007**, the “Board of Trustees of the University of the District of Columbia Charlene Drew Jarvis Confirmation Resolution of 2016” and **PR 21-1008**, the “Board of Trustees of the University of the District of Columbia Esther Barazzone Confirmation Resolution of 2016.” The roundtable will be held at 1:00 p.m. on Thursday, December 8, 2016 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of PRs 21-1007 and 21-1008 is to confirm the appointment of Dr. Charlene Drew Jarvis and Dr. Esther Barazzone, respectively, to the University of the District of Columbia (UDC) Board of Trustees. The stated purpose of this roundtable is to receive testimony from public witnesses as to the fitness of these nominees for UDC’s Board of Trustees. If confirmed, Dr. Drew Jarvis would replace George Vradenburg for a term to end on May 15, 2018, and Dr. Barazzone would replace Reverend Kendrick Curry for a term to end May 15, 2019.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Christina Setlow, Deputy Committee Director at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business Tuesday, December 6, 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 December 6, 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 PRs 21-1007 and 21-1008 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 December 16, 2016.

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

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR 21-1015, the “Real Property Tax Appeals Commission Mr. Edwin Dugas Confirmation Resolution of 2016”

Tuesday, November 29, 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 roundtable to be held on Tuesday, November 29, 2016 at 11:00 a.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 21-1015, the “Real Property Tax Appeals Commission Mr. Edwin Dugas Confirmation Resolution of 2016” would confirm the appointment of Mr. Edwin Dugas as a part-time member of the Real Property and Tax Appeals Commission, for a term to end April 30, 2020.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Assistant, Committee on Finance and Revenue, 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 Monday, November 28, 2016. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

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

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

on

PR 21-1018, Agreement between the Not-For-Profit Hospital Corporation (United Medical Center) and 1199 SEIU healthcare Workers East Approval Resolution of 2016

on

**Wednesday, November 30, 2016
10:30 a.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on PR 21-1018, "Agreement between the Not-For-Profit Hospital Corporation (United Medical Center) and 1199 SEIU healthcare Workers East Approval Resolution of 2016." The roundtable will be held at 10:30 a.m. on Wednesday, November 30, 2016 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of PR 21-1018 is to approve the negotiated collective bargaining agreement (CBA) submitted by the Mayor on behalf of the United Medical Center for individuals employed at the Not-For-Profit Hospital Corporation (UMC) who are represented by 1199 SEIU United Healthcare Workers East. The CBA is retroactive in part, as it is effective from October 1, 2014 to September 30, 2017. The purpose of this roundtable is to receive testimony from public witnesses as to the approval of the CBA.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Christina Setlow, Deputy Committee Director at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business Monday, November 28, 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 28, 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 PR 21-1018 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 noon on December 5, 2016.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
SUBCOMMITTEE ON CONSUMER AFFAIRS
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004**

**CHAIRPERSON ANITA BONDS
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT**

and

**CHAIRPERSON BRIANNE K. NADEAU
COMMITTEE OF THE WHOLE
SUBCOMMITTEE ON CONSUMER AFFAIRS**

ANNOUNCE A PUBLIC ROUNDTABLE

on

The Sustainability of Co-operative Housing in the District

on

**Monday, December 19, 2016
10:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development and Councilmember Brianne K. Nadeau, Chairperson of the Subcommittee on Consumer Affairs, announce a public roundtable on the sustainability of co-operative housing in the District. Distinguishable from a condominium, when a resident buys into a co-op, they become a shareholder in a corporation that owns the property, with the exclusive use of their co-op.

The purpose of the roundtable is to explore the support mechanisms in place for this specific type of housing, including by the Department of Housing and Community Development and the Department of Consumer and Regulatory Affairs. The Committee and Subcommittee will also seek to consider recommendations to improve overall support and guidance for residents living in co-ops. Further, the Committee and Subcommittee will explore the role of co-operative housing in the landscape of affordable housing in the District. The roundtable will be held at 10:00 a.m. on Monday, December 19, 2016 in room 412 of the John A. Wilson Building.

Those who wish to testify are asked to notify the Subcommittee on Consumer Affairs through Faye Caldwell: fcaldwell@dccouncil.us, or (202) 724-6683, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, December 15, 2016. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Public witnesses should limit their testimony to three minutes and

representatives of organizations should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Subcommittee on Consumer Affairs, Committee of the Whole, Council of the District of Columbia, Suite 119 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 Tuesday, December 20, 2016.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 25, 2016
Protest Petition Deadline: January 9, 2017
Roll Call Hearing Date: January 23, 2017
Protest Hearing Date: March 22, 2017

License No.: ABRA-104712
Licensee: Cuban Corner, LLC
Trade Name: Barada
License Class: Retailer's Class "C" Restaurant
Address: 2309 18th Street, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 1 ANC 1C SMD 1C07

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 23, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on March 22, 2017 at 4:30 p.m.

NATURE OF OPERATION

A Cuban cuisine restaurant with a Total Occupancy Load of 124 seats. The Summer Garden will have a Total Occupancy Load of 35 seats.

HOURS OF OPERATION

Sunday through Thursday 10:00 am – 2:00 am, Friday and Saturday 10:00 am – 3:00 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 10:00 am – 1:30 am, Friday and Saturday 10:00 am – 2:30 am

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

Sunday through Thursday 10:00 am – 10:00 pm, Friday and Saturday 10:00 am – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/18/2016

****RESCIND**

Notice is hereby given that:

License Number: ABRA-070728

License Class/Type: C Tavern

Applicant: Etete Ethiopian Cuisine Llc

Trade Name: Etete Ethiopian Cuisine

ANC: 1B02

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

1942 9TH ST NW, WASHINGTON, DC 20001

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

1/02/2017

A HEARING WILL BE HELD ON:

1/16/2017

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	10 pm - 2 am
Monday:	9 am - 2 am	9 am - 2 am	10 pm - 2 am
Tuesday:	9 am - 2 am	9 am - 2 am	10 pm - 2 am
Wednesday:	9 am - 2 am	9 am - 2 am	10 pm - 2 am
Thursday:	9 am - 2 am	9 am - 2 am	10 pm - 2 am
Friday:	9 am - 3 am	9 am - 3 am	10 pm - 3 am
Saturday:	9 am - 3 am	9 am - 3 am	10 pm - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 25, 2016
Protest Petition Deadline: January 9, 2017
Roll Call Hearing Date: January 23, 2017
Protest Hearing Date: March 22, 2017

License No.: ABRA-104706
Licensee: Shaky McGurk's, LLC
Trade Name: Primrose
License Class: Retailer's Class "C" Tavern
Address: 3000-3002 12th Street, N.E.
Contact: Michael Fonseca, Esq.: 202-625-7700

WARD 5 ANC 5B SMD 5B04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 23, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on March 22, 2017 at 1:30 p.m.

NATURE OF OPERATION

A neighborhood bar serving French cuisine with a strong wine focus. Seating capacity of 66 inside. Total Occupancy Load of 97. Summer Garden with 26 seats. No entertainment, performances or dancing.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

READVERTISMENT

Posting Date: **November 25, 2016
Petition Date: **January 9, 2016
Hearing Date: **January 23, 2017
Protest Date: **March 22, 2017

License No.: ABRA-104228
Licensee: 2335, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Tavern
Address: 2335 Bladensburg Road, N.E.
Contact: Andrew Kline: (202) 686-7600

WARD 5

ANC 5C

SMD 5C04

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 March 22, 2017 at 4:30 pm.

NATURE OF OPERATION

New C Tavern serving Ethiopian Cuisine with a Total Occupancy Load of 299. Request made for an Entertainment Endorsement.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 2 pm- 2am, Friday and Saturday 2 pm – 3 am.

HOURS OF LIVE ENTERTAINMENT

Monday through Thursday 6 pm – 2 am, Friday and Saturday 6 pm – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND****

Posting Date: **November 4, 2016
Petition Date: **December 19, 2016
Hearing Date: **January 2, 2017
Protest Date: **March 1, 2017

License No.: ABRA-104228
Licensee: 2335, LLC
Trade Name: TBD
License Class: Retailer’s Class “C” Tavern
Address: 2335 Bladensburg Road, N.E.
Contact: Andrew Kline: (202) 686-7600

WARD 5

ANC 5C

SMD 5C04

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 **March 1, 2017 at 4:30 pm.

NATURE OF OPERATION

New C Tavern serving Ethiopian Cuisine with a Total Occupancy Load of 299. Request made for an Entertainment Endorsement.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 2 pm- 2am, Friday and Saturday 2 pm – 3 am.

HOURS OF LIVE ENTERTAINMENT

Monday through Thursday 6 pm – 2 am, Friday and Saturday 6 pm – 3 am

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
DISTRICT OF COLUMBIA
HIGHER EDUCATION LICENSURE COMMISSION**

NOTICE OF PUBLIC MEETING

A public hearing in the case of Mid-Atlantic College has been scheduled by the Higher Education Licensure Commission of the District of Columbia as follows:

**10:00 am, Thursday, December 15, 2016
810 First Street NE, 2nd Floor
Washington, DC 20002
Conference room 2031**

Below is the draft agenda for this hearing. A final agenda will be posted at 810 First Street, NE, 2nd Floor Washington, DC.

For additional information, please contact: Angela Lee, 202-724-2095, Email: angela.lee@dc.gov.

DRAFT AGENDA

- I. Call to Order
- II. Opening Statements
- III. Government's Case in Chief
 - a. Direct and cross examination of witnesses
 - b. Admission of Evidence
- IV. Respondent's Case in Chief
 - a. Direct and cross examination of witnesses
 - b. Admission of Evidence
- V. Closing Arguments
- VI. Adjournment

**HISTORIC PRESERVATION REVIEW BOARD
NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

Case No. 13-22: The Scheele-Brown Farmhouse
2207 Foxhall Road NW
Square 1341, Lot 855
Affected Advisory Neighborhood Commission: 3D

Case No. 16-03: Holzbeierlein Bakery
1815-1827 Wiltberger Street NW
Square 441, Lot 853
Applicant: D.C. Preservation League
Affected Advisory Neighborhood Commission: 6E

The hearing will take place at **9:00 a.m. on Thursday, January 26, 2017**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4th Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the Historic Preservation Office.

For each property, a copy of the historic landmark application is currently on file and available for inspection. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District or Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JANUARY 18, 2017
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 FOUR

19403
ANC-4C **Application of Grant Barker**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the height requirements of Subtitle E § 5203.1, to permit the conversion of an existing two-story, three-unit apartment house into a three-story, four-unit apartment house in the RF-1 Zone at premises 821 Randolph Street N.W. (Square 3027, Lot 85).

WARD FOUR

19405
ANC-4D **Application of Hampstead Jefferson Partners, L.P.**, 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, and the rear yard requirements of Subtitle E § 306.1, to allow the location of new rooftop equipment on an existing three-story apartment building in the RF-1 Zone at premises 812 Jefferson Street N.W. (Square 2999, Lot 803).

WARD SIX

19410
ANC-6A **Appeal of ANC 6C**, pursuant to 11 DCMR §§ 3100 and 3101, from a September 7, 2016 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1307755, to permit an 18-unit apartment building in the R-4 District at premises 1511 A Street N.E. (Square 1070, Lot 94).

WARD ONE

19411
ANC-1B **Application of 2814 Georgia LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the parking requirements of Subtitle C § 703.2, to combine two lots and permit the construction of a new four-story, 10-unit apartment building in the MU-4 Zone at premises 2812-2814 Georgia Avenue N.W. (Square 2886, Lot 330 and 331).

BZA PUBLIC HEARING NOTICE

JANUARY 18, 2017

PAGE NO. 2

WARD SIX

19412 **Appeal of ANC 6A**, pursuant to 11 DCMR §§ 3100 and 3101, from a
ANC-6A September 7, 2016 decision by the Zoning Administrator, Department of
Consumer and Regulatory Affairs, to issue building permit B1307755, to permit
an 18-unit apartment building in the R-4 District at premises 1511 A Street N.E.
(Square 1070, Lot 94).

WARD ONE

19414 **Application of Power Brokers Property LLC**, pursuant to 11 DCMR
ANC-1A Subtitle X, Chapters 9 and 10, for a special exception under the height
requirements of Subtitle E § 303.1, and variances from the nonconforming
structure requirements of Subtitle C § 202.2, and the nonconforming use
requirements of § 204.1, to renovate an existing 20-unit apartment building in the
RF-1 Zone at premises 1315 Park Road N.W. (Square 2838, Lot 823).

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 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.*

BZA PUBLIC HEARING NOTICE
JANUARY 18, 2017
PAGE NO. 3

Do you need assistance to participate?

Amharic

ለመከተል ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባ ወላጆች ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነዚህ 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

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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.

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 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.

BZA PUBLIC HEARING NOTICE
JANUARY 18, 2017
PAGE NO. 4

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: **Thursday, January 12, 2017, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 15-27 (KF Morse, LLC – Consolidated PUD, First Stage PUD, and Related Map Amendment @ Square 3587, Lots 805, 814, and 817)

THIS CASE IS OF INTEREST TO ANCs 5D & 5C

On October 30, 2015, the Office of Zoning received an application from KF Morse, LLC (the "Applicant") requesting approval of a consolidated planned unit development ("PUD"), a first-stage PUD, and a related zoning map amendment from the M and C-M-1 Zone Districts to the C-3-C Zone District for property located at 300, 325, and 350 Morse Street, N.E. (the "Property"). On January 15, 2016, the Applicant submitted revised architectural drawings to supplement the drawings submitted as part of its original application. The Office of Planning submitted a report to the Zoning Commission on April 20, 2016. At its April 25, 2016 public meeting, the Zoning Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on May 11, 2016.

Because the case was set down for hearing prior to the September 6, 2016 effective date of the replacement version of Title 11 (the "2016 Regulations"²), all of the substantive requirements of the Zoning Regulations in effect as of September 5, 2016 (the "1958 Regulations") will continue to apply to this application and any construction authorized by the Commission. However, because the hearing has been scheduled after the effective date, all applicable procedural requirements rules set forth in the 2016 Regulations will apply.

The Property that is the subject of this application is located in Square 3587, which is bounded by New York Avenue, N.E. to the north, 4th Street, N.E. to the northeast, Morse Street, N.E. to the southeast, Florida Avenue to the southwest, and the Amtrak and Metrorail lines to the west. The Property has a land area of approximately 213,044 square feet, is located in Ward 5, and is within the boundaries of Advisory Neighborhood Commission ("ANC") 5D. ANC 5C is directly across the street.

The Property is presently improved with one-story industrial buildings used for wholesale distribution, which the Applicant proposes to raze in connection with redevelopment of the Property. The Applicant proposes to redevelop the Property with a mixed use project comprised

¹ This case was previously scheduled for November 22, 2016.

² As adopted by the Zoning Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the *District of Columbia Register*.

of four buildings (Buildings “A-D”), which will include residential, retail, office, and possibly hotel uses. The project will be constructed in two phases. The consolidated PUD will include (i) the southern portion of Building A (“Building A1”), designated for residential use with ground floor retail; (ii) Building B, designated for residential use with ground floor retail; and (iii) the southern portion of Building C (“Building C1”) designated for office use with ground floor retail. The first-stage PUD will include (i) the northern portion of Building A (“Building A2”), designated for residential use with ground floor retail, and the option for hotel use instead of residential use; (ii) The northern portion of Building C (“Building C2”), designated for residential use with ground floor retail; and (iii) Building D, designated for residential use with ground floor retail.

The overall project will consist of approximately 1,371,258 square feet of gross floor area (6.4 FAR) and will have an overall lot occupancy of 80.5%. Buildings A, C, and D will have a maximum height of 130 feet; Building B will have a maximum height of 78 feet.

The public hearing will be conducted in accordance with the contested case provisions of 11-Z DCMR § 408 of 2016 Regulations.

How to participate as a witness.

Interested persons or representatives of organizations may be heard at the public hearing. The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The applicable time limits for oral testimony are described below. Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of the Zoning Regulations.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the 11-Z DCMR § 403, of the 2016 Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact the Office of Zoning at dcoz@dc.gov or at (202) 727-6311.

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 Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <http://dcoz.dc.gov/services/app.shtm>.** This form may also be obtained from the Office of Zoning at the address stated below.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in the Zoning Regulations no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5(a) through (i).

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning their intent to testify prior to the hearing date. This can be done by mail sent to the address stated below, e-mail (donna.hanousek@dc.gov), or by calling (202) 727-0789.

The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 60 minutes collectively |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Pursuant to 11-Z DCMR § 408.4 of the 2016 Regulations, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://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, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, ROBERT E. MILLER, PETER G. MAY, AND MICHAEL G. TURNBULL ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

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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.

ለመከተል ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓፊያ) ካስፈለገዎት እባክዎን ከስብሰባው አጭነት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 905 (2014 Repl.)); Sections 6 and 7 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 1401.01 (2014 Repl.)); and Mayor's Order 2016-077, dated May 2, 2016, hereby gives notice of the adoption of the following rulemaking to amend Chapter 3 (Cancellation, Suspension, or Revocation of Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking clarifies the circumstances in which a suspension or revocation of a driver license, learner permit, provisional permit, or driving privilege may be extended.

The Proposed Rulemaking was published in the *D.C. Register* on August 19, 2016 at 63 DCR 10634. No comments were received. No changes were made to the text of the proposed rules. The final rules were adopted on September 19, 2016 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 3, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 305, LOSS OF ALL OPERATING PRIVILEGES AND SURRENDER OF LICENSE, is amended as follows:

Subsection 305.5 is amended to read as follows:

305.5 The Director, or the Director's designee, upon receiving record of the conviction of any person of a violation of § 305.1 or upon admission by the person of such a violation or upon review of public records which reflect a moving violation, may extend the period of suspension or revocation for an additional period up to the same length as the original period of suspension or revocation.

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF PROPOSED RULEMAKING

The City Administrator, pursuant to the authority set forth in Sections 422(2) and (3) and 449 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; D.C. Official Code §§ 1-204.22(2) and (3) and 1-204.49 (2014 Repl.)), and Mayor’s Order 2015-036, dated January 9, 2015, hereby gives notice of the intent to adopt the following amendments to Chapter 8 (District of Columbia Employees Travel and Related Expenses) of Title 1 (Mayor and Executive Agencies), and Subtitle B (Government Personnel) of Title 6 (Personnel) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

The proposed rulemaking will establish comprehensive regulations for the authorization, payment, and reimbursement of travel expenses incurred (or requested to be incurred) by employees of the District government.

Chapter 8, DISTRICT OF COLUMBIA EMPLOYEES TRAVEL AND RELATED EXPENSES, of Title 1 DCMR, MAYOR AND EXECUTIVE AGENCIES, is proposed to be repealed.

Title 6-B DCMR, GOVERNMENT PERSONNEL, is proposed to be amended by adding a new Chapter 42 to read as follows:

CHAPTER 42 TRAVEL AND RELATED EXPENSES

- Sec.
- 4200 GENERAL PROVISIONS: SCOPE OF CHAPTER**
- 4201 GENERAL PROVISIONS: GENERAL POLICIES**
- 4202 GENERAL PROVISIONS: CONSTRUCTION**
- 4203 GENERAL PROVISIONS: TYPES OF TRAVEL AUTHORIZED**
- 4204 GENERAL PROVISIONS: TYPES OF TRAVEL EXPENSES AUTHORIZED**
- 4205 GENERAL PROVISIONS: TYPES OF TRAVEL EXPENSES NOT AUTHORIZED**
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- 4207 [RESERVED]**
- 4208 TRANSPORTATION: TYPES OF TRANSPORTATION EXPENSES AUTHORIZED**
- 4209 TRANSPORTATION: SELECTION OF METHOD OF TRANSPORTATION**
- 4210 TRANSPORTATION: COMMON CARRIER TRANSPORTATION (AIRPLANE, TRAIN, BUS)**
- 4211 TRANSPORTATION: FOREIGN AIR TRAVEL**
- 4212 TRANSPORTATION: USE OF TRANSIT SYSTEMS, TAXIS, SHUTTLES, AND COURTESY TRANSPORTATION**

- 4213 TRANSPORTATION: USE OF GOVERNMENT OR RENTAL VEHICLE WHILE ON TRAVEL
- 4214 TRANSPORTATION: USE OF PERSONAL VEHICLES FOR TRANSPORTATION
- 4215 TRANSPORTATION: OTHER METHODS OF TRANSPORTATION
- 4216 TRANSPORTATION: AUTHORIZED POINTS OF ORIGINATION AND RETURN
- 4217 [RESERVED]
- 4218 [RESERVED]
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- 4220 LODGING: ELIGIBILITY FOR REIMBURSEMENT FOR LODGING; METHOD OF REIMBURSEMENT
- 4221 LODGING: ALLOWABLE LODGING RATES
- 4222 LODGING: LODGING TAXES
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- 4224 [RESERVED]
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- 4228 MEALS AND INCIDENTAL EXPENSES: REIMBURSEMENT OF ACTUAL EXPENSES RATHER THAN PER DIEM RATE FOR MEALS AND INCIDENTAL EXPENSES
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- 4299 **DEFINITIONS**

4200 GENERAL PROVISIONS: SCOPE OF CHAPTER

- 4200.1 The purpose of this chapter is to establish uniform procedures for requesting and approving official travel and for the reimbursement of official travel expenses.
- 4200.2 This chapter applies to all employees of the District government subject to the Mayor’s personnel authority.
- 4200.3 Sections 4200 through 4276 and Sections 4289 through 4299 of this chapter apply to non-local travel, which is defined as travel to a location that is fifty (50) miles or farther from the U.S. Capitol. Local travel is covered by Sections 4200 through 4207 and Sections 4274 through 4299 of this chapter.

4200.4 If an issue related to the authorization or reimbursement of a non-local travel expense is not covered by this chapter, agencies and employees should be guided by the Federal Travel Regulation, 41 C.F.R. Chapters 300-304, in determining whether the expense may be authorized or reimbursed.

4201 GENERAL PROVISIONS: GENERAL POLICIES

4201.1 All government travel must be clearly justified as beneficial to the District government. For employee travel to be reimbursable, it must be clearly justified as beneficial to the interests of the District government. Each agency head, or his or her designee, shall ensure that requested employee travel is necessary to effectively accomplish the business of the District government before authorizing such travel.

4201.2 All government travel must be authorized in advance. An employee must receive written authorization from his or her agency head, or the agency head's designee, before incurring any travel expense. If it is not feasible to obtain this authorization before travel, the agency head may approve a specific authorization for reimbursement of travel expenses after travel is completed. The written authorization must include a description of the reason why prior authorization was not feasible.

4201.3 Employees are responsible for making their own travel arrangements. Once travel is authorized, employees are responsible for making their own travel arrangements, including transportation and lodging, unless the employee's agency designates a travel officer or other individual to make the arrangements on the employee's behalf.

4201.4 Only actual, reasonable, necessary, and authorized expenses incurred by an employee while on travel will be reimbursed by the District government.

- (a) The only exception to this rule is that meals and incidental expenses may be paid by the per diem method instead of being reimbursed on an actual cost basis.
- (b) When more than one reasonable means of transportation or lodging is available, generally only the least expensive means of transportation or hotel lodging consistent with the purpose of the travel and the safe and efficient use of personnel and financial resources shall be approved.
- (c) Travel expenses for which authorization or reimbursement is sought shall be confined to expenses that are essential to the transaction of official business. Excessive costs (such as the use of unnecessary routes, late fees, luxury accommodations and services and other expenses that are deemed unnecessary or unjustified in the performance of official business) shall

not be authorized and shall not be reimbursed. Employees shall be personally responsible for such excessive costs and for any additional expenses incurred for personal preference or convenience.

- (d) District employees must exercise good judgment when making travel arrangements and travel-related purchases. An employee traveling on official business shall exercise the same care in incurring expenses that a prudent person of modest means would exercise if traveling on personal business. Expenses that would not be incurred by a prudent person of modest means shall not be authorized or reimbursed.
- (e) An agency shall limit the number of travelers (for example, participants at a conference) to the minimum required to accomplish the purpose.

4201.5 Travel expenses must be reported promptly. Within five (5) business days after travel is completed, an employee must submit a complete account of his or her official travel expenses on a Travel Expense Reimbursement form (Form TR-3). In submitting the form, the employee shall follow the procedures set forth in Sections 4263 through 4270 of this chapter.

4201.6 Waivers will only be granted in exceptional circumstances. A waiver from a provision of this chapter shall be granted only when specifically authorized by this chapter and only when there are exceptional circumstances, and the exemption or waiver shall be granted in writing.

4202 GENERAL PROVISIONS: CONSTRUCTION

4202.1 When a provision in this chapter authorizes an agency to reimburse an employee for a travel expense incurred by the employee, the provision shall also be construed to authorize the agency to:

- (a) Pay for the expenses with the agency's purchase card, when authorized by this chapter (see §§ 4259.4, 4259.5, and 4259.6); and
- (b) Advance funds to the employee to pay for the expenses, when authorized by this chapter (see § 4259).

4203 GENERAL PROVISIONS: TYPES OF TRAVEL AUTHORIZED

4203.1 An agency may reimburse travel expenses for the following categories of travel, to the extent necessary to accomplish the purposes of the government effectively and economically:

- (a) Employees traveling on official business, including travel that is required to attend authorized trainings, seminars, meetings, or conferences;

- (b) Interviewees performing pre-employment interview travel; and
- (c) Employees who must interrupt official business travel to engage in emergency travel as a result of an incapacitating illness or injury or a personal emergency situation.

4204 GENERAL PROVISIONS: TYPES OF TRAVEL EXPENSES AUTHORIZED

4204.1 An agency may pay only those travel expenses essential to the transaction of official business, which may include:

- (a) Transportation expenses, as provided in Sections 4208 through 4219 of this chapter;
- (b) Lodging expenses, as provided in Sections 4220 through 4225 of this chapter;
- (c) Meals and incidental expenses, as provided in Sections 4226 through 4233 of this chapter;
- (d) Miscellaneous expenses, as provided in Sections 4234 through 4237 of this chapter;
- (e) Training, seminar, meeting, or conference expenses, as provided in Sections 4238 through 4243 of this chapter;
- (f) Expenses of an employee with special needs, as provided in Sections 4244 through 4246 of this chapter;

4205 GENERAL PROVISIONS: TYPES OF TRAVEL EXPENSES NOT AUTHORIZED

4205.1 An employee shall be responsible for all expenses over the reimbursement limits established in this chapter.

4205.2 An employee shall be responsible for excess costs resulting from circuitous routes and delays caused by the employee and for expenses that are unauthorized or unnecessary or unjustified in the performance of official business.

4206 [RESERVED]

4207 [RESERVED]

4208 TRANSPORTATION: TYPES OF TRANSPORTATION EXPENSES AUTHORIZED

4208.1 An employee shall be eligible for reimbursement of necessary transportation expenses associated with official travel, to the extent authorized by the employee's agency and consistent with this chapter.

4208.2 Allowable transportation expenses include:

- (a) Transportation from the employee's authorized point of origination (see § 4216) to an airport, train station, or bus depot or other authorized point of departure (such as a car rental location);
- (b) Airfare, train fare, or other necessary transportation expenses (such as expenses of a rental car) from the travel departure city to the travel destination city;
- (c) Transportation from the travel destination airport, train station, or bus depot to the employee's travel lodging;
- (d) Transportation while at the travel destination (for example, a shuttle bus or taxi ride from the employee's hotel to a meeting location);
- (e) Return transportation from the employee's lodging to the destination airport, train station, or bus depot;
- (f) Return airfare, train fare, or other necessary transportation expenses from the destination city to the return city (generally the travel departure city); and
- (g) Return transportation from the return city airport, train station, or bus depot or other authorized point of arrival (such a car rental location) to the employee's authorized point of return (see § 4216).

4208.3 If an employee does not travel by the approved method or class of transportation, any additional expenses incurred which exceed the cost of the authorized method or class of transportation shall be borne by the employee.

4208.4 If, for personal convenience, an employee travels by an indirect route or interrupts travel by a direct route, the employee shall be responsible for costs that exceed the cost of travel by a direct route on an uninterrupted basis.

4208.5 If, for personal convenience, an employee travels to the destination earlier than the date and time authorized for official travel or departs the travel destination later than the date and time authorized for official travel (such as by extending the employee's stay at the travel destination for the purposes of a personal vacation),

the employee shall be responsible for costs that exceed the cost of travel for the dates and times authorized for official travel.

**4209 TRANSPORTATION: SELECTION OF METHOD OF
TRANSPORTATION**

4209.1 An employee must select, and an agency may only approve, the method of transportation most advantageous to the government, when the cost of the transportation, travel time (both length of travel time and departure and arrival times), and other relevant factors are considered. Other relevant factors include the total cost to the government of the proposed travel (including costs of lodging, meals, incidental expenses, overtime, lost work time, and actual transportation costs).

4209.2 Travel by common carrier (airplane, train, or bus) is presumed to be the method of transportation most advantageous to the government and must be used when reasonably available.

4209.3 When an agency determines that an employee's travel must be performed by automobile, a government automobile is presumed to be the most advantageous method of transportation. If a government automobile is not available, a rental automobile is presumed to be the most advantageous method of transportation.

**4210 TRANSPORTATION: COMMON CARRIER TRANSPORTATION
(AIRPLANE, TRAIN, BUS)**

4210.1 An employee may be authorized to use an airplane, train, or bus as a means of travel to an official travel destination.

4210.2 An employee will only be reimbursed for the cost of the lowest-price coach class fare that reasonably meets the travel needs of the employee, unless another class of service is authorized under § 4210.3. In determining whether a ticket reasonably meets the travel needs of the employee, the agency may consider the reduced time of travel and added convenience of non-stop transportation; however, it will generally be considered reasonable for an employee to travel with one (1) stop with a layover of two (2) hours or less.

4210.3 An agency may approve other than basic, coach-class service if:

- (a) No basic, coach-class service is reasonably available and the travel cannot be rescheduled in a manner that is advantageous to the government. "Reasonably available" means available on an airplane, train, or bus (whichever method of transportation is authorized) that is scheduled to leave within twenty-four (24) hours of the proposed departure time, or scheduled to arrive within twenty-four (24) hours of the proposed arrival time;

- (b) When use of other than basic, coach-class service is necessary to accommodate a medical disability or other special need (see §§ 4244 and 4245);
- (c) Regularly scheduled flights between the origin and destination points provide only other than basic, coach-class accommodations; or
- (d) The use of other than basic, coach-class service results in an overall cost savings to the government, for example by avoiding additional travel expenses, overtime, or lost productive time while awaiting basic, coach-class service.

4210.4 An employee may upgrade to other than basic, coach-class service, or to preferred seating or service in coach-class accommodations, at the employee's personal expense, including through redemption of frequent flyer benefits.

4211 TRANSPORTATION: FOREIGN AIR TRAVEL

4211.1 Pursuant to the Fly America Act, 49 U.S.C. § 40118, an employee whose air travel is financed by federal funds must generally use a U.S. flag air carrier, except as provided in 41 C.F.R. §§ 301-10.135, 301-10.136, and 301-10.137.

4211.2 An agency that proposes to use federal grant funds to engage in foreign travel (other than to Canada, Mexico, or United States territories or possessions) must generally receive prior approval from the grantor agency, as set forth in Office of Management and Budget Circular A-87, Attachment B, Section 43.e.

4212 TRANSPORTATION: USE OF TRANSIT SYSTEMS, TAXIS, SHUTTLES, AND COURTESY TRANSPORTATION

4212.1 An employee may be reimbursed for use of a transit system, taxi, ride-hailing service (such as electronically hailed personal vehicles), shared ride service (such as shared van service to or from an airport), shuttle, or other similar means of transportation as a means of transportation in conjunction with official travel when such transportation is authorized by the employee's agency and is used as follows:

- (a) From the employee's authorized point of origination to a common carrier (for example, Metrorail from the employee's office to National Airport);
- (b) From an airport, train station, or bus depot to the employee's place of lodging or place of official business (for example, from the destination airport to the employee's destination hotel);

- (c) To, from, and between the employee's place of lodging and official business;
- (d) Between places of official business;
- (e) To obtain meals at the nearest available site when the nature and location of the official business or lodging are such that meals cannot be obtained there; provided, the employee must attach a statement with his or her Travel Expense Reimbursement form (Form TR-3) explaining why such transportation was necessary;
- (f) From the employee's place of lodging or place of official business to the airport, train station, or bus depot (for example, from the convention center at the destination location to the destination airport);
- (g) From the airport, train station, or bus depot to the employee's authorized point of return (for example, Metrorail from National Airport to the employee's office);

- 4212.2 An employee should use courtesy transportation services, such as those furnished by places of lodging, to the maximum extent possible and as a first source of transportation between a place of lodging and common carrier terminals, places of official business, and meal locations.
- 4212.3 If courtesy transportation services are not reasonably available, travel by a transit system, rather than a taxi, ride-hailing service, shared ride service, or shuttle service, is presumed to be the method of transportation most advantageous to the government.
- 4212.4 Travel by taxi or a ride-hailing service should not be approved unless travel by a transit system, shared ride service, shuttle, or other similar form of transportation is not reasonably available or is determined by the agency to be less advantageous to the government based on factors such as employee safety or lost work time.
- 4212.5 An employee authorized to use a taxi, ride-hailing service, shuttle service, shared ride service, courtesy shuttle, or other similar means of transportation will be reimbursed for reasonable tips paid for such transportation. Tips in excess of twenty percent (20%) for a taxi, shuttle or shared ride service, or similar means of transportation shall not be reimbursed and tips in excess of two dollars (\$2) for a courtesy shuttle shall not be reimbursed.
- 4212.6 Payments for a taxi, shuttle service, shared ride service, or other similar means of transportation are reimbursable only with a valid receipt or as authorized by § 4264.6.

4213 TRANSPORTATION: USE OF GOVERNMENT OR RENTAL VEHICLE WHILE ON TRAVEL

- 4213.1 A government or rental vehicle may be authorized either as a means of transportation to the travel destination, or as a means of transportation while at the destination, when an agency determines that use of such a vehicle is advantageous to the government and specifically authorizes such use.
- 4213.2 Use of a government vehicle rather than a rental vehicle will generally be considered more advantageous to the government.
- 4213.3 If a government or rental vehicle is authorized as a mode of travel, the vehicle may be used at the destination only for the following purposes:
- (a) To travel between places of official business;
 - (b) To travel between a place of official business and a place of lodging; and
 - (c) To travel between either a place of official business or a place of lodging and a restaurant, drug store, place of medical care, place of worship, or similar place necessary for the sustenance, comfort, or health of the employee (“necessary place”) to foster the continued efficient performance of Government business; provided, the employee shall minimize such use by traveling to the nearest necessary place and by combining trips to multiple necessary places.
- 4213.4 When a government or rental vehicle is authorized as a mode of travel, the employee shall also be reimbursed for reasonable expenses associated with the use of the vehicle, including the costs of gas, parking fees, and bridge, road, and tunnel tolls. However, when a government vehicle is used, gas should be obtained from a District government fueling facility, unless such a facility is not reasonably accessible or the agency determines that use of such a facility would not be advantageous to the government. Gas, parking, and toll expenses shall be reimbursed at the actual rate and shall be accompanied by a receipt, regardless of amount.
- 4213.5 An employee shall be responsible for any additional cost resulting from unauthorized use of a government or rental vehicle and may be subject to administrative and criminal liability for misuse of government property.
- 4213.6 When a rental vehicle is authorized as a mode of travel:
- (a) An employee shall not be reimbursed for collision damage waivers or theft insurance for travel within the United States, as the District government is a self-insurer.

(b) An employee shall not be reimbursed for personal accident insurance.

4214 TRANSPORTATION: USE OF PERSONAL VEHICLES FOR TRANSPORTATION

4214.1 An employee's personal vehicle may be used for transportation only when authorized in advance by the employee's agency.

4214.2 The use of a personal vehicle for transportation to, at, or from a travel destination is disfavored and should only be approved when use of a common carrier, government vehicle, or rental vehicle is not reasonably available or when use of a personal vehicle is determined to be advantageous to the government and is allowable under the District's policy regarding the use of personal vehicles, including Mayor's Order 2009-210. (Note that § 4214.7 addresses the use of an employee's personal vehicle for transportation to and from an airport, train station, or bus depot from which the employee will depart for and return arrive from his or her travel destination.)

4214.3 Reimbursement for use of a personal vehicle shall be determined by multiplying the distance traveled, determined under § 4214.4, by the applicable mileage rate, determined under § 4214.5.

4214.4 The following standards shall apply to the calculation of mileage associated with the use of personal vehicles:

(a) Mileage shall be calculated based on the distance between the authorized point of origination and the destination point, the distances traveled while at the destination, and the distance between the destination and the authorized point of return.

(b) The distances shall be determined as shown in an online mapping service or the actual miles driven as determined from odometer readings.

(c) When travel originates from a location other than the authorized point of origination, or terminates at a location other than the authorized point of return, the mileage claimed shall be limited to the distance between the authorized point and the destination.

4214.5 The mileage rate shall be the rate published in the most recent Federal Travel Regulation bulletin establishing such rate or the rate displayed on the General Service Administration's website (<http://www.gsa.gov/mileage>).

4214.6 When a personal vehicle is the authorized method of transportation, reimbursable expenses in addition to mileage shall include parking fees and bridge, road, ferry, and tunnel fees. Non-reimbursable expenses include charges for repairs, depreciation, replacements, grease, oil, antifreeze, towing, gasoline, insurance,

and state and federal taxes. Parking and tolls shall be reimbursed at the actual rate and shall be accompanied by a receipt, regardless of amount.

4214.7 An employee’s use of a personal vehicle may be approved for transportation to and from an airport, train station, or bus depot from which the employee will depart for and arrive from if a means of transportation described in § 1210 is not reasonably available.

4214.8 If an employee uses a personal vehicle for transportation to or from an airport, train station, or bus depot, when a means of transportation described in § 1210 was authorized, the employee may be reimbursed for the expenses associated with the use of his or her personal vehicle pursuant to the standards, and at the rates, described in §§ 1212.3 through 1212.6, except that the agency may reimburse such expenses (including mileage and parking expenses) only up to an amount equal to the estimated cost of the authorized mode of transportation.

4215 TRANSPORTATION: OTHER METHODS OF TRANSPORTATION

4215.1 An agency may approve the use of a method of transportation not described in this part when such use is determined to be advantageous to the government.

4215.2 If a method of transportation is approved under this section, the actual and necessary expenses incurred in the use of such transportation may be reimbursed.

4216 TRANSPORTATION: AUTHORIZED POINTS OF ORIGINATION AND RETURN

4216.1 The authorized points of origination and return for an employee’s travel shall be the employee’s place of work, unless the authorizing official approves another point of origination or return based on a determination that travel from or to such other point is more advantageous to the District government.

4217 [RESERVED]

4218 [RESERVED]

4219 [RESERVED]

4220 LODGING: ELIGIBILITY FOR REIMBURSEMENT FOR LODGING; METHOD OF REIMBURSEMENT

4220.1 An employee shall be eligible for reimbursement of the costs of lodging while the employee is on official travel that lasts for more than twelve (12) hours, if the travel and lodging is approved in advance by the employee’s agency.

- 4220.2 Reimbursements for the costs of lodging shall be made on the basis of actual and authorized expenses. An employee shall not be reimbursed for the costs of lodging on a per diem basis.
- 4220.3 The number of reimbursable lodging nights shall be determined by the conference, meeting, or training schedule, or other purpose of travel, and the employee's ability to depart or arrive home at a reasonable hour. Where feasible, the employee shall arrange the schedule for the purpose of his or travel so as to minimize the number of lodging nights needed.
- 4220.4 An employee shall be reimbursed for lodging incurred on weekends and other non-workdays if the employee's travel status requires his or her stay to include a weekend day or non-workday and the agency determines that the weekend or other non-workday travel status is the most cost-effective situation (that is, remaining in a travel status and paying expenses is more cost-effective than permitting the employee to return to his or her residence) or is otherwise in the best interests of the government.

4221 LODGING: ALLOWABLE LODGING RATES

- 4221.1 Generally, an employee may only be reimbursed for the lowest available hotel lodging rate at the travel destination.
- 4221.2 To determine the lowest available hotel lodging rate, the employee shall use at least one (1) major hotel pricing comparison website to determine hotel lodging rates at the travel destination.
- 4221.3 In determining whether a particular hotel lodging rate is the lowest available hotel lodging rate, the agency may take into account factors such as:
- (a) Additional expenses that are likely to be incurred for transportation between the place of lodging that has the lowest available lodging rate and the airport, train station, or bus depot, places of business, and other authorized places; and
 - (b) Inclusions in the lodging rate, such as parking or meals, which will offset other reimbursable travel costs.
- 4221.4 In determining the lowest available hotel lodging rate, the employee should request the government lodging rate for the hotel to determine whether such rate is lower than the standard guest rate or conference rate.
- 4221.5 If the lowest available hotel lodging rate exceeds the per diem lodging rate established by the General Services Administration (GSA) or the Department of State (DoS) for the destination (available at www.gsa.gov/perdiem or aoprals.state.gov/web920/per_diem.asp) the employee must receive approval

from the agency prior to travel to book at the higher rate. A request for approval must be supported by rate quotes showing the cost of rooms exceeding the GSA or DoS per diem lodging rate or, alternatively, showing that the cost of room plus the costs described in § 4221.3 exceed the GSA or DoS per diem lodging rate.

4221.6 An employee may request that the employee's agency head, or the agency head's designee, waive the lowest available hotel lodging rate requirement. Such a request may be approved if:

- (a) The time to travel back and forth from the location of lodging available at or below the per diem rate to the airport, train station, or bus depot, places of business, and other authorized places is excessive relative to the added cost of staying at or near to the place of business;
- (b) Lodging is procured at a prearranged place such as a hotel where a meeting, conference, or training session is held ("on-site lodging"), the on-site lodging is no more than one hundred and twenty-five percent (125%) of the lowest available lodging rate, and the presence of the employee at the on-site lodging is important to the employee obtaining the full benefits of the meeting, conference, or training;
- (c) The waiver is necessary to ensure that the lodging is of a minimally acceptable quality; or
- (d) The waiver is necessary to ensure the personal safety of the employee.

Mere preference or convenience is not an acceptable factor for an agency to take into account when determining whether a lodging rate greater than the lowest available lodging rate may be reimbursed.

4221.7 The lodging rate approved pursuant to a waiver must be the lowest available hotel lodging rate taking into consideration the circumstances under which the waiver is being approved.

4221.8 Approval of a waiver is at the discretion of the agency head; provided, in no case shall the approved rate exceed one hundred fifty percent (150%) of the GSA per diem rate, unless approved by the City Administrator.

4221.9 The employee will be reimbursed the single occupancy rate actually paid for the lodging at the approved rate. If the employee shares a room with another person, the employee's reimbursement is limited to one-half (½) of the double occupancy rate if the person sharing the room is another government employee on official travel. If the person sharing the room is not a government employee on official travel, the employee's reimbursement is limited to the single occupancy rate.

4221.10 If the employee stays with a friend or relative, with or without charge, the employee may be reimbursed for additional costs the host incurs in accommodating the employee only if the employee is able to substantiate the costs and the employee’s agency determines the costs to be reasonable. The employee will not be reimbursed the cost of comparable conventional lodging in the area or a flat “token” amount.

4221.11 Travelers must request exemption from any hotel taxes, based upon their government identification and their travel authorization form. However, travelers are advised that the application of hotel tax varies from state to state and even within states.

4222 LODGING: LODGING TAXES

4222.1 Except as set forth in § 4222.2, lodging taxes paid by an employee are reimbursable as a miscellaneous travel expense. The amount of lodging taxes that is reimbursable is limited to the taxes paid on reimbursable lodging costs. For example, if an agency authorizes an employee a maximum lodging rate of fifty dollars (\$50) per night, and the employee elects to stay at a hotel that costs one hundred dollars (\$100) per night, the employee may only claim and be reimbursed for the amount of taxes paid on fifty dollars (\$50), which is the maximum authorized lodging amount.

4222.2 Notwithstanding § 4222.1, an employee shall not be reimbursed for lodging taxes paid if the jurisdiction in which the lodging is located provides a tax exemption for purchases by a government and includes the District of Columbia. The employee shall be responsible for filing the appropriate paperwork, if any, to obtain the tax exemption.

4223 [RESERVED]

4224 [RESERVED]

4225 [RESERVED]

4226 MEALS AND INCIDENTAL EXPENSES: EXPENSES AUTHORIZED; METHOD OF REIMBURSEMENT

4226.1 An employee shall be eligible for reimbursement of the costs of meals and incidental expenses while the employee is on official travel that lasts for more than twelve (12) hours, subject to the limitations set forth in this chapter.

4226.2 (a) Meals and incidental expenses may be reimbursed by either or both of the following methods:

- (1) Per diem method (or reduced per diem method); and/or

(2) Actual expense method, if authorized by § 4228.

(b) An employee may be reimbursed both the actual expense and per diem methods during a single trip, but only one method of reimbursement may be authorized for a given calendar day. The agency shall determine when the transition between the reimbursement methods occurs. Notwithstanding the prior two sentences, an agency may, as part of agency-specific travel rules implemented pursuant to § 4275, require that only the actual expense method of reimbursement be used during a single trip.

4226.3 An employee will be reimbursed for meals and incidental expenses incurred on weekends and other non-workdays if the employee’s travel status requires his or her stay to include a weekend day or non-workday and the agency determines that the weekend or other non-workday travel status is the most cost effective situation (that is, remaining in travel status and paying travel expenses is more cost-effective than the employee returning to his or her residence) or otherwise in the best interests of the government.

4227 MEALS AND INCIDENTAL EXPENSES: PER DIEM MEAL AND INCIDENTAL EXPENSE REIMBURSEMENT RATES

4227.1 For destinations within the United States, the per diem meal and incidental expense rate that an employee may be paid shall be the rate established by the General Services Administration (available at <http://www.gsa.gov/perdiem>).

4227.2 For destinations outside the United States, the per diem meal and incidental expense rate that an employee may be paid shall be the rate established by the Department of State (available at https://aoprals.state.gov/web920/per_diem.asp).

4227.3 If the employee is reimbursed by the per diem method, the amount of the per diem rate to which an employee is entitled shall be calculated as follows:

(a) When travel is for more than twelve (12) hours, but less than twenty-four (24) hours, the meal and incidental expense allowance shall be seventy-five percent (75%) of the applicable daily meal and incidental expense rate.

(b) When travel is for twenty-four (24) hours or more, the daily meal and incidental expense allowance shall be as follows:

Day of Travel	Meals and Incidental Expense Allowance
Day of departure	Seventy-five percent (75%) of the applicable meal and

	incidental expense rate
Full days of travel	One hundred percent (100%) of the applicable meal and incidental expense rate
Last day of travel	Seventy-five percent (75%) of the applicable meal and incidental expense rate

4227.4 If the employee is reimbursed by the per diem method and a meal is furnished by the government or included in a registration fee or as part of another event or activity that the employee is attending, an amount shall be deducted from the per diem rate as follows:

- (a) For a furnished dinner: fifty percent (50%);
- (b) For a furnished lunch: twenty-four percent (24%); and
- (c) For a furnished breakfast: sixteen percent (16%).

4227.5 Notwithstanding § 4227.4, an agency may, at its discretion, allow an employee to claim the full daily meal and incidental expense rate even if a meal is furnished by the government or included in a registration fee or as part of another event or activity that the employee is attending, if:

- (a)
 - (1) The employee is unable to consume the furnished meal because of a medical requirement or religious belief;
 - (2) The employee made a reasonable effort to make an alternative meal arrangement, but was unable to do so; and
 - (3) The employee purchased a substitute meal in order to satisfy his or medical requirement or religious belief; or
- (b) The employee was unable to take part in the meal furnished by the government or included in a registration fee or as part of another event or activity that the employee is attending due to the conduct of official business.

4228 MEALS AND INCIDENTAL EXPENSES: REIMBURSEMENT OF ACTUAL EXPENSES RATHER THAN PER DIEM RATE FOR MEALS AND INCIDENTAL EXPENSES

4228.1 An agency should not authorize reimbursement of meals and incidental expenses by the actual expense method unless:

- (a) Actual expenses are less than the per diem amount;
- (b) Meals are procured at a prearranged place such as a hotel where a meeting, conference, or training session is held, it is not feasible for the employee to purchase meals at an alternate location, and the cost of the meals together with allowable incidental expense exceeds the per diem amount; or
- (c) Meal expenses within prescribed allowances cannot be obtained nearby.

4228.2 The maximum amount that an employee may be reimbursed under the actual expense method is limited to one hundred fifty percent (150%) of the applicable maximum meal and incidental expense per diem rate.

4228.3 To receive reimbursement at actual expense, an employee must itemize all expenses and provide a receipt for each expense, including meals and snacks, other than certain incidental and miscellaneous expenses, as described in § 4264.2(b).

4229 MEALS AND INCIDENTAL EXPENSES: ALLOWABLE MEAL EXPENSES UNDER THE ACTUAL EXPENSE REIMBURSEMENT METHOD

4229.1 When reimbursement for meals is made through the actual expense method, the following provisions shall apply:

- (a) The following meal costs shall be reimbursable for each meal:
 - (1) One (1) non-alcoholic beverage;
 - (2) One (1) appetizer;
 - (3) One (1) main course;
 - (4) The tax on the items listed in sub-paragraphs (1) through (3) of this paragraph; and
 - (5) A tip, subject to paragraph (c) of this subsection.
- (b) The costs of alcoholic beverages, desserts, and other meal costs not listed in paragraph (a) of this subsection shall not be reimbursed.
- (c) Any amount of tip in excess of twenty percent (20%) of the total reimbursable meal costs, including tax, shall not be reimbursed.

4230 MEALS AND INCIDENTAL EXPENSES: ALLOWABLE INCIDENTAL EXPENSES UNDER THE ACTUAL EXPENSE REIMBURSEMENT METHOD

4230.1 When reimbursement for incidental expenses is by the actual expense method, allowable incidental expenses are fees and tips given to porters, baggage carriers, and hotel staff.

4231 [RESERVED]

4232 [RESERVED]

4233 [RESERVED]

4234 MISCELLANEOUS EXPENSES: IN GENERAL

4234.1 An employee shall be eligible for reimbursement of the costs of miscellaneous expenses while the employee is on official travel that lasts for more than twelve (12) hours, subject to the limitations set forth in this section and chapter.

4235 MISCELLANEOUS EXPENSES: ALLOWABLE MISCELLANEOUS EXPENSES

4235.1 The following expenses shall be reimbursable as miscellaneous expenses, to the extent necessary for the conduct of official business and approved by the employee’s agency (except, taxes for reimbursable lodging are deemed approved when lodging is authorized):

- (a) Baggage expenses authorized by 41 C.F.R. § 301-12.2. Fees pertaining to the first checked bag; fees relating to the second and subsequent bags may be reimbursed only when the agency determines those expenses are necessary and in the interest of the government;
- (b) Use of computers, internet, printers, fax machines, and scanners;
- (c) Telephone calls for business purposes; except, no such telephone calls shall be reimbursed if the employee has a government-issued mobile telephone. A statement shall be furnished for each call showing who was called and the purpose, date, length, and cost of the call;
- (d) Faxes; provided, a statement shall be furnished for each fax showing to whom the fax was sent, a description of the faxed document, and the purpose, date, number of pages, and cost of the fax;
- (e) Lodging taxes on the actual amount of the lodging cost or the maximum lodging amount authorized by the agency, whichever is less; provided, no

lodging taxes shall be reimbursed if the employee’s lodging would have been exempt from taxes if the employee had filed appropriate paperwork or taken appropriate actions to obtain the tax exemption; and

- (f) Laundry, cleaning, and pressing of clothing expenses; provided, that expenses incurred by an employee for laundry, cleaning, and pressing of clothing are reimbursable as a miscellaneous travel expense only if the employee spends a minimum of four (4) consecutive nights on official travel.

4235.2 Personal phone calls shall not be eligible for reimbursement.

4235.3 Entertainment, alcohol, and other personal expenses are not reimbursable.

4235.4 Any additional items reimbursable under 41 C.F.R. § 301-12.1 shall be reimbursable as miscellaneous expenses, to the extent approved by the employee’s agency.

4236 [RESERVED]

4237 [RESERVED]

4238 TRAINING, SEMINARS, MEETINGS, AND CONFERENCES: AUTHORIZATION

4238.1 Approval of travel for training, seminars, meetings, or conferences does not constitute approval of the training, seminar, or conference itself. Written authorization is required for all training, seminar, meeting, or conference activities.

4239 TRAINING, SEMINARS, MEETINGS, AND CONFERENCES: RESTRICTIONS ON THE NUMBER OF EMPLOYEES

4239.1 The number of employees authorized to attend conferences shall be limited to those whose attendance will substantially benefit the operations of the District government. Authorizations shall be based on an employee’s official duties and responsibilities.

4240 TRAINING, SEMINARS, MEETINGS, AND CONFERENCES: APPROVAL PROCESS

4240.1 In order to receive approval to incur expenses for a training, seminar, meeting, or conference, the employee shall submit a Request for Training and Travel Authorization form (Form TR-1). (If travel expenses will also be incurred, those expenses shall be included on the same form)

4240.2 In addition to the provisions of this chapter, a request for authorization of employee training shall be subject to the training authorization rules prescribed elsewhere in this Title.

4241 TRAINING, SEMINARS, MEETINGS, AND CONFERENCES: REGISTRATION FEES

4241.1 Training, seminar, meeting, and conference registration fees are reimbursable if the agency has provided advance authorization in accordance with this chapter and other applicable policies, including the training authorization rules prescribed elsewhere in this Title.

4241.2 When early registration provides an opportunity to pay a lower rate, reimbursement shall be limited to the lower rate, unless a later registration is justified by the employee and the reimbursement limit is waived by the agency.

4241.3 The employee shall provide sufficient supporting documentation to prove that he or she has taken advantage of any early registration offers or to justify failure to register early.

4242 [RESERVED]

4243 [RESERVED]

4244 ADDITIONAL TRAVEL EXPENSES FOR EMPLOYEES WITH SPECIAL NEEDS: IN GENERAL

4244.1 It is the policy of the District government to reimburse reasonable additional travel expenses incurred by an employee with special needs that are:

- (a) Clearly visible and discernible; or
- (b) Substantiated in writing by a competent medical authority.

4244.2 Special needs include both needs due to disabilities and needs due to other physical characteristics such as height or weight.

4245 ADDITIONAL TRAVEL EXPENSES FOR EMPLOYEES WITH SPECIAL NEEDS: EXPENSES AUTHORIZED

4245.1 To be reimbursed, additional travel expenses for employees with special needs must be approved by the agency.

4245.2 The following expenses may be approved by an agency:

- (a) Services of an attendant to accommodate a special need, when necessary to make the trip possible;
- (b) Transportation, lodging, and meals and incidental expenses incurred by an attendant;
- (c) Other than basic coach-class accommodations to accommodate a special need (pursuant to the standards described in § 4210.3(b));
- (d) Specialized services provided by a common carrier to accommodate a special need;
- (e) Specialized transportation to, from, and at the travel destination;
- (f) Costs for handling baggage when those costs are a direct result of a special need;
- (g) Renting and/or transporting a wheelchair; and
- (h) Any other expense deemed necessary by the agency to accommodate an employee with a special need.

4246 [RESERVED]

4247 EMERGENCY TRAVEL: AUTHORIZED EXPENSES

4247.1 Employees shall be reimbursed for expenses associated with emergency travel to the extent authorized under the Federal Travel Regulation.

4247.2 Emergency travel is travel that interrupts official travel and which results from:

- (a) An employee becoming incapacitated by illness or injury not due to his or her own misconduct;
- (b) The death or serious illness of a member of an employee’s family; or
- (c) A catastrophic occurrence or impending disaster, such as fire or flood, which directly affects the employee’s home.

4248 [RESERVED]

4249 ARRANGING FOR TRAVEL: RESPONSIBILITY FOR PURCHASING TRANSPORTATION TICKETS AND MAKING LODGING RESERVATIONS

4249.1 An employee shall be responsible for arranging for the purchase of his or her own transportation and for making reservations for his or her own lodging, unless the employee's agency has designated a travel officer or other employee to make such purchases and reservations. Even when the employee is responsible for arranging for the purchase of his or her own transportation and for making reservations for his or her own lodging, the agency may purchase the tickets, as further described in § 4251.

4250 ARRANGING FOR TRAVEL: ENSURING THE LOWEST COST FOR TRANSPORTATION

4250.1 The responsibility for arranging for the purchase of transportation and making lodging reservations includes identifying the lowest-price fares and rates authorized under this chapter.

4250.2 In order to identify the lowest-price fares and rates, the employee shall:

- (a) Use a comparative pricing website for both transportation and lodging; provided, use of a comparison pricing website is not required if lodging at a conference site is available for less than the per diem rate;
- (b) Arrange for the purchase of transportation as far as possible in advance in order to ensure that the lowest prices are available;
- (c) Request the government rate and determine whether the government rate is lower than publicly available rates.

4250.3 If the agency determines that a lower price for transportation or lodging would have been available if the employee had purchased his or her transportation or lodging at an earlier point in time, used a comparative pricing website, or obtained a government rate, the agency may refuse to approve reimbursement in excess of the lower price.

4250.4 An employee shall only be reimbursed up to the limits for transportation and lodging described in parts B through C of this chapter.

4251 ARRANGING FOR TRAVEL: PAYING FOR TRANSPORTATION TICKETS AND LODGING

4251.1 An employee may purchase transportation tickets and lodging with his or her own funds.

4251.2 Except as provided in § 4251.3, an agency shall, at the request of an employee, purchase the employee's transportation tickets and lodging through the agency's purchase card.

4251.3 An agency may use its purchase card only to purchase the transportation and lodging at the rates authorized by Sections 4208 through 4219 of this chapter. If the employee is purchasing a more expensive transportation ticket or lodging, the employee must purchase the ticket or lodging with his or her own funds and thereafter request reimbursement of an amount equal to the price of the transportation tickets and lodging authorized by Sections 4208 through 4219 of this chapter and approved by the agency.

4252 [RESERVED]

4253 [RESERVED]

4254 APPROVAL PROCESS: AUTHORIZING OFFICIAL

4254.1 All travel shall be approved by the head of the agency or by an official to whom the authority to approve travel has been delegated by the agency head.

4255 APPROVAL PROCESS: TRAVEL REQUESTS

4255.1 To request authorization for travel, an employee must submit a completed Request for Training and Travel Authorization form (Form TR-1) to his or her agency's travel officer.

4255.2 The Request for Training and Travel Authorization form (Form TR-1) shall include the following information:

- (a) The name, title, and employee identification number of the employee;
- (b) The name of the employees agency;
- (c) The purpose of the travel;
- (d) The travel origin and destination;
- (e) The dates of departure and return;
- (f) An estimate of each travel-related expense; and

4255.3 The following statement, to be signed and acknowledged by the employee: "I certify that I am requesting authorization to travel on official District government business. I will keep original receipts for all expenses and submit them, along with a properly completed travel reconciliation form, within ten (10) business days of the authorized travel completion date. I understand that I will not be reimbursed for any expenses that are not associated with official business, not authorized by this form, or not authorized by Title 6, Chapter 42 (Travel and Related Expenses) of the District of Columbia Municipal Regulations, or other

applicable District or federal law or regulations. I understand that if expenses are incurred by the District (such as through an advance to me or through advance payments to third parties) and I fail to travel or attend the training, fail to submit a properly completed travel reconciliation form by the required date, or fail to reimburse the District for any advance in excess of actual and authorized expenses, the balance due may be withheld from my pay or from other District payments due to me now or in the future; I may also be subject to disciplinary action.”

4255.4 The following information and documents shall be submitted with the Request for Training and Travel Authorization form (Form TR-1):

- (a) Documentation showing the cost of the air, train, bus, or rental car transportation;
- (b) Documentation showing that the cost of the air, train, bus, or rental car transportation is the lowest rate authorized by part B of this chapter;
- (c) Documentation showing the cost of the lodging;
- (d) Documentation showing that the cost of the lodging is the lowest rate authorized by Sections 4221 through 4225 of this chapter;
- (e) Documentation showing the per diem lodging rate for the travel destination; and
- (f) Documentation showing the per diem meal and incidental expense rate for the travel destination.

4255.5 An employee shall submit a Request for Training and Travel Authorization form (Form TR-1) if the request includes:

- (a) Transportation costs greater than basic, coach-class service (see § 4210.3).
- (b) Lodging costs that are greater than the per diem rates established by the General Services Administration or Department of State (see § 4221.6);
- (c) A request for authorization of conference or training registration that is higher than the early registration fee (see § 4241.2); or
- (d) Another cost that requires an exemption or special approval under this chapter.

4255.6 The travel officer shall review the forms for completeness, accuracy, and consistency with the District’s travel regulations and shall return to the employee

any form that is incomplete, inaccurate, or inconsistent with the District's travel regulations

4255.7 The request for Training and Travel Authorization form (Form TR-1) shall be signed by:

- (a) The employee;
- (b) The employee's immediate supervisor;
- (c) The agency fiscal officer (as to certification of the availability of funds and the inclusion of appropriate funding attributes); and
- (d) The agency's travel officer (certifying that the forms are complete, accurate, and consistent with the District's travel regulations).

4255.8 Each form that is signed by the employee, employee's immediate supervisor, agency fiscal officer, and agency travel officer shall be submitted to the authorizing official (see § 4274) for his or her approval and issuance of a travel authorization.

4256 APPROVAL PROCESS: TRAVEL AUTHORIZATIONS

4256.1 Travel authorizations shall be issued in written or electronic forms. A fully executed and approved Request for Training and Travel Authorization form (Form TR-1) may serve as the travel authorization.

4256.2 A travel authorization shall be issued before the travel begins, unless extenuating circumstances acceptable to the authorizing official make it infeasible for the travel authorization to be issued before the travel begins. The extenuating circumstances shall be described in the authorization.

4256.3 The authorizing official shall consider the following factors when determining whether to approve travel:

- (a) Whether the travel is necessary or useful to accomplish the mission of the agency;
- (b) The potential use of alternatives to travel (for example, teleconferencing);
- (c) Whether the proposed expenses are prudent and necessary;
- (d) Whether the timing and length of travel minimizes the costs of travel;

- (e) Whether the number of employees engaging in travel to a particular training, seminar, meeting, or conference is the minimum necessary to achieve the purpose of the travel; and
- (f) Whether opportunities for travel have been or will be provided to other employees with similar responsibilities and experience.

4256.4 The following information must be included on all travel authorizations:

- (a) The name of the employee;
- (b) The purpose of the travel;
- (c) Any conditions of or limitations on the authorization;
- (d) An estimate of each element of the travel costs;
- (e) A statement that the employee is authorized to travel;
- (f) The signature(s) of the authorizing official(s).

4257 [RESERVED]

4258 [RESERVED]

4259 TRAVEL ADVANCES AND AGENCY PREPAYMENT: GENERAL PROVISIONS

4259.1 An employee may be provided District government funds in advance of travel, to pay the estimated costs of travel, pursuant to the provisions of this section.

4259.2 An employee shall request an advance of funds as part of his or her submission of the Travel Authorization Form.

4259.3 An employee may receive an advance of one hundred percent (100%) of the estimated meals and incidental expenses and one hundred percent (100%) of the estimated miscellaneous expenses.

4259.4 An employee may receive an advance of one hundred percent (100%) of the estimated lodging expenses; however, when possible, the costs of lodging should be charged to the agency’s purchase card instead of being advanced to the employee.

4259.5 An employee should not generally receive an advance for transportation expenses; instead, transportation expenses should be charged to the agency’s purchase card. If transportation expenses cannot be charged to the agency’s purchase card, an

employee may receive an advance for of one hundred percent (100%) of estimated transportation expenses.

4259.6 An employee may receive an advance of one hundred percent (100%) of the estimated training, seminar, and conference expenses; however, when possible, the costs of training, seminar, and conference expenses should be charged to the agency's purchase card instead of being advanced to the employee.

4259.7 An advance shall be disbursed to an employee no sooner than ten (10) calendar days before the date of travel, unless an earlier disbursement is necessary to ensure the purchase of a lower transportation fare, lodging rate, registration for a training, seminar, meeting, or conference.

4259.8 Advanced travel funds may only be used for official travel costs of the employee to whom the advance has been made. The use of government travel funds to pay for the travel or travel-related expenses of accompanying family or friends or for personal expenses (such as alcoholic beverages, movie rentals, or entertainment) is strictly prohibited.

4259.9 An agency shall not approve an advance if there is an outstanding advance or portion of an advance due the government from the employee. The request for the additional advance shall not be processed until the previous advance or portion of advance that is due has been repaid to the District.

**4260 TRAVEL ADVANCES AND AGENCY PREPAYMENT:
RECONCILIATION OF ADVANCES**

4260.1 An employee receiving an advance must file a Travel Expense Reimbursement form (Form TR-3) and must account for the advance on the form. The form must be filed even if the employee is not seeking reimbursement above the advance amount, in order to reconcile expenditures against the advance. If the amount advanced is less than the amount of the total actual and authorized expenses for which reimbursement is sought, the employee shall be reimbursed the net amount. If the advance exceeds the total actual and authorized expenses for which reimbursement is sought, the employee must refund the excess and the refund shall accompany the Travel Expense Reimbursement Form (Form TR-3). The employee shall pay the refund by cash or a check. The charge authorized by Section 1044(b) of the Delinquent Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-350.03), shall be imposed on each dishonored check received.

4260.2 An advance shall be revoked, and the employee shall be required to reimburse the agency for the full advance, if the employee does not file the Travel Expense Reimbursement Form (Form TR-3) form within ten (10) business days after travel is completed.

4260.3 If funds are advanced to an employee and the employee does not travel, fails to submit a properly completed Travel Expense Reimbursement form (Form TR-3) by the required date and thereafter fails to reimburse the agency for the full advance, or fails to reimburse the District for any advance in excess of actual and authorized expenses as required by § 4260.2, the agency shall take steps to collect the debt, including an offset against the employee's salary, a retirement credit, or other amount owed the employee or any other legal method of recovery.

4261 [RESERVED]

4262 [RESERVED]

4263 REIMBURSEMENT: TRAVEL EXPENSE REIMBURSEMENT FORM: GENERAL REQUIREMENT

4263.1 In order to receive reimbursement for travel expenses (including training, conference, and seminar expenses) an employee must file a Travel Expense Reimbursement form (Form TR-3).

4263.2 As set forth in § 4260.1, a Travel Expense Reimbursement form (Form TR-3) must be filed even if the employee is not seeking reimbursement above the advance amount, in order to reconcile expenditures against the advance.

4264 REIMBURSEMENT: TRAVEL EXPENSE REIMBURSEMENT FORM: REQUIRED INFORMATION AND DOCUMENTATION

4264.1 The following information must be provided on the Travel Expense Reimbursement form (Form TR-3):

- (a) An itemized list of each expense (including the date, purpose, and amount of the expense) for which the employee is seeking reimbursement; except that:
 - (1) An employee may aggregate official travel-related expenses for authorized telephone calls, transit system fares, and parking meter fees; provided, each category shall be aggregated separately; and
 - (2) When an employee's meals and incidental expenses are authorized on a per diem reimbursement basis, the employee shall list the applicable per diem reimbursement allowance rather than actual meals and incidental expenses;
- (b) The date of arrival to and departure from the travel destination and any non-duty points visited when the employee travels by an indirect route;

- (c) If a personal vehicle is used, the total cost for which mileage reimbursement is requested;
- (d) A certification that the information provided on the form is true and correct to the best of the employee's knowledge and belief; and
- (e) Any additional information the employee's agency may specifically require.

4264.2 The following documents must be provided with the Travel Expense Reimbursement form (Form TR-3):

- (a) The approved travel authorizations including any necessary special authorizations;
- (b) Receipts for:
 - (1) Transportation expenses;
 - (2) Lodging expenses;
 - (3) Each meal expense, unless the per diem reimbursement method is authorized;
 - (4) Each incidental transportation and mailing cost;
 - (5) Each miscellaneous expense, except for telephone calls, transit system fares, and parking meter fees (see § 4264.1(a)(1)) and expenses for which receipts are not normally provided; and
 - (6) Any other expense for which reimbursement is requested; and
- (c) A Personal Vehicle Reimbursement form (Form TR-4), which includes the date, origin, destination, addresses, and starting and ending odometer readings for each trip, if the travel authorization authorized the use of a personal vehicle.

4264.3 Each receipt for a lodging expense must include the following information:

- (a) The employee's name;
- (b) The name, address, and phone number of the lodging;
- (c) The dates of the stay;
- (d) The room type and daily rate for the lodging;

- (e) A description of any additional benefits included in the daily lodging charge (such as meals, parking, or internet access);
- (f) The tax rate and amount, if reimbursement of taxes is requested;
- (g) An itemized list of additional charges, such as charges for telephone or internet service, if the reimbursement of these charges is requested.
- (h) The total cost of the lodging, listing separately the pre-tax amount and the amount of tax.

4264.4 Each receipt for a transportation expense for transportation by airplane, train, or rental car must include the following information:

- (a) The employee's name;
- (b) The name and phone number of the transportation company (for example, the airline or rental car agency);
- (c) For transportation by airplane or train, the flight or train number, the class of service, the passenger confirmation number, the date and time of the flight or train, and the starting and ending points of the flight or train;
- (d) For transportation by rental automobile, the date, time, and location of the pickup and dropoff of the automobile, the type of automobile rented, and the rental confirmation number;
- (e) The tax rate and amount, if reimbursement of taxes is requested;
- (f) An itemized list of additional charges, such as charges for telephone or internet service, if the reimbursement of these charges is requested.
- (g) The total cost of the transportation, listing separately the pre-tax amount and the amount of tax.

4264.5 Each receipt for a meal shall include the following information:

- (a) The employee's name;
- (b) The name and address of the restaurant;
- (c) The date and time of the meal;
- (d) An itemized list of each cost of the meal (that is, listing each beverage and meal item, and their costs, separately);

- (e) The number of persons whose meals appear on the receipt, with the specific costs for which reimbursement are sought being clearly identified; provided, an employee shall obtain a separate receipt for his or her meal where feasible;
- (f) The total amount of the bill, listing separately the pre-tax amount, the amount of tax, and the amount of tip.

4264.6 If it is impracticable to furnish receipts in any instance as required by this section, the failure to do so must be fully explained on the Travel Expense Reimbursement form (Form TR-3) and must be approved by the agency. Mere inconvenience in the matter of taking receipts shall not be approved by the agency as a reason for failing to provide a receipt.

4264.7 The completed Travel Expense Reimbursement form (Form TR-3) shall be signed by the employee, with a certification that the information provided in the form is true and correct to the best of the employee’s knowledge and belief.

4264.8 If an employee presents false information on a reimbursement claim form, the employee shall be subject to prosecution for criminal violations, including fraud under D.C. Official Code § 22-3221, and to disciplinary action under the District’s personnel regulations.

4264.9 The employee shall submit the completed Travel Expense Reimbursement form (Form TR-3) to the agency travel officer.

4265 REIMBURSEMENT: TRAVEL EXPENSE REIMBURSEMENT FORM: FILING DEADLINE

4265.1 An employee must submit his or her Travel Expense Reimbursement form (Form TR-3) within ten (10) business days after the travel is completed.

4266 REIMBURSEMENT: APPROVAL OF CLAIMS FOR REIMBURSEMENT

4266.1 The travel officer shall review each submitted Travel Expense Reimbursement form (Form TR-3) for completeness and accuracy and shall return to the employee any incomplete or inaccurate form.

4266.2 The travel officer must have full knowledge of the employee’s activities and must ensure:

- (a) The claim is properly prepared in accordance with the pertinent regulations and agency procedures;
- (b) The types of expenses claimed are authorized and allowable expenses;

- (c) The amounts claimed are accurate; and
- (d) The required receipts, statements, justifications, and authorizations (or electronic images of such documents) are attached to the Travel Expense Reimbursement form (Form TR-3).

4266.3 If the form is deemed complete and accurate by travel officer, and the travel officer has determined that the standards set forth in § 4266.2 have been met, the travel officer shall provide a certification to that effect by signing the employee's Travel Expense Reimbursement form (Form TR-3).

4266.4 Each Request for Travel Expense Reimbursement form (Form TR-3) signed by the travel officer shall be submitted to the agency's authorizing official. The authorizing official must review and sign the form to confirm that the travel expenses were authorized.

4267 REIMBURSEMENT: DISALLOWANCES

4267.1 An agency may disallow payment of an item included on a Travel Expense Reimbursement form (Form TR-3) if the employee:

- (a) Does not provide proper itemization of an expense;
- (b) Does not provide a receipt or other documentation required to support the item; or
- (c) Claims an expense which is not authorized.

4267.2 If an item is disallowed, the agency shall provide notice of the disallowance to the employee and pay the employee's claim for those items which are not disallowed.

4267.3 An employee may request reconsideration of a disallowance if he or she has additional facts or documentation to support a request for reconsideration.

4267.4 To request reconsideration of a disallowance, an employee shall:

- (a) File a new Travel Expense Reimbursement form (Form TR-3) for the disallowed item(s);
- (b) Provide full itemization of the disallowed item(s);
- (c) Provide receipts for each disallowed item that requires a receipt, except that the employee shall not be required to provide a receipt if the receipt was filed with a prior Travel Expense Reimbursement form (Form TR-3)

(in which case the employee shall indicate on the form that the receipt was previously filed with the agency);

- (d) Provide a copy of the notice of disallowance;
- (e) State the proper authority for the claim if challenging the agency's application of a law or regulation; and
- (f) Follow the agency's additional procedures, if any, for challenging disallowed claims.

4267.5 If after reconsideration by an agency an employee's claim is still denied, the employee may submit his or her claim for adjudication by the Director of the Department of Human Resources.

4268 REIMBURSEMENT: TIMELINE FOR REIMBURSEMENT BY AGENCY

4268.1 An agency must reimburse an employee within thirty (30) calendar days after the employee submits a proper travel claim to the agency's travel officer.

4269 [RESERVED]

4270 [RESERVED]

4271 CANCELLATION AND CURTAILMENT OF TRAVEL: GENERAL REQUIREMENTS; REIMBURSEMENT

4271.1 If authorized travel is cancelled, the employee shall:

- (a) Immediately cancel any reservations for transportation, lodging, training, seminars, meetings, and conferences and seek full refunds of any expenses already incurred or, if refunds are not available, take other reasonable steps to minimize the costs incurred;
- (b) Notify the authorizing official and travel officer within three (3) business days after the date of cancellation of the authorized travel;
- (c) If a transportation ticket was purchased by the agency, return the unused transportation ticket to the authorizing official with the notice required by paragraph (b) of this subsection. The cost of any unused tickets not submitted to the authorizing official shall be the responsibility of the traveler, and that cost shall be recovered by the agency in the same manner as unreimbursed advances (see § 4260.3);
- (d) Submit, with the notice required by paragraph (b) of this subsection, a refund of any monies advanced in connection with the authorized travel.

Advances that are not refunded within three (3) business days shall be recovered by the agency in the manner described in § 4260.3.

4271.2 If authorized travel is cancelled based on an employee's personal convenience, the employee shall be responsible for any expenses incurred.

4271.3 If authorized travel is cancelled for official purposes, or for a reason beyond the employee's control that is acceptable to the employee's agency, the agency shall be responsible for any expenses incurred that are not refundable. If the employee paid for the travel with his or her own funds, the agency may reimburse the expenses incurred that are not refundable.

4272 [RESERVED]

4273 AGENCY POLICIES AND PROCEDURES: AGENCY TRAVEL OFFICERS

4273.1 Each agency shall appoint a travel officer.

4273.2 The travel officer shall be responsible for:

- (a) Making determinations under these rules (in consultation, where appropriate, with the agency's general counsel);
- (b) Receiving, reviewing, certifying, and processing requests for travel authorizations;
- (c) Receiving, reviewing, certifying, and processing requests for advances;
- (d) Receiving, reviewing, certifying, and processing requests for reimbursements of travel expenses;
- (e) Carrying out other functions specified in this chapter or as assigned by the agency director or authorizing official; and
- (f) Taking such actions as are necessary to ensure that the travel officer's agency is in compliance with this chapter.

4274 AGENCY POLICIES AND PROCEDURES: AUTHORIZING OFFICIAL

4274.1 Each agency head, or the agency head's designee, shall be the authorizing official for travel by an employee of the agency, except the City Administrator shall be the authorizing official for deputy mayors, each deputy mayor shall be the authorizing official for his or her agencies' directors, the Mayor's Chief of Staff shall be the authorizing official for the directors of agencies that report to the Executive Office of the Mayor, the general counsel to the City Administrator shall

be the authorizing official for the City Administrator, and the general counsel to the Mayor shall be the authorizing official for the Mayor's Chief of Staff.

4275 AGENCY POLICIES AND PROCEDURES: AGENCY-SPECIFIC TRAVEL RULES

4275.1 Each agency may implement agency-specific travel rules that impose requirements or restrictions that exceed the requirements and restrictions in this chapter.

4275.2 Agency-specific travel rules shall not authorize the payment or reimbursement of any expenses not authorized by this chapter.

4276 [RESERVED]

4277 LOCAL TRAVEL: DEFINITION OF LOCAL TRAVEL

4277.1 Local travel for the purposes of this section is defined as travel within a fifty (50) mile radius of the U.S. Capitol that does not include lodging expenses.

4278 LOCAL TRAVEL: APPROVAL OF LOCAL TRAVEL AND LOCAL TRAVEL EXPENSES

4278.1 Except as provided in § 4278.3, the incurrence of local travel expenses shall be approved by the agency's authorizing official.

4278.2 An employee shall obtain approval in advance of the local travel and in advance of incurring any local travel expenses unless a waiver is granted pursuant to § 4291.

4278.3 An agency's authorizing official may delegate to supervisory personnel in the agency the authority to approve their supervised employees' local travel if the local travel includes only subway or bus expenses or involves only the use of a government vehicle.

4278.4 Except as provided in § 4278.7, in order to receive authorization to engage in local travel and incur local travel expenses, an employee shall prepare and submit to the authorizing official or the agency's travel officer a Request for Training and Travel Authorization form (Form TR-1).

4278.5 The employee shall submit the Request for Training and Travel Authorization form (Form TR-1) at least ten (10) days before any local travel expenses are expected to be incurred; except, if the employee only becomes aware of the need to incur local travel expenses within ten (10) days before any local travel expenses are expected to be incurred, the employee shall submit the form as

promptly as possible after the employee becomes aware of the need to incur local travel expenses.

4278.6 An authorizing official (or supervisory personnel with delegated authority under § 4278.3) may authorize local travel only if he or she determines that the travel and associated expenses are consistent with the principles set forth in § 4200.

4278.7 An employee may orally request authorization for travel described in § 4278.3, and the authorizing official (or supervisory personnel with delegated authority under § 4278.3) may orally approve such travel.

4279 LOCAL TRAVEL: TRANSPORTATION

4279.1 An agency may pay for or reimburse the transportation expenses of local travel.

4279.2 In authorizing local travel transportation expenses, the agency shall require that the employee travel by bus or subway, unless:

- (a) The travel origination or destination point is not reasonably accessible by bus or subway, in which case travel by automobile may be authorized;
- (b) Travel time by bus or subway is significantly greater than transportation by automobile and the agency determines that transportation by automobile is advantageous to the District government;
- (c) Travel by government vehicle is available and the expected cost of parking is equal to or less than the expected cost of travel by bus or subway; or
- (d) The employee wishes to travel by personal vehicle, no government vehicle is available, and the use of a personal vehicle is allowable under the District's policy regarding the use of personal vehicles, including Mayor's Order 2009-210.

4279.3 If transportation by automobile is authorized under §§ 4279.2(a) or (b):

- (a) The agency should authorize transportation by a government vehicle, unless a government vehicle is not available, in which case the agency may authorize transportation by taxi or ride-hailing service; provided, the agency may authorize transportation by a personal vehicle when a government vehicle is not available and the use of a personal vehicle is allowable under the District's policy regarding the use of personal vehicles, including Mayor's Order 2009-210; provided, the expenses reimbursed for the use of a personal vehicle (including parking) in such a circumstance shall not be greater than the expense that would have been reimbursable if the employee had travelled by taxi; and

- (b) The employee must take reasonable steps to minimize the costs of parking. Government vehicles parked in metered spaces are not required to pay meter fees. Parking expenses associated with the use of personal vehicles are generally minimized by the use of on-street parking. Therefore, an employee generally must take reasonable steps to determine that on-street parking is not available before parking in a commercial parking facility. Moreover, in selecting a commercial parking facility, an employee must use reasonable efforts to minimize the costs of such parking.

4280 LOCAL TRAVEL: METRO PASS (BUS AND SUBWAY)

- 4280.1 Each agency shall purchase one (1) or more Metro passes for use by employees who engage in local travel. Authorizations, disbursement records, and documentation for the pass shall be maintained according to accounting requirements established by the Chief Financial Officer (CFO).

4281 LOCAL TRAVEL: MEALS

- 4281.1 Meals shall not be reimbursed for local travel, including local travel to attend a training, seminar, meeting, or conference, except as provided in § 4282.2.

4282 LOCAL TRAVEL: LODGING

- 4282.1 Lodging shall not be reimbursed for local travel, including local travel to attend a training, seminar, meeting, or conference.

- 4282.2 Notwithstanding § 4282.1, an agency head may request that the City Administrator authorize the reimbursement of lodging expenses for local travel based on a disability or other medical condition of the traveling employee. In such a circumstance, an agency head may also request that the City Administrator approve the reimbursement of the expenses of meals purchased by the employee at the travel destination if such meal expenses are associated with the extended stay at the destination. (For example, if overnight lodging is authorized for a two (2)-day conference, reimbursement of the costs of dinner on the first day and breakfast on the second day may be authorized.)

4283 LOCAL TRAVEL: AUTHORIZATION FOR TRAINING, SEMINARS, MEETINGS, AND CONFERENCES

- 4283.1 Approval of local travel for training, seminars, meetings, or conferences does not constitute approval of the training, seminar, or conference itself. Written authorization is required for all training, seminar, meeting, or conference activities.

4284 LOCAL TRAVEL: REIMBURSEMENT OF LOCAL TRAVEL EXPENSES

4284.1 Reimbursement of local travel expenses shall be processed on a Travel Expense Reimbursement form (Form TR-3).

4284.2 An employee shall submit a completed Travel Expense Reimbursement form (Form TR-3) to the agency travel officer no later than five (5) business days after the travel expenses were incurred.

4284.3 (a) A request for reimbursement of a taxi or parking expense shall be accompanied by a receipt.

(b) A receipt for a taxi shall include:

- (1) The date and time of travel;
- (2) The starting and ending points of travel;
- (3) The dollar amount of the fare and tip, listed separately;
- (4) The name of the taxi company; and
- (5) A description or designation of the purpose of the travel.

(c) A receipt for parking shall include:

- (1) The date of travel;
- (2) The starting and ending times of parking;
- (3) The dollar amount of parking expenses incurred;
- (4) The name of the parking facility;
- (5) The address of the parking facility; and
- (6) A description or designation of the purpose of the travel.

4284.4 A request for reimbursement of personal vehicle mileage shall be accompanied by a document that lists the travel origination and destination point for each leg of travel and the mileage of each leg of travel. To support the calculation of the mileage, either the document shall be accompanied by a printout from an online mapping service showing the mileage for each leg of travel or the starting and ending odometer readings for each leg of travel shall be printed on the document.

- 4284.5 Authorized bus, subway, and taxi expenses shall be reimbursed at the actual rate of fare or fee.
- 4284.6 Tips for taxi service shall also be reimbursed; provided, however, that tips in excess of twenty percent (20%) shall not be reimbursed.
- 4284.7 Authorized parking expenses shall be reimbursed at the actual amount of expenses; provided, if transportation by automobile is authorized under §§ 4279.2(c) or (d), reimbursement for parking expenses shall be limited to the actual parking expenses or the cost of travel by bus or subway (had the local travel occurred by bus or subway), whichever is less.
- 4284.4 Reimbursement for use of a personal vehicle authorized under § 4279.3(a) shall include mileage at the mileage rate set by the Federal government for its employees (see www.gsa.gov for current rates) and parking expenses that are consistent with § 4279.3(b).

4285 LOCAL TRAVEL: GOVERNMENT-OWNED VEHICLE EXPENSES

- 4285.1 Authorized users of District government vehicles shall obtain necessary gas, oil, maintenance, and repairs from a District government facility and will only be reimbursed for out of pocket expenses (gas, oil, repairs, and other vehicle expenses) when it is impractical to obtain such service at the District's facilities.

4286 [RESERVED]

4287 [RESERVED]

4288 [RESERVED]

4289 INTERNATIONAL TRAVEL: APPROVAL OF INTERNATIONAL TRAVEL

- 4289.1 In addition to such other approvals as are required under this chapter, travel to a destination outside the United States shall be subject to approval by the Mayor's Chief of Staff.

4290 [RESERVED]

4291 MISCELLANEOUS PROVISIONS: WAIVERS

- 4291.1 A waiver authorized by this chapter shall only be granted as a result of exceptional circumstances, or as otherwise specifically authorized by this chapter, and the circumstances shall be documented in the waiver request. In order to receive an authorized waiver, each employee shall submit a Request for Travel

Exemption Request Form (Form TR-2). The agency shall keep a separate record of each waiver granted and the records shall be made available upon request to the Office of the City Administrator.

4292 MISCELLANEOUS PROVISIONS: FREQUENT TRAVELER BENEFITS; FREQUENT FLYER MILES

4292.1 An employee may use frequent traveler benefits earned on official travel for the employee’s personal use.

4292.2 An employee shall not select a traveler service provider based on whether it provides frequent traveler benefits.

4293 [RESERVED]

4294 [RESERVED]

4295 [RESERVED]

4296 [RESERVED]

4297 RESPONSIBILITY FOR PROMULGATION OF TRAVEL POLICY

4297.1 The City Administrator shall be responsible for promulgating any additional travel policies of the District government and for promulgating appropriate amendments to the requirements of this chapter.

4298 RESPONSIBILITY FOR IMPLEMENTATION OF TRAVEL POLICY

4298.1 The Department of Human Resources shall be responsible for implementing these rules, including:

- (a) Promulgating forms, instructions, and guidance documents and posting such forms, instructions, and guidance documents on the internet or intranet website of the Department of Human Resources;
- (b) Assisting agencies in the implementation of the requirements of this chapter, including by providing training to travel officers;
- (c) Ensuring agency compliance with the requirements of this chapter; and
- (d) Recommending to the City Administrator additional travel policies and amendments to the requirements of this chapter.

4299 DEFINITIONS

4299.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

Agency – an office, department, board, commission or other entity within the District government, except any entity that possesses independent personnel authority which includes the authority to establish regulations for the authorization, payment, and reimbursement of travel expenses incurred (or requested to be incurred) by employees of that entity.

Incidental expenses – fees and tips given to porters, baggage carriers, bellhops, hotel maids and others. Incidental expenses do not include the cost of alcoholic beverages, tobacco, movie rentals, entertainment, or other expenses of a personal nature that are not related to the official business of the District.

Interviewee – an individual who is being considered for employment by an agency.

Local travel – travel to a location that is less than fifty (50) miles from the U.S. Capitol.

Lodging – a hotel, motel, inn, guest house, or other establishment that provides lodging to transient guests for overnight sleeping facilities. Lodging does not include accommodations on airplanes, trains, or buses that is included in transportation costs.

Meal expenses – expenses for breakfast, lunch, dinner, and related tips and taxes. Alcoholic beverages and all entertainment expenses are specifically excluded from meal expenses.

Mileage rate – the reimbursable rate for the authorized use of an employee’s personal vehicle for local or out-of-town travel for official government business as determined by the General Services Administration (see www.gsa.gov for current rates).

Per diem allowance – a set daily payment provided to an employee, instead of actual expenses, for reimbursement for meals and related incidental expenses. A per diem allowance is separate from lodging expenses, transportation expenses, and miscellaneous expenses.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with: Barry Kreiswirth, General Counsel, Office of

the City Administrator by email at barry.kreiswirth@dc.gov or by hand delivery to Room 513 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Copies of the proposed rules may be obtained from the Office of the City Administrator at the same address or from the DCMR website at www.dcregs.dc.gov.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA), pursuant to the authority under Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl. & 2016 Supp.)), and Mayor’s Order 2009-22, dated February 25, 2009, as amended; and Paragraph 7 of the General Expenses titles of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689, Ch. 250; D.C. Official Code § 6-661.01(a) (2012 Repl.)) and Mayor’s Order 2013-23, dated January 29, 2013, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, the following amendment to Chapter 1 (DCRA Permits Division Schedule of Fees) of Subtitle M (Fees), Title 12 (Construction Codes Supplement of 2013), of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would reduce the cost of permits required in historic districts but not other areas, such as a roof replacement, to the level of a postcard permit.

Chapter 1, DCRA PERMITS DIVISION SCHEDULE OF FEES, of Title 12-M DCMR, FEES, is amended as follows:

Section 101, BUILDING PERMIT FEES, Subsection 101.1(a), is amended by adding the following phrase to the table: the phrase:

Permits issued pursuant to 12-A DCMR § 105.2.5 \$33

All persons desiring to comment on these proposed regulations should submit written comments to Matt Orlins, Legislative Affairs Director, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5164, Washington, D.C. 20024, or by e-mail to matt.orldins@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of Sections 3(b), 5(2)(L), 11b(1) and 11e(a) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(2)(L), 50-921.32(1) and 50-921.35(a) (2014 Repl. & 2016 Supp.)); and Mayor's Order 2009-43, dated March 26, 2009, hereby gives notice of this proposed action to adopt rules that will modify Chapter 15 (DC Circulator) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed regulations will update the routes in the regulations to more accurately reflect the six routes currently in operation; set the DC Circulator fare for individuals with a valid Senior fare card at 50¢; replace the term DC One Student Card with Kids Ride Free bus pass activated on a Student DC One Card; eliminate all the passes and transfer passes except the Kids Ride Free bus pass and the seven (7)-Day Regional Bus Pass on a rechargeable fare media sold by Washington Metropolitan Area Transit Authority (WMATA); and modify the requirement for notice to the public whenever DDOT proposes "fare adjustments", "major service adjustments", "minor service adjustments" and define those terms.

Pursuant to 18 DCMR § 1503, the Director hereby announces that a public hearing will be held to present these changes to the DC Circulator fares with at least fifteen (15) days notice after the publication of the Notice of Proposed Rulemaking. Notice of the public hearing will be advertised on DC Circulator buses, on the DC Circulator website, and via DC Circulator's social media channels.

Final rulemaking action shall not be taken in less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 15, DC CIRCULATOR, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

Section 1501, ROUTES, Subsection 1501.1, is amended to read as follows:

- 1501.1 The following routes are established for the DC Circulator:
- (a) Union Station–Navy Yard - Union Station to points in the Capitol Hill neighborhood, which includes the Eastern Market and Navy Yard Metro Stations;
 - (b) Georgetown-Union Station - Union Station, Massachusetts Avenue, N.W., the Washington Convention Center, K Street, N.W., Georgetown, Wisconsin Avenue, N.W. to 35th Street, N.W.;

- (c) Dupont Circle-Georgetown-Rosslyn – which includes stops in Dupont Circle; Georgetown; and Rosslyn, Virginia;
- (d) National Mall - Monuments and museums on the National Mall, and Union Station;
- (e) [REPEALED];
- (f) [REPEALED];
- (g) Woodley Park-Adams Morgan-McPherson Square – Woodley Park to McPherson Square, which includes points in Adams Morgan, Columbia Heights, and 14th Street, N.W; and
- (h) Potomac Avenue-Skyland – Potomac Avenue Metrorail Station to points in the Skyland neighborhood, which includes stops at Eastern Market and Anacostia Metrorail stations, and Good Hope Road, S.E.

Section 1502, FARES, is amended to read as follows:

1502 FARES

1502.1 The fares to board a DC Circulator bus shall be as follows:

- (a) Persons between the ages of five (5) and sixty-four (64): One dollar (\$1.00);
- (b) Persons sixty-five (65) years of age and older, upon presenting the DC Circulator bus driver or fare collector with valid photo identification, valid “Senior” fare card provided by Washington Metropolitan Area Transit Authority (WMATA), or a valid Medicare card: Fifty cents (50¢) (Half-fare);
- (c) Persons who present a valid Metro Access card: Free of charge;
- (d) Persons with disabilities who present a valid Metro Disability Identification Card or a valid Medicare card with a photo identification card: Fifty cents (50¢) (Half-fare);
- (e) Attendant of a Person with disability meeting the standards set forth in §1502.1 (d): Fifty cents (50¢) (Half-fare);
- (f) Up to three persons under the age of five (5), accompanied by a paying adult: Free of charge; and

- (g) Persons between the ages of five (5) and twenty-two (22) who attend kindergarten through 12th grade in the District, with a valid Kids Ride Free bus pass activated on a Student DC One Card, during the times specified in 18 DCMR § 1799 for an eligible student trip: Free of charge.

1502.2 Notwithstanding § 1502.1(g), the “7-Day Regional Bus Pass” will be the only pass that permits unlimited use of DC Circulator with a rechargeable fare media sold by WMATA.

1502.3 Except for children under the age of five (5) years old, no person shall board a DC Circulator bus without:

- (a) Depositing the applicable fare into the bus fare box;
- (b) Touching the target point of the bus fare media reader with a funded rechargeable fare media or DC One Card, rechargeable fare media with valid “7-Day Regional Bus Pass”, or Student DC One Card with valid Kids Ride Free bus pass;
- (c) Presenting a valid DC Circulator marketing ticket issued by the Department or its contractor, pursuant to D.C. Official Code § 50-921.34; or
- (d) Displaying a valid Metro Access Card.

Section 1503, FARE ADJUSTMENTS, SERVICE ADJUSTMENTS, AND PUBLIC PARTICIPATION, Subsection 1503.2, is amended to read as follows:

1503.2 Before implementing a fare adjustment or major service adjustment, DDOT shall:

- (a) Prepare a fare adjustment or major service adjustment plan, which shall include:
 - (1) A summary of the proposed fare adjustment or major service adjustment;
 - (2) A proposed timeline for the implementation of the fare adjustment or major service adjustment;
 - (3) An equity analysis illustrating any disparate impact or disproportionate burden of the proposed fare adjustment or major service adjustment on populations identified in Circular FTA C 4702.1B; and

- (4) An explanation of the necessity of the fare adjustment or major service adjustment and description of alternative fare or service scenarios examined;
- (b) Publish a notice of proposed rulemaking to amend the DC Circulator fares set forth in § 1502, or routes and hours of operation set forth in § 1501 along with the fare adjustment or major service adjustment plan or a website link to the plan in the *D.C. Register*, and post notification of the fare adjustment or service adjustment plan along with a website link to the plan on DC Circulator buses;
- (c) Hold at least one (1) public hearing on the fare adjustment or major service adjustment plan; and
- (d) If, after the public hearing and consideration of comments received, DDOT determines to implement the proposed fare adjustment or major service adjustment:
 - (1) Prepare an implementation plan outlining the agency's final timeline and plan of action to begin implementing the adjusted fare or service, which shall be published on the DC Circulator website. The implementation plan shall include a summary of any public comments received and DDOT's responses to the comments;
 - (2) Issue a notice of final rulemaking amending § 1502 or § 1501 and setting forth the revised fares, routes, or hours of operation; and
 - (3) Place notices of the adjusted fare or service on DC Circulator buses at least ten (10) business days before the fare adjustment or major service adjustment is implemented.

1503.3 Before implementing a minor service adjustment, DDOT shall:

- (a) Publish a notice of proposed rulemaking to amend the DC Circulator fares set forth in § 1502, or routes and hours of operation set forth in § 1501; and
- (b) Provide the public with fifteen (15) days of notice before the minor service adjustment is implemented. Notice will be provided on buses, via social media, and on the DC Circulator website.

Section 1599, DEFINITIONS, is amended as follows:

Subsection 1599.1 is amended by adding five (5) new definitions to appear in alphabetical order:

Disparate Impact - Occurs when the difference between the system-wide percentage of minority riders and the percentage of minority riders affected by a proposed service change or fare change is fifteen (15) percent or greater.

Disproportionate Burden - Occurs when the difference between the system-wide percentage of low-income riders and the percentage of low-income riders affected by a proposed service change or fare change is fifteen (15) percent or greater.

Fare Adjustment – Any increase or decrease in the cost of a single-ride fare. Adjustments can be made to multi-ride passes at the discretion of the Department or WMATA.

Major Service Adjustment – Any service adjustment that meets at least one (1) of the following five (5) criteria:

- (a) Changing frequency of the buses (how often they arrive) on a route by more than five (5) minutes;
- (b) Altering the geographic alignment of more than twenty-five percent (25%) of a bus route's miles;
- (c) Changing a route's span of service by more than three (3) hours in a day;
- (d) Creation or elimination of a route; or
- (e) Elimination of a bus stop along a portion of a route that would force a half-mile or more increase in walking to access the same route or line.

Minority rider – a Circulator rider that includes the following:

- (a) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- (b) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- (c) Black or African American, which refers to people having origins in any of the Black racial groups of Africa.

- (d) Hispanic or Latino, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- (e) Native Hawaiian or Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Minor Service Adjustment – Any service adjustment that does not meet any of the criteria for a Major Service Adjustment.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, no later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Derek A. Jones, Associate Director, District Department of Transportation, 55 M Street, S.E., 5th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF THIRD EMERGENCY RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to authority set forth in D.C. Official Code § 47-2851.20 (2012 Repl.), Section 104 of 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 Mayor's Order 99-68, dated April 28, 1999, hereby gives notice of the adoption, on an emergency basis, the following amendment to Chapter 32 (Civil Infractions: Schedule of Fines) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This third emergency rulemaking is necessary to the immediate preservation of the public welfare to enable swift processing of fines prescribed in the Synthetic Drugs Emergency Amendment Act of 2015. The need for emergency action was legislatively adopted in Sale of Synthetic Drugs Emergency Declaration Resolution of 2015, effective June 30, 2015 (R21-0141; 62 DCR 9707 (July 17, 2015)). Identical language was adopted on July 10, 2015 in a Notice of Emergency and Proposed Rulemaking. Previous emergencies were published on: April 8, 2016 (63 DCR 5309), January 29, 2016 (63 DCR 1098), and July 31, 2015 (62 DCR 10430).

The rulemaking creates a Class VI infraction to conform to the fine amounts set forth in the Sale of Synthetic Drugs Temporary Amendment Act of 2015, effective October 21, 2015 (D.C. Law 21-0034; 62 DCR 10898 (August 14, 2015)) and subsequently the Sale of Synthetic Drugs Temporary Amendment Act of 2016, effective August 20, 2016 (D.C. Law 21-0735; 63 DCR 11140 (September 2, 2016)).

This emergency rulemaking was adopted July 31, 2016, and became effective on that date.

The emergency rulemaking shall remain in effect for up to one hundred and twenty (120) days from adoption or until November 28, 2016, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

Chapter 32, CIVIL INFRACTIONS: SCHEDULE OF FINES, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Section 3200, CLASSES OF INFRACTIONS, is amended as follows:

Subsection 3200.1 is amended by adding a paragraph (f) to read as follows:

- (f) Class 6 – Infractions that involve synthetic drug sale, intent to sell, or possession in violation of D.C. Official Code § 47-2844(a-2)(1A).

Section 3201, FINE AMOUNTS, is amended as follows:

Subsection 3201.1 is amended by adding a new paragraph (f) to read as follows:

- (f) For Class 6 infractions, the fines are as follows:
 - (1) For the first offense \$10,000; and
 - (2) For the second and subsequent offenses \$20,000.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-177
November 9, 2016

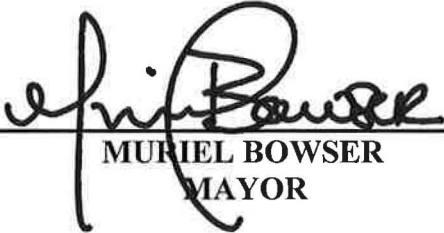
SUBJECT: Appointments — Food Policy Council

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.)), pursuant to section 4 of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; D.C. Official Code § 48-313) (2016 Supp.), 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. The following persons are appointed as *ex-officio* members of the Food Policy Council (“**Council**”) to serve at the pleasure of the Mayor:
 - a. **DONNA ANTHONY** as the representative of the Office of State Superintendent of Education.
 - b. **MARK McCAIN** as the representative of the Department of Parks and Recreation.
 - c. **SAM ZIMBABWE** as the representative of the District Department of Transportation.
 - d. **ROBERTA DOWNING** as the representative of the Department of Human Services.
 - e. **DR. DJINGE LINDSAY** as the representative of the Department of Health.
 - f. **VINCENT PARKER** as the representative of the Department of Consumer and Regulatory Affairs.
 - g. **LAINE CIDLOWSKI** as a representative of the Office of Planning.
 - h. **DAN GUILBEAULT** as the representative of the District Department of the Environment.
 - i. **JEN CROFT** as the representative of the Department of General Services.

- j. **PIA BROWN** as the representative of the Office of the Deputy Mayor for Planning and Economic Development.
- 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 2016-178
November 10, 2016

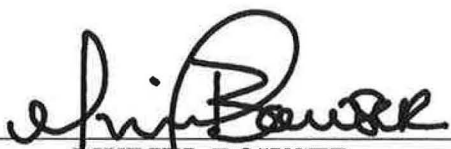
SUBJECT: Delegation of Authority – Workplace Wellness Act of 2014


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(6) (2014 Repl. and 2016 Supp.), and pursuant to sections 1092 and 1093 of the Workplace Wellness Act of 2014 (“**Workplace Wellness Act**”), effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code §§ 1-541.01 and 1-541.02) (2016 Supp.), it is hereby **ORDERED** that:

- I. The Director of the Department of Health and the Director of the Department of Human Resources are jointly delegated the Mayor's authority under section 1092(a) of the Workplace Wellness Act (D.C. Official Code § 1-541.01(a)) to develop, adopt, and update a workplace wellness policy for the District government. The policy shall be developed using a health-in-all-policies approach and with input from all key stakeholders, including the Department on Disability Services and the Office of Contracting and Procurement.
- II. The Director of the Department of Health is delegated the Mayor's authority under section 1093(a) of the Workplace Wellness Act (D.C. Official Code § 1-541.02(a)) to issue rules to establish health and nutrition standards for food and beverages purchased or served by District agencies, including food and beverages provided at meetings and events, in vending machines, and through outside vendors. The standards shall not apply to food served by the Department of Corrections or Department of Behavioral Health to persons who reside at their institutions or are in their direct custody.
- III. The Chief Procurement Officer is delegated the Mayor's authority under section 1093(a) of the Workplace Wellness Act (D.C. Official Code § 1-541.02(a)) to issue rules to establish standards for the procurement of food and beverages that meet the health and nutrition standards established by the Department of Health under section II of this Order.

IV. 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 2016-179
November 18, 2016

SUBJECT: Appointments — Commission on Aging

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 section 402 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Law 1-24, D.C. Official Code § 7-504.02 (2012 Repl. and 2016 Supp.), it is hereby **ORDERED** that:

1. The following persons are appointed as *ex-officio*, non-voting District government members of the Commission on Aging, filling vacant seats, and shall serve at the pleasure of the Mayor:
 - a. **RAKA CHOUDHURY**, representing the District Department of Transportation.
 - b. **MARY TERRELL**, representing the Department of Employment Services.
 - c. **DANIELLE CREEK**, representing the Department Parks and Recreation.
 - d. **ERIC RILEY**, representing the District of Columbia Public Library.

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 2016-180
November 18, 2016

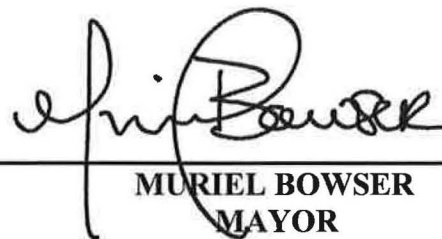
SUBJECT: Appointments — Domestic Violence Fatality Review Board

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 pursuant to section 2 of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003 (D.C. Law 14-296, D.C. Official Code § 16-1053) (2012 Repl.), it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Domestic Violence Fatality Review Board to serve at the pleasure of the Mayor:
 - a. **CAROLYN HOLLINGER** as a representative of the Addiction Prevention and Recovery Administration.
 - b. **TARA HUMPHREY** as the representative from the Department of Health (DOH).
 - c. **HEATHER STOWE** as the representative from Child and Family Services Agency.
 - d. **SHAKEITA BOYD** as the domestic violence shelter representative.
 - e. **ERIN POLLIT** as the District of Columbia hospitals representative.
 - f. **TONI ZOLLICOFFER** as the Child and Family Services agency representative.

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 2016-181
November 18, 2016

SUBJECT: Reappointments — District of Columbia Commission on Aging


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 section 402 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Law 1-24, D.C. Official Code § 7-504.02 (2012 Repl. and 2016 Supp.), it is hereby **ORDERED** that:

1. The following persons are reappointed as public members of the District of Columbia Commission on Aging to serve for terms to end October 28, 2019:
 - a. **GEORGE ARNSTEIN**
 - b. **ROBERT DORSEY**
2. **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, NOVEMBER 30, 2016
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Mafara Hobson, Jake Perry

- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00101; E and K, Inc., t/a Champion Kitchen, 7730 Georgia Ave
NW, License #103055, Retailer CR, ANC 4A
Application for a New License
- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00097; Manhattan Laundry DC, LLC, t/a Franklin Hall, 1346
Florida Ave NW, License #103899, Retailer CT, ANC 1B
Application for a New License
- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00099; Bar 207, LLC, t/a The Darkroom, 207 Florida Ave NW
License #103803, Retailer CT, ANC 5E
Application for a New License
- Protest Hearing (Status)** **9:30 AM**
Case # 16-PRO-00100; 1 Dupont Circle, LLC, t/a Wahlburgers-DC, 1 Dupont
Circle NW, License #103639, Retailer CR, ANC 2B
Application for a New License
- Show Cause Hearing (Status)** **9:30 AM**
Case # 16-CC-00063; 1010 V, LLC, t/a Living Room, 1010 Vermont Ave NW
License #76906, Retailer CT, ANC 2F
**Sale to Minor Violation, Offered a Facility for Dancing Larger than 140
square feet**

Board's Calendar
November 30, 2016

Show Cause Hearing (Status) **9:30 AM**
Case # 16-AUD-00069; Willard Associates, t/a The Willard Inter-Continental Hotel, 1401 Pennsylvania Ave NW, License #9713, Retailer CH, ANC 2C
Failed to File Quarterly Statements

Show Cause Hearing (Status) **9:30 AM**
Case # 16-CC-00081; Elisa Alabama, Inc., t/a Alabama Convenience, 2209 Alabama Ave SE, License #80896, Retailer B, ANC 8E
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Interfered with an Investigation

Fact Finding Hearing* **9:30 AM**
Kelemewa Corporation, t/a Pure Nightclub & Lounge; 1326 U Street NW
License #24613, Retailer CN, ANC 1B
Request for a Change of Hours

Show Cause Hearing* **10:00 AM**
Case # 15-251-00161; Jasper Ventures, LLC, t/a Capitale, 1301 K Street NW
License #72225, Retailer CN, ANC 2F
Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Failed to Follow Security Plan (Two Counts)

Show Cause Hearing* **11:00 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

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

Show Cause Hearing* **1:30 PM**
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

Show Cause Hearing* **2:30 PM**
Case # 16-CMP-00322; Restaurant Enterprises, Inc., t/a Smith Point, 1338 Wisconsin Ave NW, License #60131, Retailer CT
ANC 2E
Substantial Change in Operation Without Board Approval, Provided Entertainment Without an Entertainment Endorsement (Two Counts)

Board's Calendar
November 30, 2016

Show Cause Hearing*

3:30 PM

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*

4:30 PM

Case # 15-CMP-00741; Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT,

ANC 1C

No ABC Manager on Duty

***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, NOVEMBER 30, 2016
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, November 30, 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-CMP-00759, Some Place Else Bar & Grill, 1637 R Street N.W., Retailer CR, License # ABRA-098935.

2. Case#16-CMP-00768, Touche, 1123 H Street N.E., Retailer CT, License # ABRA-096779

3. Case# 16-CMP-00769, Safeway, 1747 Columbia Road N.W., Retailer B, License # ABRA-072708

4. Case # 16-251-00222, Soundcheck, 1420 K Street N.W., Retailer CN, License # ABRA-098536

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, NOVEMBER 30, 2016 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 1A. SMD 1A09. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Petworth Liquors*, 3210 Georgia Avenue NW, Retailer A Liquor Store, License No. 072626.

2. Review Application for Safekeeping of License – Original Request. ANC 6E. SMD 6E02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *WA-ZO-BIA*, 618 T Street NW, Retailer CR, License No. 079306.

3. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Etete Ethiopian Cuisine*, 1942 9th Street NW, Retailer CT, License No. 070728.

4. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Cookie's Corner*, 1970 2nd Street NW, Retailer B, License No. 104077.

5. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 6/29/2016. ANC 6B. SMD 6B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Sona Creamery and Wine Bar*, 660 Pennsylvania Avenue SE, Retailer CR, License No. 092841.

6. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping Date: 4/7/2015. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *De Vinos*, 2001 18th Street NW, Retailer B, License No. 074817.

7. Review Application for Class Change from Retailer DT to Retailer CT. ANC 6C. SMD 6C06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Wunder Garten*, 131 M Street NE, Retailer DT, License No. 098173.

8. Review Floor Plans for New Class B Full Service Grocery Store. ANC 3D. SMD 3D05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Lupo Alimentaria*, 4814 MacArthur Boulevard NW, Retailer B Full-Service Grocery, License No. 103007.

9. Review transfer application for Justin Ventures, LLC. ANC 4C. SMD 4C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Highland's Liquor*, 4704 14th Street NW, Retailer A Liquor Store, License No. 104360.

10. Review Request for Change of Hours (Hours of operation only). ***Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. ***Proposed Hours of Operation:*** Sunday-Saturday 11am to 6am. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Archibald's/Fast Eddies Billiards Café*, 1520 K Street NW, Retailer CN, License No. 000931.

11. Review request to increase Sidewalk Café seating from 14 to 20. ANC 6D. SMD 6D02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Hampton Inn and Suites*, 1265 1st Street SE, Retailer CH, License No. 099532.

12. Review Letter from Syed Fahad Saghir, agent representing The Choral Arts Society of Washington, requesting two Nonprofit Corporation Auction Permits to auction off items containing alcoholic beverages, such as wine donations, at fundraising events to be held December 18, 2016 from 8:30pm to 11:00pm at The Loft at The Hamilton, 600 14th Street NW, and on December 19, 2016 from 8:30pm to 11:00pm at the Roof Terrace Restaurant at the John F. Kennedy Center for the Performing Arts, 2700 F Street NW.
-

13. Review Letter from Executive Director Ian Houston requesting a refund of late fees associated with recent renewal of license. 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.
-

***In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

CARLOS ROSARIO PUBLIC CHARTER SCHOOL

REQUEST FOR QUOTES

Financial Planning and Analysis System

The Carlos Rosario IPCS is looking to solicit quotes for a Financial Planning & Analysis (FP&A) system. For further information please contact Gwen Ellis at gellis@carlosrosario.org
All quotes are due by 4pm on Thursday, December 1, 2016.

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

The City Arts & Prep Public Charter School for the Performing Arts, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest from Vendors or Consultants for the following tasks and services:

- Desktop Support Services

Please send an email to bids@cityartspcs.org to receive a full RFP offering more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 pm, Friday, December 5, 2016.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator
bids@cityartspcs.org

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Friday, December 2, 2016
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 6, 2016 at 9am

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Architecture and Interior Design
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**December 9, 2016
9:30 AM**

1. Call to Order – 9:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, November 4, 2016
7. Executive Session (Closed to the Public) {Closed to the Public – to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting –January 27, 2017 at 9:30 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Barber and Cosmetology
1100 4th Street SW, Room E300
Washington, DC 20024**

**Meeting Agenda
Monday, December 5, 2016
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – Monday, June 6, 2016

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**December 1, 2016
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, November 3, 2016
7. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 5, 2017 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

District of Columbia Board of Industrial Trades

1100 4th Street, S.W., Room 300

Washington, D.C. 20024

AGENDA - Draft
December 20, 2016

1. Call to Order – 1:00 p.m.
2. Attendance
3. Executive Session (Closed to the Public) – 1:15 p.m. - 2:15 p.m.
4. Start of Public Session – 2:20 p.m.
5. Comments from the Public
6. Minutes
7. Board Discussions
8. Recommendations
 - Applications for Licensure
9. Old Business
10. New Business
11. Adjourn

Next Scheduled Regular Board Meeting, January 17, 2017
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Real Estate Appraisers
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**December 21, 2016
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, November 16, 2016
7. Executive Session (Closed to the Public) {Closed to the Public – to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 18, 2017 at 10:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF PUBLIC MEETING

**D.C. BOXING AND WRESTLING COMMISSION
1100 4th Street, SW, Suite 200E, Washington, DC 20024**

**AGENDA
December 15, 2016
7:00 P.M.**

1. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
2. Call to Order
3. Attendance (Start of Public Session)
4. Comments from the Public
5. Minutes – November 17, 2016
6. Budget
7. Correspondence
8. Old Business
9. New Business
 - A. Upcoming Professional Events
 - B. Upcoming Amateur Events
10. Adjournment

NEXT MEETING SCHEDULED FOR JANUARY 19, 2016

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

December 2016

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Grace Yeboah Ofori	Board of Accountancy	2	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	21	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	9	8:30 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	5	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	15	7:00-pm-8:30 pm
Pamela Hall	Board of Funeral Directors	1	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	No Meeting	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	13	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	20	1:00pm-3:30 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Real Estate Commission
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**December 13, 2016
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, November 8, 2016
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 9, 2016 at 10:00 a.m.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN****33 Patterson Street, NE and 16-22 M Street, NE**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code § 8-636.01(b) (Supp. 2005) (Act)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Cleanup Action Plan requesting to perform a remediation action for certain real property addressed as 33 Patterson Street, NE and 16-22 M Street, NE. The applicant for this address is Skanska USA Commercial Development, Inc. 1776 Wilson Boulevard, Suite 250, Arlington, Virginia 22209 The application identifies the presence of chlorinated organic solvents in the soil and groundwater. The applicant intends to redevelop the subject property for a mixed-use commercial office and residential development.

Pursuant to § 601(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 First Street, N.E., 5th Floor,
Washington, DC 20002

Interested parties may also request a copy of the application for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2289.

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. VCP 2011-022 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, 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, Washington, DC, intends to issue a permit (#7122) to 555 12th REIT, LLC to operate one existing (1) 900 kWe emergency generator set with diesel engine rated at 1,337 hp engine output. The generator is located at 555 12th Street NW, Washington DC. The contact person for the facility is Matthew Foust, General Manager, phone number: 202-624-6902.

Emission Estimates:

Maximum emissions from this unit, assuming 500 hours per year of operation, are expected to be no more than the following:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Total Particulate Matter (PM Total)	0.23
Sulfur Dioxide (SO ₂)	0.004
Nitrogen Oxides (NO _x)	8.02
Volatile Organic Compounds (VOC)	0.24
Carbon Monoxide (CO)	1.84

The proposed emission limits are as follows:

- a. 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].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The application to operate the emergency generator and the draft permit are available for public inspection at AQD and copies may be made 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 comments or hearing requests submitted after December 27, 2016 will be accepted.

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE**

NOTICE OF FUNDING AVAILABILITY

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA) for grant funds under the Health Information Technology for Economic and Clinical Health (HITECH) Act of 2009, approved February 27, 2009, Title XIII of Division A and Title IV of Division B of the American Recovery and Reinvestment Act (ARRA) of 2009 (Pub. L. No. 111-5, §§ 13001-424,123 Stat. 226) and the Health Information Technology Implementation Advanced Planning Document Update (IAPD-U) approved by the U.S. Department of Health and Human Services, Centers for Medicare & Medicaid Services (CMS) on July 19th, 2016. The funds for this NOFA are being made available through federal financial participation funds for the design, development and installation (DDI) of specific health information technology (HIT) and health information exchange (HIE) initiatives. The Director of DHCF has authority pursuant to 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(4) (2012 Repl.) to make grant funds available to help develop a comprehensive, efficient, and cost effective health care system for the District's uninsured, underinsured, and low-income residents. DHCF plans to issue grants to one (1) or more qualified applicants for the implementation of five (5) health information exchange (HIE) initiatives in the District of Columbia (District): 1) Dynamic Patient Care Profile, 2) Obstetrics/Prenatal Specialized Registry, 3) Electronic Clinical Quality Measurement Tool and Dashboard, 4) Analytical Patient Population Dashboard, and 5) Ambulatory Connectivity and Support for a performance period of February 1st, 2017 until September 30th, 2017. The following is an overview of each initiative:

Dynamic Patient Care Profile: Design and implement an 'on-demand' web-based document assessable to eligible professionals (EPs) and eligible hospitals (EHs) (in addition to members of their care team) that would display an aggregation of both clinical and non-clinical data for a selected patient.

Obstetrics/Prenatal Specialized Registry: Design and develop an electronic form within a District-specified electronic health record (EHR) environment , along with a separate web-based accessible outside of that EHR system, that enables EPs and EHs to directly enter and submit data associated with prenatal screenings and assessments to the District's OB/Prenatal Specialized Registry.

Electronic Clinical Quality Measurement Tool and Dashboard: Design and implement an electronic clinical quality measurement (eCQM) tool that aggregates and analyzes data captured through Continuity of Care Documents (CCDs) submitted by EPs and EHs to calculate their performance against quality measures for their empaneled patient population.

Analytical Patient Population Dashboard: Design and develop a population-level dashboard accessible by EPs and EHs for patient panel management.

Ambulatory Connectivity and Support: Engage EPs and support their connection to the DC HIE, including technical assistance aimed at the advanced use of HIE services.

Eligibility Requirements: Each entity must meet all of the following qualifications. The entity must:

- (1) Be organized under the District of Columbia Non-Profit Corporation Act (D.C. Official Code, sec. 29-501 et seq) or organized as a Non-Profit organization in the jurisdiction where the entity is incorporated;
- (2) Have a 501(c)(3) or 501(c)(4) determination pursuant to the Internal Revenue Code, except that an organization described in Section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities shall not be eligible to apply, serve as a host site for members or act in type of supervisory role in the program; and
- (3) Be a health information exchange operating in the District as of January 1st, 2016 to facilitate patient care for District residents through the secure electronic exchange of health-related information among approved, qualifying partners according to nationally recognized standards.

Applying HIEs may propose the use of sub-grantees.

The Request for Application (RFA) will be released on December 9th, 2016. The RFA package will be available online at and at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>. Hard copies of the RFA package may be obtained at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk daily from 9:00 am until 4:00 pm.

DHCF will hold a pre-proposal conference on December 15th, 2016 at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.

Completed applications must be received on or before 4:00 pm Eastern Time, January 9th, 2016. Applications may be submitted online at www.dhcf.dc.gov/page/health-information-exchange or in-person at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk. No applications will be accepted after the submission deadline.

For additional information regarding this NOFA, please contact Christopher Botts, Project Manager, DHCF, Health Care Reform and Innovation Administration at Christopher.Botts@dc.gov or at (202) 673-3561.

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 following change in meeting date:

Wednesday, December 14, 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.

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**STATE HEALTH PLANNING AND DEVELOPMENT AGENCY****NOTICE OF INFORMATION HEARING**

Pursuant to D.C. Official Code § 44-406(b) (4), the District of Columbia State Health Planning and Development Agency ("SHPDA") will hold an information hearing on the application of Specialty Home Care, LLC to acquire J.D. Nursing and Management Services, Inc. - Certificate of Need Registration No. 16-4-9. The hearing will be held on Monday, December 5, 2016, at 10:00 a.m., at 899 North Capitol Street, N.E., 2nd Floor, Room 216, Washington, D.C. 20002.

The hearing shall include a presentation by the Applicant, describing its plans and addressing the certifications required pursuant to D.C. Official Code § 44-406(b) (1). The hearing includes an opportunity for affected persons to testify. Persons who wish to testify should contact the SHPDA at (202) 442-5875 before 4:45 p.m. on Friday, December 2, 2016. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes. Written statements may be submitted to:

The State Health Planning and Development Agency
899 North Capitol Street, N.E.
Second Floor
Washington, D.C. 20002

Written statements must be received before the record closes at 4:45 p.m. on Monday, December 12, 2016. Persons who would like to review the Certificate of Need application or who have questions relative to the hearing may contact the SHPDA on (202) 442-5875.

**DISTRICT OF COLUMBIA
STATE HISTORIC PRESERVATION OFFICER**

**NOTICE OF INTENT TO NOMINATE HISTORIC DISTRICTS
TO THE NATIONAL REGISTER OF HISTORIC PLACES**

The State Historic Preservation Officer hereby provides public notice of his intent to nominate the following historic district to the National Register of Historic Places. The Historic Preservation Review Board recently designated these properties as a historic district after duly noticed public hearings. The Board designated the Meridian Hill Historic District on October 27, 2016.

Under the provisions of the Historic Protection Act (D.C. Code §6-1102(5)(c)), this district becomes effective when the State Historic Preservation Officer nominates or issues a written determination to nominate the properties to the National Register of Historic Places. Thirty (30) days after the date of this notice, the properties will become subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 16-17

Observatory Hill Historic District

Addresses: 2300 E Street NW/2301 Constitution Avenue NW

Squares/Lots: Square 34, Lots 802, 803, 804 and part of 805/Reservation 4

Affected Advisory Neighborhood Commission: 2A

Applicant: United States General Services Administration

The State Historic Preservation Officer hereby provides public notice of his intent to nominate the following historic district to the National Register of Historic Places. The Historic Preservation Review Board recently designated these properties as a historic district after duly noticed public hearings. The Board designated the Meridian Hill Historic District on October 27, 2016.

Under the provisions of the Historic Protection Act (D.C. Code §6-1102(5)(c)), this district becomes effective when the State Historic Preservation Officer nominates or issues a written determination to nominate the properties to the National Register of Historic Places. Thirty (30) days after the date of this notice, the properties will become subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 16-18

Union Market (Historic District)

Squares/Lots: Parcel 129, Lots 27, 28, 30, 34, 43, 68 and 72; Square 3587, Lot 808; Square 3588, Lots 15, 16, 17, 18, 19, 20, 21, 22, 801 and 802; Square 3589, Lots 3, 8, 9, 10, 11, 12, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 49, 50, 51, 52, 804, 805, 806, 807, 808 and 809; Square 3590, Lots 1, 2, 3, 4, 5, 6, 10, 11, 800, 801, 802; and Square 3592, Lots 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 803 (3, 4, 5)

Addresses: 1251-1317, odd numbers, 4th Street NE; 1250, 1252 and 1254 4th Street NE; 1250-1338, even numbers, of 5th Street NE; the 400 and 500 blocks, odd numbers, of Morse Street NE; and 400 and 416 Morse Street NE

Affected Advisory Neighborhood Commission: 5D

Applicant: D.C. Preservation League

The State Historic Preservation Officer hereby provides public notice of his intent to forward the following historic district amendment to the National Register of Historic Places. The Historic Preservation Review Board recently designated these properties as an expansion of the Financial Historic District after duly noticed public hearings. The Board designated the Meridian Hill Historic District on July 28 and October 27, 2016.

Designation Case No. 16-12

Financial Historic District amendment

Added addresses: 619 14th Street NW; 613, 655, 725, 727, 729, 730, 733, 734, 750, 806, 875, 900, 901, 915, 923, 925, 927, 1015 and 1019 15th Street NW; 1434 F Street NW; 1341, 1401 and 1435 G Street NW; 1425 H Street NW; 1555 I Street NW; 1500, 1501 and 1518 K Street NW; 721 Madison Place NW; 1400 and 1445 New York Avenue NW; 1500 (1600), 1501, 1503 and 1505 Pennsylvania Avenue NW; 811, 1000 and 1010 Vermont Avenue NW; and McPherson Square

Squares, Lots and Reservations: Square 187S, Lot 802; Square 198, Lot 846; Square 199, Lots 821, 832, 834 and 835; Square 216, Lots 27, 32, 33 and 800; Square 218, Lots 9, 67, 74, 75 and 80; Square 218W, Lot 800 (Reservation 11); Square 219, Lots 18 and 810; Square 220, Lots 44 and 67; Square 221, Lots 29, 37, 809, 810, 817 and 818; Square 222, Lots 12, 19, 20, 22 and part of 814; Square 223, Lots 24, 25 and 26; Square 224, Lot 22; Square 225, Lot 803; Square 252, Lots 60 and 837; and Square 253, Lot 67;

Affected Advisory Neighborhood Commissions: 2A, 2B, 2C and 2F

Applicant: D.C. Preservation League

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 16-14: Vizcaya Apartments

Address: 1388 Tuckerman Street NW

Square/Lot: Square 2787, Lot 27

Designated September 22, 2016

Affected Advisory Neighborhood Commission: 4A

Applicant: Hampstead Brightwood Partners LP

Designation Case No. 16-15: Valencia Apartments

Address: 5922 13th Street NW

Square/Lot: Parcel 87, Lot 400

Designated September 22, 2016

Affected Advisory Neighborhood Commission: 4A

Applicant: Hampstead Brightwood Partners LP

Designation Case No. 09-06: Cleveland Emerson Exchange

Address: 4268 Wisconsin Avenue NW

Square/Lot: Square 1786, Lot 9

Designated November 17, 2016

Affected Advisory Neighborhood Commission: 3E

Applicant: Tenleytown Historical Society

Designation Case No. 16-21: Glade Apartments

Address: 1370-1372 Fort Stevens Drive NW

Square/Lot: Square 2791, Lot 2

Designated November 17, 2016

Affected Advisory Neighborhood Commission: 4A

Applicant: Athena LLC/Manna, Inc.

Listing in the D.C. Inventory of Historic Sites and the National Register of Historic Places provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY

Great Streets Small Business(es) Grants - Lower Georgia Avenue

The Deputy Mayor for Planning and Economic Development (DMPED) is soliciting applications for the **Great Streets Retail Small Business Grant**. DMPED will award individual grants of up to a maximum of \$50,000.00 each. The application deadline is **Tuesday, December 13, 2016** at 12:00p.m.

The purpose of Great Streets Retail Small Business Grants is to support existing small businesses, attract new businesses, increase the District's tax base, create new job opportunities for District residents and transform emerging commercial corridors into thriving neighborhood centers.

Eligible applicants: Eligible applicants for the grants are owners of small retail and service-oriented businesses or up to 3 business owners connected. Eligible retail development project shall not include following types of businesses are *ineligible* to receive this grant funding: *adult entertainment, auto body shops, bank, bar, construction/general contracting/architecture/design-build, financial services, home-based business, hotel, liquor store, nightclub, phone store, professional services**, and *real estate development/property management/realtor*.

**Professional services are defined as the following businesses: accountant, actuary, architect, dentist, engineer, evaluator, financial planner, IT consultant, lawyer, pharmacist, physician, registered nurse, training and development*

For additional eligibility requirements and exclusions, please review the Request for Applications (RFA) which will be posted at <http://www.greatstreets.dc.gov> by Tuesday, November 29, 2016.

Eligible Use of Funds: Funds may be used for

- Build out of new improvements
- Renovations of existing improvements
- Façade improvements
- Equipment upgrades
- Soft costs*

*Up to 50% of funding can be used for marketing, purchase of moveable equipment, point-of-sale inventory management hardware and software, and business consultation services. Funds can be used for expenses incurred during the Period of Performance. For additional examples of eligible uses of funds and exclusions, please review the RFA.

Application Process: Interested applicants must complete an online application by **Tuesday, December 13, 2016** at 12:00 p.m. DMPED will not accept applications submitted via hand delivery, mail or courier service. Late submissions applications will not be forwarded to the review panel. Instructions and guidance regarding application preparation can be found in the RFA, which will be available at <http://greatstreets.dc.gov> on **Tuesday, November 29, 2016**

Selection Process: DMPED will select grant recipients through a competitive application process. All applications will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria listed below.

1. Capacity and Experience of the Applicant
2. Strength of the Project Implementation Plan
3. Financial Viability of Applicant Organization
4. Creativity, Innovation, and sustainable energy/environmental practices

The DMPED Great Streets program team will review the panel reviewers' recommendations and the Deputy Mayor for Planning and Economic Development will make the final determination of grant awards.

Award of Grants: DMPED will award individual grants of up to a maximum of \$50,000. Buildings with two (2) eligible businesses are eligible for grant award up to \$75,000 and buildings with three (3) eligible businesses are eligible for awards up to \$100,000.

For More Information: Check our website at www.greatstreets.dc.gov for signup details to attend the Pre-Application Information Session.

Questions may be sent to LaToyia Hampton, Grants Administrator at the Deputy Mayor for Planning and Economic Development at latoyia.hampton@dc.gov or 202-724-7648.

Reservations: DMPED reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

Government of the District of Columbia
Public Employee Relations Board

_____)	
In the Matter of:)	
)	
Fraternal Order of Police/)	
Metropolitan Police Department Labor)	
Committee,)	PERB Case No. 15-A-12
)	
Petitioner,)	Opinion No. 1595
)	
and)	
)	
Metropolitan Police Department,)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Introduction

Based on a remand from the D.C. Superior Court, the Fraternal Order of Police/ Metropolitan Police Department Labor Committee (“FOP”) filed this Arbitration Review Request (“Request”) seeking review of the arbitration award (“Award”) that found that while the Metropolitan Police Department (“MPD”) failed to commence an adverse action against Sergeant Best within 90 days of when it knew or should have known of his alleged misconduct, MPD’s failure to act was *de minimis*. The issue before the Board is whether the Award on its face is contrary to law and public policy.

For the reasons stated herein, FOP’s Request for Review is denied.

Decision and Order
PERB Case No. 15-A-12
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II. Background

Sergeant Best was assigned to MPD's Domestic Violence Unit.¹ He also was approved for outside employment as a part-time security officer with Andrews Federal Credit Union ("AFCU").² On August 1, 2006, Sergeant Michael Coligan, an Outside Employment Monitor for MPD, visited AFCU to conduct a "site inspection."³ Sergeant Coligan found that Sergeant Best had worked more than 32 hours in a week, a violation of General Order 201.17.⁴ The inspection also revealed inconsistencies between Sergeant Best's MPD time records and his AFCU time cards.⁵ The Internal Affairs Division ("IAD") initiated a criminal investigation which confirmed that Sergeant Best violated the General Order and had defrauded the District of almost \$2,000.00.⁶ On September 8, 2006, MPD referred the case to the U.S. Attorney's Office (USAO). However, because the amount that Sergeant Best fraudulently received was modest, the USAO declined prosecution.⁷

Subsequently, Sergeant Best's Supervisor, Lieutenant Michelle Robinson, commenced an administrative investigation into the violation.⁸ In response to Lieutenant Robinson's request to submit a timecard for a particular week, Sergeant Best produced a timecard on which certain dates had been whited out.⁹ Lieutenant Robinson obtained a duplicate timecard that revealed additional inconsistencies.¹⁰ On January 18, 2007, MPD served Sergeant Best a Notice of Adverse Action for "Conduct Unbecoming an Officer and Untruthful Statements."¹¹ The Notice of Adverse Action for a 30-day suspension was served on the Grievant on January 18, 2007.¹² A grievance was filed by the FOP and the case was advanced to arbitration.

In August 2009, the Arbitrator, Gregory Murad, determined that MPD violated D.C. Official Code § 5-1031 by one (1) day when it failed to initiate adverse action against Sergeant Best for the alleged misconduct within 90 days of when it knew or should have known of the conduct.¹³ In light of the violation of the 90-day rule, the Arbitrator directed that the 30-day suspension be removed from his personnel file and that he be compensated for the time lost.¹⁴ In December 2009, MPD filed an arbitration review request of that award and on August 30, 2012, the Board upheld the award.¹⁵

¹ Award at 3.

² *Id.*

³ *Id.*

⁴ *Id.*; Request at 5 ("General Order 201.17 states that officers may work 32-hours of authorized outside employment per week...").

⁵ Award at 3.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 3-4.

¹¹ *Id.* at 4.

¹² Request Ex. 5 at 2.

¹³ Award at 1.

¹⁴ *Id.* at 1, 4.

¹⁵ *Id.* at 1; *See MPD v. FOP/MPD Labor Comm.*, 59 D.C. Reg. 12689 (2012), Slip Op. 1325, PERB Case No. 09-A-14 (2012).

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PERB Case No. 15-A-12
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MPD then appealed to the D.C. Superior Court.¹⁶ The Superior Court determined that the statute, D.C. Official Code § 5-1031, was directory and not mandatory and, therefore, the Board erred in upholding the Arbitrator's Award, and remanded the case to PERB.¹⁷ The Superior Court directed the Board to apply the balancing test established in *JBG Properties* to determine whether the one-day delay by MPD to propose discipline to Sergeant Best was a *de minimis* violation.¹⁸

On remand, the Board sent the matter back to the Arbitrator and ordered him "...to consider whether MPD's actions were a *de minimis* violation of the statutory time limits. If the Arbitrator determines that the Agency has met its burden that the violation was *de minimis*, then the Arbitrator should proceed to a decision on the grievance's merits."¹⁹ Thereafter, a second arbitration was held before Arbitrator Murad on April 15, 2015.²⁰

A second hearing was held in the case and the Arbitrator determined, with respect to the specific issue remanded by the Court, that MPD's failure to commence an adverse action against Sergeant Best within 90 days after the date that MPD knew or should have known of the act allegedly constituting cause as required by the D.C. Official Code was *de minimis*.²¹ Applying the balancing test in *JBG Properties*, he found that Sergeant Best was not prejudiced by MPD's failure to comply with the 90-day rule and "was not hurt in any way by the delay."²² The Arbitrator also found that the public interest is "well-served in this matter" given that "[t]he public expects that police officers are to be held to a higher standard when it comes to any misconduct and should be beyond reproach."²³ Therefore, the Arbitrator concluded that MPD was not prohibited by the 90-day rule from proceeding with either of the charges set forth in the Notice of Proposed Adverse Action against Sergeant Best.²⁴

The Arbitrator then addressed both charges against Office Best: "Conduct Unbecoming and Untruthful Statements". Based on the evidence, the Arbitrator found that MPD had not proven its charge of "Conduct Unbecoming" and set aside the 15-day suspension on that charge. As for the charge of "Untruthful Statements", the Arbitrator found that Sergeant Best willingly and knowingly provided misleading or inaccurate information to his superior.²⁵ Based on this finding, the Arbitrator upheld the 15-day suspension on that charge.²⁶

¹⁶ Award at 1.

¹⁷ *MPD v. PERB*, No. 2012 CA 007805 P. (MPA), at 6 (D.C. Sup. Ct. July 17, 2014).

¹⁸ *Id.*; See *JBG Properties v. D.C. Office of Human Rights*, 364 A.2d 1183 at 1187 (D.C. 1976) (establishing a balancing test as follows: (1) whether there is potential for an actual existence of prejudice to the appellant and (2) the public and private interests in allowing the Office to pursue the investigation).

¹⁹ Award at 2; See *MPD v. FOP/MPD Labor Comm.*, 61 D.C. Reg. 11295 (2014), Slip Op. 1491, PERB Case No. 09-A-14(R) (2014).

²⁰ Award at 2.

²¹ *Id.*

²² *Id.* at 22.

²³ *Id.*

²⁴ The Arbitrator states that, "...based on the balancing test of *JBG Properties*, any violations of the 90 Day Rule were *de minimis*." (emphasis added). *Id.*

²⁵ *Id.* at 25.

²⁶ *Id.* at 26.

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PERB Case No. 15-A-12
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FOP filed this Arbitration Review Request, seeking to have the Award reviewed on the ground that it is contrary to law and public policy.²⁷ MPD opposed this request.

III. Discussion

The Board has limited authority to review an arbitration award. In accordance with D.C. Official Code § 1-605.02(6), the Board is permitted to modify or set aside an arbitration award in only three limited circumstances: (1) if an arbitrator was without, or exceeded his or her jurisdiction; (2) if the award on its face is contrary to law and public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.²⁸

In its request, FOP argues that (1) the plain language of the 90-day rule is mandatory and not directory, and as set forth in *JBG Properties*, which is only applicable to directory statutes, does not apply to the 90-day rule;²⁹ (2) the 90-day rule is mandatory because the legislative history indicates that the rule was set to prevent investigatory abuses that occurred in the absence of a mandatory deadline;³⁰ and (3) the violation of the 90-day rule was not *de minimis* because the D.C. Superior Court implied that even a ten-day violation of the 90-day rule would not be *de minimis*.³¹

The Board finds that FOP's request is merely a dispute of the Arbitrator's evidentiary findings and conclusions. FOP's first two arguments that the 90-day rule is mandatory are simply a reiteration of its arguments presented to the Arbitrator and ignore the directives of the Superior Court and of the Board on remand in this case. As previously noted, the D.C. Superior Court and PERB determined that the 90-day rule is directory, not mandatory, and instructed the Arbitrator to apply this standard.³² Accordingly, the Arbitrator's finding that the 90-day rule is directory is consistent with current Board precedent and the Superior Court's interpretation of the statute.

The Board also finds no merit to FOP's third objection made above. To support its contention that MPD's violation of the 90-day rule was not *de minimis*, FOP cites to the Superior Court decision in this matter where, according to FOP, the Superior Court implied that even a ten-day violation of the 90-day rule would not be *de minimis*.³³ However, the Superior Court made no such implication. In fact, the court stated in its decision that there "...is certainly a line at which a delay is no longer *de minimis*, however, it is not necessary for the Court to determine

²⁷ Request at 11.

²⁸ *Fraternal Order of Police/D.C. Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 62 D.C. Reg. 12587, Slip Op. 1531, PERB Case No. 15-A-10 (2015).

²⁹ Request at 11.

³⁰ *Id.* at 15-16.

³¹ *Id.* at 17.

³² *MPD v. PERB*, No. 2012 CA 007805, at 6; *MPD v. FOP/MPD Comm.*, 61 D.C. Reg. 11295 (2014), Slip Op. 1491 at 5, PERB Case No. 9-A-14(R) (2014).

³³ The language in question from the Superior Court states, "The PERB contends "that a 'slight delay' of one day can easily become ten days, and ten days can become three years." Resp't Br. at 24. This slippery slope argument is hyperbolic and illogical; no party in this case is suggesting that a three-year delay, or even a ten-day delay, would constitute a *de minimis* violation." Request at 17.

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that line in this matter.³⁴ The Board finds no support for FOP's reading of the Superior Court decision that implies that a ten-day delay is not *de minimis*.

FOP's Request constitutes only a disagreement with the Arbitrator's interpretation of the Superior Court's directive, the Board's Remand Order and the Arbitrator's application of the balancing test in *JBG Properties*. This disagreement is not a basis for the Board to overturn the Award. "The Board will not second guess credibility determinations, nor will it overturn an arbitrator's findings on the basis of a disagreement with the arbitrator's determination."³⁵ Therefore, the Board finds that FOP has not demonstrated that the Award constitutes a violation of an explicit well defined public policy grounded in law or public policy that would compel and mandate setting aside the Arbitrator's Award.

IV. Conclusion

The Board finds that FOP has not cited any specific law or public policy that was violated by the Arbitrator's Award. Thus, the Board rejects FOP's arguments and finds no cause to set aside or modify the Arbitrator's Award. Accordingly, FOP's request is denied and the matter is dismissed in its entirety with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The arbitration review request is hereby denied.

**2. Pursuant to Board Rule 559. 1, this Decision and Order is final upon issuance.
BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy and Members Yvonne Dixon, Ann Hoffman, and Douglas Warshof.

September 22, 2016

Washington, D.C.

³⁴ *MPD v. PERB*, No. 2012 CA 007805, at 7.

³⁵ *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 59 D.C. Reg. 9798, Slip Op. No. 1271, PERB Case No. 10-A-20 (2012). See also *Metro. Police Dep't and Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, 31 D.C. Reg. 4159, Slip Op. No. 85, PERB Case No. 84-A0-05 (1984); *FOP/DOC Labor Comm. v. Dep't of Corrections*, 52 D.C. Reg. 2496, Slip Op. No. 722, PERB Case Nos. 01-U-21, 01-U-28, 01-U-32 (2005).

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 15-A-12, Op. No. 1595 was sent by File and ServeXpress to the following parties on this the 30th day of September, 2016.

Mark T. Viehmeyer
Metropolitan Police Department
300 Indiana Ave., N.W.
Room 4126
Washington, DC 20001

Marc L. Wilhite, Esq.
Pressler & Senftle, P.C.
1432 K St., N.W.
Twelfth Floor
Washington, DC 20005

/s/ Sheryl Harrington
PERB

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENT AS NOTARIES PUBLIC

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 January 2, 2017.

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 November 25, 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

Effective: January 2, 2017
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Andrango Espin	Caren N.	Mary's Center for Maternal & Child Care Inc. 2333 Ontario Road, NW	20009
Banks	Sharon L.	Sharon L. Banks Reporting 3403 21st Street, SE	20020
Barrington	Lezel	Carter Cafritz Development, LLC 1660 L Street, NW Suite 300	20036
Bickford	Martha R.	Martell & Associates 11 Dupont Circle, NW, # 201	20036
Boettinger	Luciana Cunha-Mendes	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Bowman	Regina	Department of Health Care Finance 441 4th Street, NW, Suite 900 South	20001
Brainard	Erin P.	Cooper & Kirk, PLLC 1523 New Hampshire Avenue, NW	20036
Brower	Marlena A.	Wells Fargo 1545 Alabama Avenue, SE	20020
Bush	Annette B.	DC Office Of Attorney General 441 4th Street, NW, Room 550	20001
Butler-Truesdale	Tonya M.	Self 1240 Fairmont Street, NW	20009
Campagne	Kelly	Meridian International Center 1630 Crescent Place, NW	20009
Carnival	Wendy A.	Wells Fargo Advisors 1133 Connecticut Avenue, NW, 9th Floor	20036
Cartwright	Linda M.	Baker Botts, LLP 1299 Pennsylvania Avenue, NW	20004
Chilstrom	Cristina Allegra	Neal R. Gross and Company, Inc. 1323 Rhode Island Avenue, NW	20005

D.C. Office of the Secretary
 Recommendations for appointment as DC Notaries Public

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Clements	Katherine A.	Sierra Club 50 F Street, NW	20001
Cowan	Priscila Schröder	Arnold & Porter, LLP 601 Massachusetts Avenue, NW	20001
Croman, Jr.	Joseph L.	National Association of Home Builders 1201 15th Street, NW	20005
Daniel	Christina Ann	International Monetary Fund, Investment Office 700 19th Street, NW	20431
David	Terese Elizabeth	Jeffrey J. Kimbell & Associates 601 13th Street, NW, Suite 650 North	20005
Dhungana	Retaj Bahadur	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Dittmar	Diana	Innovo Construction, LLC 6230 Georgia Avenue, NW, Suite 200	20011
Dola	Mark S.	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Evans	Akita S.	District of Columbia Office of Human Rights 441 4th Street, NW	20001
Freeman	Sherry D.	Self 3815 W Street, SE, Unit B	20020
Gant	Aja M.	Department of Homeland Security 131 M Street, NE, Penthouse Floor	20001
Gilmore	Benjamin	Self (Dual) 1702 Seaton Street, NW	20009
Grangien	Pierre Xavier	Pinnacle Title & Escrow 1776 Eye Street, NW, #701	20006
Greenleaf	Marleen	Friendship Public Charter School 120 Q Street, NE, Suite 200	20002

D.C. Office of the Secretary
 Recommendations for appointment as DC Notaries Public

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Hamad	Karimah I.	Censeo Consulting Group, Inc 1776 I Street, NW	20006
Hancock	Fatma	Department of Behavioral Health/CPEP 1905 E Street, SE, Building 14	20003
Haussler	Meredith Marine	Festival Center 1640 Columbia Road, NW	20009
Hickson-Fowler	Klaretta	National Cooperatives Business Association CLUSA International 1775 Eye Street, NW, 8th Floor	20006
Hooper	Angela	Paige Industrial Services, Inc 2828 10th Street, NE	20017
Hopson	Spencer A.	Self (Dual) 1212 4th Street, SE, Apartment 806	20003
Jackson	Octavia T.	Department of Commerce Federal Credit Union 1401 Constitution Avenue, NW, Room B0038	20230
Johnson-Massey	Morgan L.	Self 4119 22nd Street, NE	20018
Jolly	Laurant U.	Self 2 M Street, NE	20002
Jones	Dawn C.	Self 113 Thomas Street, NW	20001
Jones	Jaqueline L.	Office of the Attorney General for the District of Columbia - Child Support Services Division 441 4th Street, NW	20001
Jones	Kimberly	Ideal Electrical Supply Corporation 2230 Adams Place, NE	20018
Jordan	Oni	Self 3767 Jay Street, NE, Apartment 4	20019
Khan	Rifat Zahan	HSBC Bank USA, NA 1715 Wisconsin Avenue, NW	20007

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King	Emily A.	American Chemistry Council, Inc 700 Second Street, NE	20002
McIntyre	Sarita T.	AAA Complete Building Services, Inc. 5151 Wisconsin Avenue, NW, Suite 400	20016
Meija	Rosie	Kellogg, Huber, Hansen, Todd, Evans, & Figel, PLLC 1615 M Street, NW	20036
Mwedzi	Contessa	International Monetary Fund, Investment Office 700 19th Street, NW	20431
Nguyen	Lelinh	Alixpartners 1999 K Street, NW, Suite 750	20006
Oglesby	Cynthia D.	Law Office of Deborah D. Boddie, Esq 1308 Ninth Street, NW	20001
Pak	Chanyong	Georgetown University Law Center 600 New Jersey Avenue, NW, Apartment 510	20001
Payton	Ebony M.	Charles Schwab & Company, Inc. 1845 K Street, NW	20006
Paz	Casey John	Wells Fargo bank 1934 14th Street, NW	20009
Reeves	Anthony R.	DC Registered Agent, Inc 1120 20th Street, NW, Suite S-300 - RLK	20036
Salmeron	Noemi Sinai	Self 1364 Shepherd Street, NW	20011
Sanchez	Rachele D.	Marriott Vacation Club At The Mayflower 1130 Connecticut Avenue, NW, Suite 700	20036
Sanderson	Patricia E.	Youth for Understanding USA, Inc 641 S Street, NW, Suite 200	20001

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Sarmiento	Nicole	La Clinica Del Pueblo 2831 15th Street, NW	20009
Sharpe	Melissa C.	District of Columbia Office of Human Rights 441 4th Street, NW	20001
Shukla	Sanjay	Vinson & Elkins, LLP 2200 Pennsylvania Avenue, NW, Suite 500 West	20037
Squire	Jasmine	Agriculture Federal Credit Union 1400 Independence Avenue, SW, Room 1210	20250
Starr	Michelle	Self 3732 Burnham Place, NE	20019
Taylor	Charlene	Brustein & Manasevit, PLLC 3105 South Street, NW	20007
Thomas	Brenda S.	DC Bar 1101 K Street, NW, Suite 200	20005
Thompson	Tiffany R.	Department of Justice 601 D Street, NW	20004
Thornton	Charles B.	District of Columbia Office of Human Rights 441 4th Street, NW	20001
Waack	Jessica	Planet Depos 1100 Connecticut Avenue, NW	20036
Wallace	Mary R.	District of Columbia Office of Human Rights 441 4th Street, NW, Suite 570 North	20001
Weals	Duncan H.	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Weiner	Robin L.	American Continental Group, Inc 1800 M Street, NW, Suite 500 South	20036
Whitehead	Reeba L.	AAA Complete Building Services, Inc. 5151 Wisconsin Avenue, NW, Suite 400	20016

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Wilbon	Kelsey T.	Joan M. Wilbon & Associates 1120 Connecticut Avenue, NW, Suite 1020	20036
Williams	Sylvia D.	DC Office Of Attorney General LSS CSSD Intake 1 441 4th Street, NW, Suite 550 North	20001
Xanthos	Ioannis	C & A Inc 3920 49th Street, NW	20016

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, December 1, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of November 3, 2016 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

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

Appeal No. 18793 of Advisory Neighborhood Commission 2A and 22 West, A Condominium, pursuant to 11 DCMR §§ 3100 and 3101¹, from a March 21, 2014 decision of the Department of Consumer and Regulatory Affairs in the issuance of Permit Number SG1400204 to permit the installation of signs at premises 2201-2213 M Street, N.W. (Square 50, Lot 87).²

HEARING DATES: July 22, 2014 and September 30, 2014
DECISION DATE: October 28, 2014

DECISION AND ORDER

PRELIMINARY MATTERS

On April 28, 2014, Appellant 22 West filed an appeal of a Zoning Administrator's determination letter dated February 10, 2014. For the reasons stated in the conclusions of law, the Board of Zoning Adjustment ("Board" or "BZA") determined that this was not an appealable decision. Instead, the Board concluded that the appealable decision was the issuance of Sign Permit No. SG 1400204 permitting the installation of signs on a hotel located at 2201-2213 M Street, N.W.

Also on April 28, 2014, Advisory Neighborhood Commission 2A ("ANC 2A" or the "ANC") filed a notice with the Board of its intent to join in the appeal of 22 West. The ANC and 22 West are hereinafter referred to collectively as "Appellants."

PerStar M Street Partners LLC, as the owner of the Property ("the Owner") and the Department of Consumer and Regulatory Affairs ("DCRA") as the entity whose administrative decision is the subject of the appeal were automatically parties to this appeal pursuant to 11 DCMR § 3199.1.

Pursuant to notice, the Board scheduled a hearing on this matter for July 22, 2014. On July 14, 2014, the Appellee requested a continuance due to a scheduling conflict. The Board then notified the parties that the hearing would be rescheduled to September 30, 2014.

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 provisions that were in effect on the date this Application was decided by the Board of Zoning Adjustment ("the 1958 Regulations"), but which were repealed as of September 6, 2016 and replaced by new text. The repeal and replacement of the 1958 Regulations has no effect on the validity of the Board's decision or the validity of this order.

² The caption has been modified to reflect the determination of the Board as to what constituted the appealable decision.

On September 23, 2014, the Owner filed a Motion to Dismiss the appeal for lack of timeliness (Exhibit 22), to which Appellants responded on September 29, 2014 (Exhibit 26).

The Board held the hearing on September 30, 2014. The Appellants, the Owner, and DCRA participated in the hearing. As a preliminary matter, the Board took up the Owner's Motion to Dismiss for lack of timeliness. Upon hearing the argument of the Owner and Appellants, the Board took the Motion to Dismiss under advisement and moved on to the merits of the appeal. The Board heard testimony from Sally Blumenthal, President of Appellant 22 West's Board of Directors, ANC Commissioner Florence Harmon, and Matthew LeGrant, Zoning Administrator.

Upon conclusion of the hearing on September 30, 2014, the Board left open the record in this matter for the purpose of receiving draft Findings of Fact and Conclusions of Law from the hearing participants, and set the matter for decision on October 28, 2014.

At its October 28, 2014 public meeting, the Board denied the motion to dismiss and granted the appeal. The factual and legal basis for the Board's decision follows:

FINDINGS OF FACT

1. The property that is the subject of this appeal is located at 2201 M Street, N.W., also known as Lot 87 in Square 50.
2. Zoning Commission Order No. 07-21, effective June 20, 2008, approved construction of a hotel on the property as a planned unit development ("PUD").
3. On June 20, 2012, the Owner filed an application to modify the approved PUD, which was assigned Zoning Case No. 07-21B.
4. The Owner's proposed plans (Exhibit 24 in the record of Case No. 07-21B, Sheets A1 and A2), depicted a single sign over the hotel entrance on 22nd Street.
5. During the hearing, the Owner presented a PowerPoint presentation that was entered as Exhibit 36 to the record. Four PowerPoint slides were depicted on each page. A slide at the upper right of page 4 was intended to depict the hotel signage. With the naked eye the existence of any signage is not evident.
6. An enlarged certified copy of the slide, not available to the Zoning Commission when it decided the modification case, but entered into the record of this case as Exhibit 25A shows two building elevations, each with two signs. Two of the signs are at the top of the hotel and each is marked with an "A". As to the other two signs, one is above the hotel entrance, and one above the restaurant entrance. Both are marked with a "B". At the bottom of the slide is a legend indicating the size of each sign.
7. The signs are depicted as rectangles with no indication as to whether the signs would be backlit.

8. According to the video and transcript of the hearing, this slide as shown during the hearing, though depicting the four signs, appeared on screen for approximately 23 seconds.
9. At the conclusion of the hearing in Case No. 07-21B, the Zoning Commission requested post-hearing submissions from the parties in that case, including responses to the Owner's post-hearing submission from the ANC. The ANC filed its response on November 15, 2011 (Exhibit 27 in the record in the instant case), which states the following:

Sign. The ANC appreciates that the applicant in its response to the ANC has generally stated that the sign 'will not be like the Marriott' but would like to see specific language included regarding the Hilton Garden Inn sign should be made a condition of the Zoning Order. It should be above the hotel's entrance on 22nd Street, N.W., as shown on Pages A1 and A2 of the October 7, 2011 PUD Modification Submission prepared by Shalom Baranes Associates and cannot be at a different location, larger, vertically mounted on the façade of the hotel or illuminated from within.

10. The Zoning Commission took final action to approve the modification on February 28, 2011, and Zoning Commission Order 07-21B, which gave effect to that decision, became effective on February 3, 2012 (the "Modification Order").
11. Finding of fact 28 of the Modification Order notes the ANC's request that the order contain "a condition that the hotel sign should be above the hotel's entrance on 22nd Street as shown on pages A1 and A2 of the Applicant's final set of plans (Exhibit 24) and that the sign cannot be at a different location or be vertically mounted on the façade of the hotel or illuminated from within;"
12. Finding of fact 43(b) states in part:

The Zoning Commission agrees with ANC 2A that there must be certainty that the actual signage will not differ from that depicted by the Applicant. Therefore, the Commission is adding a condition that the hotel sign must be above the hotel's entrance on 22nd Street as shown [on] pages A1 and A2 of the Applicant's final set of plans (submitted as Exhibit 24) and that the sign cannot be at a different location or be vertically mounted on the façade of the hotel or illuminated from within. The applicant will be granted the flexibility to make such changes as are required to conform to the District's construction code.

13. In the "Decision" portion of Modification Order, the Commission approved the modification "subject to the following guidelines, conditions, and standards," which replaced those contained in Zoning Commission Order No. 07-21. Condition A.1 stated:

The PUD shall be developed in accordance with the architectural plans and elevations prepared by Shalom Baranes Associates, dated October 7, 2011 (Exhibit 24), as supplemented by the plans presented at the public hearing (Exhibit 36) (the "Plans"), as modified by the guidelines, conditions, and standards herein. Notwithstanding the notes on pages A1 and A2 of Exhibit 24 [each note indicated that the location and dimension of the signage was for illustrative purposes only], but subject to the flexibility allowed under Condition No. 7(e) (discussed at paragraph 43(b) in this Order), *the hotel sign shall be above the hotel's entrance on 22nd Street as shown on those pages and that the sign cannot be at a different location or be vertically mounted on the façade of the hotel or illuminated from within.*

(Emphasis added. Footnote omitted but quoted within the bracket.)

14. On October 24th 2012, DCRA issued building permit B120561 to the Owner.
15. Subsection 105.1.1 of Subtitle A of the Construction Codes (Title 12 DCMR) identifies the different classifications of required permits. Building permits and sign permits are separately classified. Pursuant to § 101 of Appendix N of that subtitle a sign may not be erected without a permit issued pursuant to that section.
16. On or about December 31, 2013, Appellant's representative Sally Blumenthal observed the installation of mounting brackets on the façade of the hotel development above the highest floors. Ms. Blumenthal emailed Whayne Quin of the law firm of Holland & Knight. Although Mr. Quin did not handle the modification case, Ms. Blumenthal wrote to him because she did not have the email of Christopher Collins, the attorney who appeared before the Zoning Commission. Ms. Blumenthal indicated that she was "hopeful that there is an explanation for these newly installed elements that is not blatantly in violation of the Commission's Order granting approval to the PUD". (Exhibit 6D.)
17. Mr. Collins responded by email dated February 10, 2014 and indicated that the "brackets in your photo are for a back-lighted sign, as shown on the plans approved by the Zoning Commission." Mr. Collins apologized for not responding earlier but explained that he "was double-checking with the zoning authorities to confirm that this sign is permitted by the Zoning Commission's order before responding to you. The sign is not in violation of the zoning order." (Exhibit 6D.)
18. On that same date Zoning Administrator ("ZA") Matthew LeGrant issued a letter addressed to Kyros Freeman, also of Mr. Collins' law firm (the "Determination Letter"). (Exhibit 6F.) The letter noted that Mr. Freeman had provided him with certified copies of Exhibits 24 and 36 of the case record in Zoning Commission Case No. 07-21B, the previously described certified enlarged copy of page 4 of Exhibit 36, and portions of the

hearing and decision meeting transcript pertaining to the hotel signage. Mr. LeGrant's letter then indicated:

Based upon my review of these materials, I interpret Decision A. 1. to mean that the Applicant is permitted to install up to four signs on the hotel's façades, and that the signs must be installed in the general locations and consistent with the dimensions as shown in the signage plan included on page 4 of Exhibit 36. I interpret the last sentence of Decision No. A. 1 to only impose a limitation regarding the hotel sign to be located above the hotel's entrance on 22nd Street, but not as a limitation of on any of the other proposed signs.

19. After receipt of Mr. Collins' email, Ms. Blumenthal emailed Mr. LeGrant on February 12, 2014. The email included the full email exchange with Mr. Quin and Mr. Collins and concluded by stating Ms. Blumenthal's belief that the sign was a blatant violation of the Modification Order.
20. Mr. LeGrant responded on February 19, 2014, saying "I have previously discussed this issue with Chris Collins . . . and will re-review Zoning Commission's Order No. 07-21B. Once I conclude my review, I will let you know how the Order affects the proposed signage. I expect to conclude by review by the middle of next week." Exhibit 21G. Mr. LeGrant e-mailed again on February 25, 2014 promising that he would come to a decision by the end of that week. (Exhibit 21G.)
21. On February 28, 2014, Mr. LeGrant again emailed Ms. Blumenthal. (Exhibit 21G.) The email included the Determination Letter which the ZA indicated he had "re-reviewed" and concluded "I do not see that there is new information that causes me to change my determination."
22. Neither the ZA's Determination Letter nor his February 28th email to Ms. Blumenthal stated an unequivocal decision to allow the issuance of the needed sign permit.
23. On March 21, 2014, the Department of Consumer and Regulatory Affairs issued sign permit SG1400204 which authorized building signs for the development, including the sign that was the subject of Ms. Blumenthal's emails. (Exhibit 21H.)
24. The fourth page of the permit contains a list of reviews, with the required reviews checked. Among the reviews checked was "zoning."
25. On April 28, 2014, 22 West filed this appeal. (Exhibit 2.)

CONCLUSIONS OF LAW

The Appeal was Timely

The Owner moved to dismiss this appeal as untimely. The Board is authorized by § 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.), to hear and decide appeals where it is alleged by the appellant that there is error in any decision made by any administrative officer in the administration of the Zoning Regulations. An appeal must be filed within 60 days after the date the appellant “had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge of the decision complained of, whichever is earlier.” (11 DCMR § 3112.2 (a).) Although this deadline is a “claims processing rule” and therefore not jurisdictional in nature, *see Gatewood v. District of Columbia Water and Sewer Authority*, 82 A.3d 41 (2013) (WASA deadline to file appeal of water bill is non-jurisdictional), the failure to adhere to the rule will result in the dismissal of an appeal unless the 60-day deadline is extended under circumstances stated at 11 DCMR § 3112.2(d).

The threshold issue is what is “the decision complained of.” The Owner identifies three potential candidates: the PUD order, the building permit, and the Determination Letter. The Appellants also claim the Determination Letter is the relevant decision, but assert that their knowledge of the letter came on February 28, 2014 when Mr. LeGrant first shared it. The Owner contends that Appellants should be charged with knowledge as of February 10th when Mr. Collin’s indicated that he had double checked with “zoning authorities” and then stated that the sign was not in violation of the zoning order.

The Board concludes that none of these were appealable decisions, but it was the issuance of the sign permit on March 12, 2014 that started the Appellants’ time for filing this appeal.

As to the PUD order, the Appellants are not claiming that it contains any error, but rather that it has been erroneously interpreted. In any event, this Board has no authority to hear appeals of a PUD order, which by statute must be heard by the District of Columbia Court of Appeals. (DC Official Code § 1-510.)

Nor did the issuance of the building permit start the time for filing this appeal. Although “[o]rdinarily, the building permit is the document that reflects a zoning decision”, *Basken v. D.C. Bd. of Zoning Adjustment*, 946 A.2d 356, 364 (D.C. 2008), that is not always the case. In *Basken* the Court of Appeals agreed with the BZA that an ambiguously worded building permit did not start the time for filing an appeal. The issue here is not the ambiguity of the building permit, but the fact that it could not authorize the erection of the signs at issue. Instead, a separate sign permit must be obtained, (*See* 12-A DCMR Appendix N § N101), and a separate zoning approval made. Since the building permit was not appealable, Ms. Blumenthal’s subsequent observation of the brackets is not relevant.

The Determination Letter is not appealable because it does not clearly signify a decision to approve the sign permit. This distinguishes the Determination Letter from the letter in the *Basken* decision. In the *Basken* letter, DCRA admitted error in issuing the building permit, but

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nonetheless stated that a certificate of occupancy would issue. Because that letter “clearly signified a decision not to withhold a certificate of occupancy”, 946 A.2d at 370, its issuance started the time for appeal. In contrast the Determination Letter makes no similar commitment as to the sign permit.”

The Board finds no reason why the Zoning Administrator should have based his decision upon anything other than the clear language of Condition 1.A.

Even if the Determination Letter started the 60-day clock, this appeal would remain timely filed. The Board rejects the Owner’s contention that Appellants were made aware of the Determination Letter through Mr. Collins’ February 10th email, which makes no reference to a written determination. In *Goto v. District of Columbia Bd. of Zoning Adjustment*, 423 A.2d 917 (D.C. 1980), the Court of Appeals confirmed the BZA’s view that only written decisions by District officials are appealable. Rather, that notice of the Determination Letter came in Mr. LeGrant’s February 28th email. Indeed, Mr. LeGrant’s February 19th email merely indicated that he had “previously discussed the issue with Chris Collins” and his February 25th email indicated that he would come to a decision by the end of the week. Appellants therefore had no basis to conclude that any decision had been made.

The motion to dismiss is therefore denied.

Merits of the Appeal

Included within Condition A.1 of the Modification Order was the following unequivocal directive:

Notwithstanding the notes on pages A1 and A2 of Exhibit 24 [each note indicated that the location and dimension of the signage was for illustrative purposes only], but subject to the flexibility allowed under Condition No. 7(e) (discussed at paragraph 43(b) in this Order), the hotel sign shall be above the hotel’s entrance on 22nd Street as shown on those pages and that the sign cannot be at a different location or be vertically mounted on the façade of the hotel or illuminated from within

The Board finds nothing ambiguous about this statement. There is to be a single hotel sign that may only be above the hotel’s entrance on 22nd Street and at no other location. The sign may not be vertically mounted on the façade of the hotel or illuminated from within. From this clear and unambiguous limitation, the Zoning Administrator nevertheless found permission to erect additional signs, all of which could be backlit.

In support of this conclusion, the Zoning Administrator relied upon an enlarged copy of Exhibit 36 that was not available to the Zoning Commission in the modification proceeding. The Board finds no basis for the Zoning Administrator’s resort to anything other than the clear language of Condition 1.A. And even when there may be an inconsistency between the text of a condition

and what is illustrated in an exhibit, the text of a condition should control unless there is compelling evidence of a contrary intent. No such evidence exists here,

Exhibit 36 was a PowerPoint presentation presented to the Zoning Commission at its October 27, 2011 hearing. As contained in the record, the slide on page 4 does not clearly depict the signage. As noted by the ZA:

[M]y first look at that ..., was boy, it's a difficult graphic to read. However, if you look, and we had to I think actually get a real clean copy of that to see exactly what was entailed, that exhibit clearly showed a sign at the top of the hotel.

(Transcript of Board of Zoning Adjustment Hearing, September 30, 2014, p. 114.) Further, the slide as shown to the Zoning Commission was visible for little more than 23 seconds.

The Board does not find that a fleeting depiction of additional hotel signs during a PowerPoint presentation and an undecipherable rendering of those same signs are sufficient to counter the Zoning Commission's unequivocal statement that no more than one hotel sign is allowed.

Instead, the Board finds it compelling that at every instance in the Order where signage was discussed, the Zoning Commission referenced Exhibit 24 at A1 and A2, which only included the one sign above the hotel entrance. Most telling, in Finding 43(b), when the Zoning Commission noted that it shared concerns with the Appellants regarding hotel signage, it only referenced those portions of Exhibit 24. This was the same Exhibit 24 that the ANC's response referenced in its request that the Order limit signage, which the Zoning Commission recognized in Finding 28. In fact, the Zoning Commission's Order used language almost identical to that language in Finding 28 from the ANC's response.

The Applicant also argued that because Appellants do not challenge the sign over the restaurant, as also shown in Exhibit 36, the Commission intended there to be more hotel signs than the one permitted in the Order. The fact that the Appellants chose to limit the scope of their appeal to the additional hotel signage does not counter the Board's conclusion that the signage appealed violates the Modification Order. The issue here is whether there can be more than one hotel sign, not to whether a restaurant sign was also permitted.

Finally, the Board notes that this is not an appeal of the ZA's interpretation of a Zoning Regulation, but of a Zoning Commission Order. The Chairman of the Zoning Commission participated in these deliberations and voted to reverse the ZA's interpretation. While the Board could disagree with even the Chairman's interpretation, his view and vote corroborates the Board's unanimous view that the ZA's interpretation was erroneous.³

³ Chairman Hood was unequivocal in stating his view:

MR. HOOD: I would just say, I just want to give another board member a chance. But I would just say that the way I see it, and if you look at the commission's original order, it specifically says -- and I think we're saying the same thing -- that the hotel sign shall be above the hotel's entrance. And it talks about one sign.
CHAIRPERSON JORDAN: That's right.

Based on the findings of fact and conclusion of law, the Board finds that Permit Number SG1400204 was issued in error and therefore **REVERSES** the determination of the Zoning Administrator to approve its issuance.

Vote on the Motion to Dismiss taken on October 28, 2014:

VOTE: 4-0-1 (Lloyd J. Jordan, Anthony J. Hood, S. Kathryn Allen (by absentee vote), and Marnique Y. Heath to DENY the Motion to Dismiss the Appeal, and Jeffrey L. Hinkle recused).

Vote on the Merits of the Appeal taken on October 28, 2014:

VOTE: 4-0-1 (Lloyd J. Jordan, Marnique Y. Heath, S. Kathryn Allen (by absentee vote), and Anthony J. Hood to GRANT the Appeal; Jeffrey L. Hinkle recused).

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: November 14, 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.

MR. HOOD: Okay. I think we're saying the same thing. So I think that's clear.

(Transcript of Board of Zoning Adjustment Meeting, October 28, 2014, pp. 21-22.)

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

Application No. 19131-A of Delta Sigma Theta Sorority, Inc., pursuant to 11 DCMR § 3103.2¹ for a variance from the non-profit organization requirements under § 217.1(b), and pursuant to § 3104.1 for a special exception from the non-profit organization requirements under § 217.1 to use an existing residential building for a non-profit office use in the D/DC/R-5-B District at premises 1711 New Hampshire Avenue, N.W. (Square 154, Lot 26).

HEARING DATE: December 8, 2015
DECISION DATE: December 8, 2015

CORRECTED SUMMARY ORDER²

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 8.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report indicating that at a public meeting on November 10, 2015, at which a quorum was present, the ANC voted 8-0-0 in support of the application. (Exhibit 27.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application (Exhibit 31), and testified in support of the application at the hearing. The District

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 provisions that were in effect on the date this Application was decided by the Board of Zoning Adjustment ("the 1958 Regulations"), but which were repealed as of September 6, 2016 and replaced by new text ("the 2016 Regulations"). The repeal of the 1958 Regulations has no effect on the validity of the Board's decision or the validity of this order.

² This Corrected Summary Order was issued to correct the final all-capitalized paragraphs of the Order, as they relate to the time period of validity. Because the Corrected Order was issued after the effective date of the 2016 Regulations, a footnote was also added to clarify that the repeal of the 1958 Regulations has no effect on the validity of the Order. This is the only change to the Order as originally issued.

Department of Transportation submitted a timely report, indicating that it had no objection to the approval of the application. (Exhibit 32.)

Variance Relief

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for a variance from the non-profit organizational requirements under § 217.1(b). 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, the Board concludes that 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 Zoning Regulations, and that the requested relief can be created without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to §§ 3104.1 and 217.1 for special exception approval for the proposed non-profit office use. 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 ANC and OP reports, the Board concludes that the Applicant has met the burden of proof under 11 DCMR §§ 3104.1 and 217.1, 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 § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED**.

VOTE: **4-0-1** (Marnique Y. Heath, Anthony J. Hood, Frederick L. Hill, and Jeffrey L. Hinkle to APPROVE; one Board seat vacant).

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

**BZA APPLICATION NO. 19131-A
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A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: December 14, 2015

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.

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. 19131-A
PAGE NO. 3**

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

Application No. 19368 of Lorenzo Wooten, pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the lot width and area requirements of Subtitle D § 302.1, and the side yard requirements of Subtitle D § 307.1, to construct a new one-family dwelling on a vacant lot in the R-1-B Zone at premises 3156 Monroe Street N.E. (Square 4309, Lot 800).

HEARING DATE: November 2, 2016
DECISION DATE: November 2, 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") 5C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. (Exhibits 38 and 39.)

The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 19, 2016, at which a quorum was present, the ANC voted 5-0 to support the application, but listed six limitations related to construction issues based on the concerns of the Applicant's adjacent neighbor at 3158 Monroe Street, N.E., Ms. NaThanya Ferguson. The ANC's limitations included the following:

1. The Applicant shall add Ms. Ferguson to his Contractor/Builders' insurance policy to protect her against any damage done to her property.
2. The Applicant shall take measures to prevent any water runoff into Ms. Ferguson's basement.
3. The Applicant shall monitor Ms. Ferguson's property for structural damage.
4. The Applicant shall ensure that any disturbance of Ms. Ferguson's property (such as landscaping) be returned to the approved project's pre-construction state.

5. Construction hours shall be between 8 a.m. and 4 p.m. Monday through Friday.

6. The Applicant shall establish a written agreement with Ms. Ferguson.

The Applicant testified that he would abide by the ANC's limitations and would continue to work with Ms. Ferguson and make best efforts to ensure that construction vehicles access the property from the alley and to address other construction-related concerns that arise.¹

The Office of Planning ("OP") submitted a timely report recommending approval of the side yard relief, but opining that variance relief for the lot area and width requirements was not required. (Exhibit 34.) During the public hearing, a representative from the Office of the Attorney General ("OAG") testified that variance relief for lot area and width requirements is needed in this case. Based on OAG's recommendation, OP provided testimony indicating that it would recommend approval of lot area and width relief, finding that the application has met the variance test for this aspect of the application as well. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the granting of the application. (Exhibit 32.)

Adjacent neighbor, Ms. NaThanya Ferguson, filed a letter to the record raising concerns regarding construction and privacy impacts. (Exhibit 35.)

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 lot width and area requirements of Subtitle D § 302.1, and the side yard requirements of Subtitle D § 307.1, to construct a new one-family dwelling on a vacant lot in the R-1-B 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 variances from 11 DCMR Subtitle D §§ 302.1 and 307.1, 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

¹ Because the limitations listed by the ANC are related to construction, they are outside the Board's jurisdiction and were therefore not adopted as conditions of the Order. Nonetheless, the Board has included the ANC's limitations in the text of the Order and notes that the Applicant has agreed to abide by those requirements.

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 36, AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall have minor flexibility to modify the window placement on the sides of the dwelling, based on his discussions with the owner of the property at 3158 Monroe Street, N.E.

VOTE: **3-0-2** (Frederick L. Hill, Anita Butani D'Souza, and Peter G. May, to APPROVE; Jeffrey L. Hinkle not participating and 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: November 15, 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.

BZA APPLICATION NO. 19368

PAGE NO. 3

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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 08-33F
Z.C. Case No. 08-33F
MIRV Holdings, LLC
(PUD Time Extension @ Parcel 121/31)
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 that meeting, the Commission approved the request of MIRV Holdings, LLC ("Applicant") for a time extension in which to file a building permit application for the consolidated planned unit development ("PUD"), approved by Z.C. Order Nos. 08-33 and 08-33A through 08-33D, until May 31, 2017. The property (Parcel 121/31) that is the subject of this application is located at the intersection of Irving Street, N.E. and Michigan Avenue, N.E. ("Property"). The time extension request was made pursuant to 11-Z DCMR § 705.2 of the District of Columbia Zoning Regulations.

FINDINGS OF FACT

BACKGROUND INFORMATION

1. Z.C. Case No. 08-33 included both a consolidated PUD approval and a first-stage PUD approval. The consolidated PUD project approved in Z.C. Order No. 08-33, which became final and effective on December 25, 2009, authorized the construction of a hotel, conference center, restaurant, parking structure, and retail space on the eastern half of the Property. The 314 room hotel (which includes a restaurant) and conference center has frontage along Michigan Avenue, N.E. and Irving Street, N.E. and a four-story above-grade structure along Michigan Avenue that will include retail uses at grade and in a basement level and 400 parking spaces. A 200-space surface parking lot on the northern portion of the Property was also approved in the consolidated PUD application. Z.C. Order No. 08-33 also authorized the PUD-related rezoning of the Property from unzoned (designated as GOV) to the C-3-A Zone District.
2. The first-stage PUD approval included two nine-story buildings with a measured building height of 94.5 feet (as measured from the curb at Irving Street) that will be no taller than 90 feet as measured from the finished grade at the building. The two buildings will be dedicated to either additional hotel and/or residential units and may include more space for conference center uses. A below-grade parking structure including 295 parking spaces is also included in the first-stage PUD approval. The first-stage PUD approval was effective until December 25, 2014.
3. On December 21, 2011, the Applicant filed an application requesting that the Commission grant a two-year time extension in which the Applicant was required to file a building permit application for the consolidated PUD and Zoning Map amendment application. Pursuant to ZC Order No. 08-33A, the Commission determined that the Applicant had met the relevant requirements and extended the time period in which the Applicant was required to file a building permit application for the consolidated PUD until December 25, 2013.

4. In the December 21, 2011 time extension application, the Applicant also requested approval to extend the period of the first-stage PUD approval. Pursuant to Condition No. 20 of Z.C. Order No. 08-33, the first-stage PUD approval was effective until December 25, 2014. The Applicant requested that the first-stage PUD approval be extended until December 25, 2016. In Z.C. Order No. 08-33A, the Commission denied the two-year time extension request for the first-stage PUD application approved in Z.C. Order No. 08-33. However, the Commission's denial was "without prejudice to the Applicant filing a renewed request once the issue becomes ripe."
5. On December 23, 2013, the Applicant filed a second time extension application which sought an additional two years, until December 25, 2015, in which time it would be required to file a building permit application to construct the approved Consolidated PUD. The Applicant also requested a one-year time extension of the approval of the first-stage PUD approval, so that the first-stage PUD approval would be extended until December 25, 2015. Pursuant to Z.C. Order No. 08-33B, the Commission determined that the Applicant had met the relevant requirements and extended the time period in which the Applicant was required to file a building permit application for the consolidated PUD and the first-stage PUD approval until December 25, 2015.
6. On June 29, 2015, the Applicant filed an application for a minor modification of the approved consolidated PUD plans (Z.C. Case No. 08-33C). At the Commission's July 24, 2015 public meeting, the Commission removed the minor modification request from its consent calendar, and instead set it down for a public hearing. The Commission held a public hearing on the modification application on September 24, 2015 and approved proposed action in support of the application at the conclusion of the public hearing. The Commission took final action to approve Z.C. Case No. 08-33C on November 9, 2015, and the Order formally approving the application became effective on December 11, 2015. (Exhibit ["Ex."] 2B4.) Among other things, the Order modified five of the conditions of approval contained in Z.C. Order No. 08-33. Through the issuance of Z.C. Order No. 08-33C(1), the Commission granted a motion for reconsideration filed by Advisory Neighborhood Commission ("ANC") 5E to insert references to Single-Member District ("SMD") 5E01 into three of the modified conditions. Z.C. Order No. 08-33C(1) became effective on March 18, 2016. (Ex. 2B5.)
7. On June 29, 2015 the Applicant requested that it be allowed until July 31, 2016 to file a building permit application to construct the consolidated PUD project that included the modifications approved in Z.C. Case No. 08-33C. Pursuant to Z.C. Order No. 08-33D, the Commission determined that the Applicant had met the relevant requirements and extended the time period in which the Applicant was required to file a building permit application for the consolidated PUD until July 31, 2016. (Ex. 2B6.)
8. On December 22, 2015, the Applicant filed an application requesting a one-year time extension of the approval of the first-stage PUD approval. The Applicant requested that the first-stage PUD approval be extended until December 25, 2016. The Commission

granted that request through the issuance of Z.C. Order. No. 08-33E, which became effective on March 11, 2016.

CURRENT REQUEST

9. On March 4, 2016, the Commission published a Notice of Final Rulemaking that repealed the existing version of Title 11 DCMR (the “1958 Regulations”) and adopted replacement text (the “2016 Regulations”), with both actions to become effective September 6, 2016.
10. On July 26, 2016, the Applicant filed the present time extension request, asking that it be allowed to file a building permit application for the consolidated PUD by May 31, 2017. (Ex. 1.) Because the request could not be considered until after the 2016 Regulations took effect, it became subject to the new regulations governing such requests.¹
11. The only party in the original case was ANC 5C. Due to the redistricting of the ANCs in accordance with the results of the 2010 Census, the Property is now located in ANC 5A. The ANC SMD Commissioner for the Property is Mr. Ronnie Edwards (ANC 5A05). Commissioner Edwards was the SMD Commissioner for the Property during the Commission’s review of Z.C. Case Nos. 08-33 and 08-33A-08-33D. The Applicant served ANC 5A with this time extension request. The Applicant also served this application on ANC 5E, the boundaries of which are located within 200 feet of the Property. (Ex. 1.)
12. There has been no substantial change of material facts that affect the Property since the Commission’s approval of the consolidated PUD and Zoning Map Amendment application in 2009 and the Commission’s approval of the modification of the consolidated PUD project in the Fall of 2015. (Ex. 1.)
13. The Property is encumbered with a 66-inch storm sewer pipe that is located 35 feet below the grade and runs diagonally across the site below a portion of the approved hotel and parking garage. This is a very large and very deep storm pipe, as a typical on-site storm sewer pipe ranges from 18-24 inches in diameter and is usually located 12-5 feet below grade. The Applicant has been actively meeting with DC Water representatives since December of 2014 to address the impacts that this storm sewer pipe has on the PUD project. The PUD project has been designed with deep foundations so that no building load will be imposed on the storm sewer pipe. The issue related to the storm pipe is solely related to the ability of DC Water to access the storm sewer pipe in case repairs are needed. (Ex. 1, 2C.)

¹ The consolidated PUD is considered a “vested project” pursuant to 11-A DCMR § 102.3(a) because the Commission’s unexpired approval occurred prior to the effective date of the 2016 Zoning Regulations. Such a project is “considered to have vested development rights” subject only to the 1958 Regulations. (See 11-A DCMR § 102.1.) However, there is a difference between development rights and a request to extend those rights. In the latter instance, such requests are subject to the standards and procedures in place when the request is decided.

14. The Applicant obtained a proposal to determine the costs of relocating this very large storm pipe off-site. That proposal noted costs ranging from approximately \$4.6 million to \$5.3 million. Due to these significant cost projections the Applicant has been forced to look at ways in which the storm sewer pipe could remain in its current location, while allowing DC Water the ability to access the storm sewer pipe (in case repairs are necessary) and still allow the Applicant the ability to finance the PUD project². The Applicant also explored several options with DC Water for maintaining the storm sewer pipe in place. Throughout 2015 and into 2016, the Applicant worked with its engineering consultants and DC Water representatives to create a solution to this issue that will satisfy the needs of all parties. The question of the easement access was not fully addressed between the parties until the end of 2015. To ensure against future failure and thus mitigate the potential for future access for repair, more elaborate improvements to the existing storm sewer pipe were deemed necessary by DC Water. These additional improvements include adding special reinforcement to the proposed spiral lining, rebuilding the brick culvert that the storm sewer pipe feeds into, and the addition of a six-foot diameter manhole to facilitate future access for repair. The Applicant noted that these new requirements have extended the design time for the necessary permit drawings, while adding considerable cost to the work necessary to meet DC Water's newly established requirements. (Ex. 1, 2C.)
15. The Applicant's current estimate for this remediation work could be as much as \$1.9 million. Although the Applicant has been working diligently with DC Water representatives to craft a solution that will satisfy DC Water requirements and allow the Applicant to secure adequate financing, the Applicant and DC Water do not yet have a final agreement on this remediation work. The Applicant believed that the resolution of these final issues can be achieved within 60 to 90 days of the filing of the time extension request, and then the actual design of the building foundation can begin. The Applicant cannot proceed with the foundation design until all of the issues regarding final design and the wording of the easement are fully resolved with DC Water. (Ex. 1, 2C.)
16. The Applicant requested a waiver from 11-Z DCMR § 705.5, which limits an applicant to no more than two time extensions, with the second time extension limited to no more than one year. The Applicant argued that it is appropriate for the Commission to grant this waiver due to the Commission's review and approval of the modifications of the hotel and conference center within the last year (the public hearing was held on September 24, 2015 and the decision to approve the modification was made at the November 9, 2015 Public Meeting) and the Applicant's diligent efforts to address the DC Water issues discussed above. The Applicant also noted that this is a large project that faces unique circumstances given the ownership of the Property (Federal ownership with a transfer of jurisdiction to the District) and the large, deep sewer pipe on the Property. (Ex. 1.)

² DC Water representatives initially requested an above-grade easement that would extend 50 feet over the location of the storm pipe. If the Applicant were required to grant such an easement to DC Water, the PUD project would not be able to obtain financing.

17. In its August 25, 2016 report to the Commission, the Office of Planning (“OP”) recommended approval of the PUD time extension request. OP concluded that the Applicant satisfied the relevant standards of 11-Z DCMR § 705.2 and that the granting of the waiver of 11-Z DCMR § 705.5 was appropriate. (Ex. 5.)
18. ANC 5A did not provide a response to this request and there were no other documents filed in the record of this case.

CONCLUSIONS OF LAW

The Commission may extend the time period of an approved PUD provided the requirements of 11-Z DCMR § 705.2 are satisfied. Subsection 705.2(a) requires that the applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. The only party in the original case was ANC 5C. Due to the redistricting of the ANCs in accordance with the results of the 2010 Census, the Property is now located in ANC 5A. ANC 5A was served with this time extension request, as was ANC 5E, the boundaries of which are located within 200 feet of the Property. Neither ANC 5A or ANC 5E responded to this request.

11-Z DCMR § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the original PUD. Based on the information provided by the Applicant and OP, the Commission concludes that extending the time period of approval for the consolidated PUD is appropriate, as there are no substantial changes in the material facts that the Commission relied on in approving the original consolidated PUD application.

11-Z DCMR § 705.2(c) requires that the applicant demonstrate with substantial evidence one or more of the following criteria:

- (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 PUD order because of delays in the governmental agency approval process that are beyond the applicant’s reasonable control; or
- (3) 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.

The Commission finds that there is good cause shown to extend the period of time in which the Applicant is required to file a building permit application for the hotel and conference center project approved in the consolidated PUD application. The Commission finds that the existence of the very large and very deep sewer pipe, and the Applicant’s negotiations with DC Water to address the easement issues related to that sewer pipe, are appropriate factors that prevent the

Applicant from filing the building permit application prior to July 31, 2016. The Commission believes that granting the time extension request until May 31, 2017 is an appropriate amount of time to allow the Applicant and DC Water to address the pertinent issues and allow the Applicant to move forward with the preparation of the building permit application materials. For these reasons, the Commission finds that the Applicant has satisfied the requirements of 11-Z DCMR § 705.2(c)(3).

In regard to the Applicant's request for a waiver from 11-Z DCMR § 705.5, the Commission may, for good cause shown, waive any of the provisions of Subtitle Z if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law. (*See* 11-Z DCMR § 101.9.) The Commission agrees with the Applicant's argument that good cause exists for permitting this additional two-year extension, given all of the significant work and expense that the Applicant has engaged in. Since the only other party (ANC 5A) has taken no position on the merits of the requested extension, the Commission finds that its rights will not be prejudice through the grant of this waiver.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP recommendations. OP recommended approval of the time extension request and granting the waiver from Subtitle Z § 705.5, the Commission concurs in its recommendation.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a time extension of the consolidated PUD application approved in Z.C. Order Nos. 08-33, 08-33A, 08-33B, 08-33C, and 08-33D. The consolidated PUD approved by the Zoning Commission shall be valid until May 31, 2017, within which time the Applicant will be required to file a building permit application to construct the approved consolidated PUD, and construction of the Consolidated PUD must start no later than May 31, 2018.

On September 12, 2016, upon motion of Vice Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** this application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Third Mayoral Appointee position vacant, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9 this Order shall become final and effective upon publication in the *D. C. Register* on November 25, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03G
Z.C. Case No. 11-03G
Wharf District Master Developer, LLC
(Minor Modification to Second-Stage PUD @ Southwest Waterfront, Parcel 3A)
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 considered an application from Wharf District Master Developer, LLC, an affiliate of Hoffman-Struever Waterfront, LLC ("Applicant") for a modification to an approved second-stage planned unit development ("PUD") for Parcel 3A of the Southwest Waterfront redevelopment project ("Application"). For the reasons stated below, the Commission approved the Application pursuant to 11-Z DCMR § 703, which permits the Commission to make minor modifications to orders without a public hearing.

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 11-03, dated October 17, 2011, effective December 16, 2011, the Commission approved the first-stage PUD and related map amendment for the Southwest Waterfront redevelopment project ("Stage 1 PUD").
2. The Southwest Waterfront redevelopment project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC ("HSW"), which entered into a land disposition agreement for redevelopment of the Southwest Waterfront.
3. The Southwest Waterfront redevelopment project site is generally bounded by the Maine Avenue Municipal Fish Market and Francis Case Memorial Bridge (part of the 14th Street bridge complex) to the northwest, Maine Avenue to the northeast, the Washington Channel to the southwest, and N and 6th Streets, S.W. on the southeast.
4. Pursuant to the first-stage PUD approval, the Commission approved the development parameters for the Southwest Waterfront redevelopment project. Overall, the Commission approved a maximum landside density of 3.87 floor area ratio ("FAR"), excluding private rights-of-way, or a combined gross floor area ("GFA") of approximately 3,165,000 square feet. Waterside uses were approved for a maximum potential density of 0.68 FAR, or approximately 114,000 square feet of GFA. (See Z.C. Order No. 11-03, Condition Nos. A-1 and A-2 at p. 33.)
5. Pursuant to Z.C. Order No. 11-03A(2), dated January 14, 2013, effective February 15, 2013, the Commission approved a second-stage PUD for Parcel 3A, Parcel 3B, District Pier, Pier and Avenue Mews, and adjacent spaces ("Parcel 3 PUD"). The requested modification only pertains to Parcel 3A.
6. According to the Z.C. Order No. 11-03A(2), the Commission approved an 11-story commercial office building on Parcel 3A, with a maximum height of 130 feet, and

containing approximately 224,609 square feet of GFA devoted to office uses, and approximately 11,271 square feet of GFA devoted to ground-floor retail and service uses (“Parcel 3A Building”).

7. By letter dated July 19, 2016 (Exhibit [“Ex.”] 1), the Applicant requested modifications to the Parcel 3A Building to add penthouse habitable space within a portion of the previously approved Parcel 3A Building penthouse, and to make related modifications to the penthouse façades and add an outdoor rooftop terrace area to accommodate the new penthouse habitable space. The architectural drawings showing the proposed modification are included in the case record. (Ex. 2B.)
8. The Applicant proposes to modify the design and use of the Parcel 3A Building penthouse by adding approximately 3,468 GFA of penthouse habitable space, which is intended to be communal space for use by the tenants and owners of the Parcel 3A Building. The Applicant is also proposing to add an outdoor terrace area on the portion of the roof level adjacent to the proposed penthouse habitable space. To accommodate the proposed penthouse habitable space, the Applicant is also proposing refinements to the design of the Parcel 3A Building penthouse façades. These refinements consist of adding glass storefront and installing small light fixtures to the north, west, and south penthouse façades. No changes are proposed to the east penthouse façade. The materials proposed for the revised penthouse façades are consistent with the materials approved for the Parcel 3A Building.
9. At the time the Application was filed, the provision of Title 11 DCMR that governed the granting of minor modifications was 11 DCMR § 3030. When the Application was scheduled for consideration, the relevant provision had become 11-Z DCMR § 703.
10. The Office of Planning (“OP”) submitted a report dated September 2, 2016, in support of the Application. (Ex. 6.) The OP report stated that the shape of the penthouse would not change, and it would continue to meet all required setbacks except in the areas where the Commission had previously granted flexibility. OP found that the proposed modification was properly considered “minor” and would also be consistent with the Commission’s original approval of the Parcel 3 PUD. OP therefore recommended that the Commission approve the requested minor modification.
11. The affected Advisory Neighborhood Commission (“ANC”) for this application was ANC 6D, which did not submit a written recommendation to the Commission. Single Member District (“SMD”) Commissioner Andy Litsky, SMD 6D04, submitted a letter dated April 14, 2016, noting, in relevant part, that on March 14, 2016, the Applicant provided an information presentation to ANC 6D on its proposed plans to add penthouse habitable space to the previously approved building located on Parcel 3A. Commissioner Litsky further noted that the height of the Parcel 3A penthouse structure remains the same as previously approved by the Commission, and the penthouse footprint is either the same

as previously approved, or where it may have changed slightly, still maintains the required 1:1 setback.

12. Pursuant to former § 3030.6, now 11-Z DCMR § 703.13, the Applicant informed the Gangplank Slipholders Association (“GPSA”), a party in support of the Parcel 3 PUD, of the requested modification by serving the GPSA with a copy of the Application. The GPSA did not submit any comments to the Commission.
13. On September 12, 2016, the Commission held a public meeting to consider the requested modification to the Parcel 3 PUD. At the meeting, the Commission voted to approve the Application for a modification to the plans approved for the Parcel 3A Building in Z.C. Order No. 11-03A(2).

CONCLUSIONS OF LAW

This application was filed pursuant to former 11 DCMR § 3030, which was repealed effective September 6, 2016 and replaced by 11-Z DCMR § 703. Pursuant to Subtitle Z § 703.1, the Commission, in the interest of efficiency, is authorized to make minor modifications to orders without a public hearing. Minor modifications are “modifications that do not change the material facts upon which the Commission based its original approval of the application.” (11-Z DCMR § 703.2.) In addition, former § 411.24 of Title 11 DCMR, now 11-C DCMR § 1504.3, permitted a request to add penthouse habitable space to building approved as a PUD prior to January 8, 2016 to be filed as a minor modification. The Application met the filing requirements of former § 411.25.

The Commission concludes that the requested modification as depicted in Exhibit 2B of the record are minor within the meaning of Subtitle Z § 703.2. The requested modification does not affect the essential elements of the Parcel 3 PUD approval, including use, height, bulk, parking, or lot occupancy and is not inconsistent with the plans approved for the Parcel 3A Building in Z.C. Order No. 11-03A(2).

The Commission therefore concludes that approving the requested modification to the Parcel 3 PUD without a public hearing is consistent with the meaning and intent of 11-Z DCMR § 703. Further, the Commission concludes that its decision to approve the requested modification 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 Commission is required by § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the recommendations of OP. OP recommended approval of this application as a minor modification, and the Commission concurs in this recommendation.

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 affected ANC's recommendations. The ANC did not submit a formal written recommendation to the Commission.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission **ORDERS APPROVAL** of the application for modifications to the plans approved for Parcel 3A of the Parcel 3 PUD, such that Condition No. A.1 of Z.C. Order No. 11-03A(2) is modified to read as follows with the additional text shown in bold and underlined:

1. The Parcel 3 PUD shall be developed substantially in accordance with the Parcel 3 and related plans (Volume II) prepared by Perkins Eastman Architects, dated August 21, 2012, marked as Exhibit 203A in the record, as updated by Exhibit 219, **and as revised by the plans dated July 18, 2016, marked as Exhibit 2B of the record in Case No. 11-03G**; and as modified by the guidelines, conditions, and standards herein.

On September 12, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission **APPROVED** this Application 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 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on November 25, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03I
Z.C. Case No. 11-03I
Wharf District Master Developer, LLC
(Minor Modification to Second-Stage PUD @ Southwest Waterfront, Parcel 5)
October 17, 2016

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on October 17, 2016. At the meeting, the Commission considered an application from Wharf 5 Hotel REIT Leaseholder, LLC, an affiliate of Hoffman-Struever Waterfront, LLC ("Applicant") for a modification to an approved second-stage planned unit development ("PUD"), and related special exception relief, for Parcel 5 of the Southwest Waterfront redevelopment project ("Application"). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that the Application was properly before it under the provisions of 11-C DCMR § 1504.3 and 11-Z DCMR § 703.

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 11-03, dated October 17, 2011, effective December 16, 2011, the Commission approved the first-stage PUD and related map amendment for the Southwest Waterfront redevelopment project.
2. The Southwest Waterfront redevelopment project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC ("HSW"), which entered into a land disposition agreement for redevelopment of the Southwest Waterfront.
3. The Southwest Waterfront redevelopment project site is generally bounded by the Maine Avenue Municipal Fish Market and Francis Case Memorial Bridge (part of the 14th Street bridge complex) to the northwest, Maine Avenue to the northeast, the Washington Channel to the southwest, and N and 6th Streets, S.W. on the southeast.
4. Pursuant to the first-stage PUD approval, the Commission approved the development parameters for the Southwest Waterfront redevelopment project. Overall, the Commission approved a maximum landside density of 3.87 floor area ratio ("FAR"), excluding private rights-of-way, or a combined gross floor area ("GFA") of approximately 3,165,000 square feet. Waterside uses were approved for a maximum potential density of 0.68 FAR, or approximately 114,000 square feet of GFA. (See Z.C. Order No. 11-03, Condition Nos. A-1 and A-2 at p. 33.)
5. Pursuant to Z.C. Order No. 11-03B, dated May 13, 2013, effective June 21, 2013 ("Parcel 5 Order"), the Commission approved a second-stage PUD for Parcel 5 ("Parcel 5 PUD").
6. According to the Parcel 5 Order, the Commission approved a mixed-use building containing hotel and retail uses with a maximum height of 110 feet, designed as a "U-shaped" structure comprised of a 20-foot-tall retail/service plinth and 90 feet of hotel and

amenity space, with the hotel consisting of an extended-stay hotel and a limited-service hotel (“Parcel 5 Building”).

7. Pursuant to Z.C. Order No. 11-03D, dated October 19, 2015, effective January 15, 2016 (“Order No. 11-03D”), the Commission approved minor modifications to the Parcel 5 Building (“Modified Parcel 5 Order”).
8. According to the Modified Parcel 5 Order, the modifications to the Parcel 5 Building approved by the Commission related to interior space and square footage adjustments within the building envelope; penthouse and pool changes on the rooftop; and building façade adjustments within the interior elevated courtyard. As part of the approved modifications, the Commission approved approximately 2,156 square feet of GFA of penthouse habitable space devoted to communal rooftop recreation located within a portion of the Parcel 5 Building penthouse. The Parcel 5 Building height and density remained consistent with that which was initially approved under Order No. 11-03D, and none of the modifications changed the exterior footprint of the Parcel 5 Building. Overall, the modifications resulted in a reduction in total GFA compared to what was initially approved by the Commission.
9. By letter dated August 29, 2016 (Exhibit [“Ex.”] 1), the Applicant requested modifications to the Parcel 5 Building to modify the use of the penthouse habitable space that was approved under the Modified Parcel 5 Order for communal rooftop recreation space, and to make related modifications to the penthouse façades and rooftop terrace to accommodate the modified use.
10. Specifically, the Applicant proposes to devote the communal rooftop recreation space approved under the Modified Parcel 5 Order to a restaurant/bar use. The proposed restaurant/bar use will be located in the same location of the Parcel 5 Building penthouse as the previously approved communal rooftop recreation space, and occupy the same amount of GFA, approximately 2,156 square feet. To accommodate the proposed restaurant/bar use, the Applicant is also proposing modifications to the east façade of the of the Parcel 5 Building penthouse. The modifications to the east penthouse façade include replacement of a small portion of glazing with metal panel cladding to accommodate a trellis that is proposed on the rooftop terrace. In addition, additional glazing will be added to a portion of the east façade along a corridor located north of the rooftop terrace. No other changes are proposed to any other penthouse façades, nor are there any changes proposed to the materials that will be used on the Parcel 5 Building penthouse. In addition, no changes are proposed to the penthouse height and setbacks that were previously approved by the Commission under the Parcel 5 Order and Modified Parcel 5 Order.
11. To accommodate the proposed restaurant/bar use, the Applicant is proposing modifications to the rooftop terrace located along the east side of the Parcel 5 Building. Specifically, the Applicant is proposing to modify the two areas of the rooftop terrace

located adjacent to the proposed restaurant/bar use. At the south end of the terrace, adjacent to the main restaurant/bar space, the Applicant is proposing an outdoor seating area that includes permanent and temporary outdoor furnishings that will primarily consist of sofa modules, movable tables, fire pits, planters, and a trellis structure. This area will be paved with typical precast roof pavers. To the north, the Applicant is proposing a boardwalk that meanders through “garden-like” planted areas with seating consisting of movable tables and chairs.

12. Pursuant to 11-C DCMR § 1500.3(c), the proposed restaurant/bar use is only permitted in the Parcel 5 Building penthouse if approved as a special exception pursuant to the general special exception criteria contained in Subtitle X, Chapter 9, which require the Applicant to demonstrate that: (i) the proposed restaurant/bar use will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps; (ii) will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and (iii) will meet such special conditions as may be specified in the Zoning Regulations (11-X DCMR § 901.2(a) – (c)). As part of the Application, the Applicant requested the required special exception and demonstrated how the request met the general special exception criteria noted above.
13. The Office of Planning (“OP”) submitted a report dated October 7, 2016, in support of the Application. (Ex. 7). The OP report stated that OP finds that the proposed modification consists of modest changes to the use and appearance of the rooftop of the Parcel 5 Building, and would not change the material facts upon which the Commission based its original decision. Therefore, OP stated that it strongly supports the proposed modification as the proposed restaurant/bar use would be in keeping with the overall design intent of the Wharf and complementary to the hotel uses in the Parcel 5 Building. In addition, pursuant to 11-C DCMR § 1500.3(c), OP noted that the Applicant has demonstrated compliance with the general special exception criteria as is required for the restaurant/bar use proposed within the Parcel 5 Building penthouse.
14. By letter dated September 18, 2016, Advisory Neighborhood Commission 6D (“ANC”) submitted a formal report to the Commission stating that at a regularly scheduled and properly noticed meeting on September 12, 2016, with a quorum present, the ANC unanimously voted 6-0-0 in support of the Application. (Ex. 5.) In its report, the ANC stated that the proposed restaurant/bar will not have any adverse zoning impacts on light, air, and noise to the neighboring community.
15. Pursuant to 11-Z DCMR § 703.13, the Applicant informed the Gangplank Slipholders Association (“GPSA”), a party in support of the Parcel 5 second-stage PUD, of the requested modification by serving the GPSA with a copy of the Application. The GPSA submitted a letter in support of the Application, dated October 4, 2016, stating that the proposed restaurant/bar will have minimal impact on the GPSA waterside community. (Ex. 6).

16. The Capital Yacht Club (“CYC”) submitted a letter in support of the Application, dated October 1, 2016, stating that the proposed restaurant/bar use will have minimal adverse impact on the CYC yacht club community. (Ex. 8).
17. On October 17, 2016, the Commission held a public meeting to consider the modification request. The Commission voted to approve the Application for a modification to the plans approved for the Parcel 5 Building in Z.C. Order No. 11-03B, as modified in Z.C. Order No. 11-03D.

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1¹, the Commission, in the interest of efficiency, is authorized to make minor modifications to orders and approved plans without a public hearing. Minor modifications are “modifications that do not change the material facts upon which the Commission based its original approval of the application.” (11-Z DCMR § 703.2.) In addition, 11-C DCMR § 1504.3 permits a request to add penthouse habitable space to a building approved as a PUD prior to January 8, 2016 to be filed as a minor modification. The Applicant met the related filing requirements of 11-C DCMR § 1504.4.

The Commission concludes that the requested modifications depicted in Exhibit 2C of the record do not change the material facts upon which the Commission based its original approval of the Parcel 5 PUD. The requested modifications do not affect the essential elements of the Parcel 5 PUD approval, including use, height, bulk, parking, or lot occupancy. The modifications are not inconsistent with the plans approved for the Parcel 5 Building in Z.C. Order No. 11-03B, as modified in Z.C. Order No. 11-03D, the intent of 11-X DCMR § 311.9 or 11-Z DCMR § 703, nor the Comprehensive Plan. Moreover, the modifications are consistent with the intent of the Commission’s approval of the Parcel 5 PUD approved pursuant to Z.C. Order No. 11-03B, as modified pursuant to Z.C. Order No. 11-03D.

The Commission finds that the Applicant has met its burden to show that the restaurant/bar use proposed within the Parcel 5 Building penthouse meets the general special exception criteria contained in Subtitle X, Chapter 9 of Title 11 DCMR. Based on the evidence provided by the Applicant, and the reports from DCOP, the ANC, GPSA, and CYC, the Commission finds that the special exception relief requested by the Applicant can be granted by the Commission since the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, and no other criteria or conditions are applicable to the requested special exception.

The Commission concludes that its decision to approve the requested modification to the Parcel 5 PUD, and related special exception to allow a restaurant/bar use within a portion of the Parcel

¹ This application was filed pursuant to former § 11 DCMR § 3030, which was repealed effective September 6, 2016.

5 Building penthouse and on the adjacent rooftop terrace, 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 Commission is required by § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the recommendations of OP. OP recommended approval of the Application as a minor modification, and the Commission concurs in this recommendation.

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 affected ANC's recommendations. The ANC recommended approval of the Application, and the Commission concurs in this recommendation.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission **ORDERS APPROVAL** of the Application for a modification to the Parcel 5 PUD, and a related special exception to allow a restaurant/bar use within a portion of the Parcel 5 Building penthouse and on the adjacent rooftop terrace, such that Condition No. A.1 of Z.C. Order No. 11-03B is modified to read as follows with the additional text shown in bold and underlined and a new Condition No. A.7 is added to read as follows:

1. The PUD shall be developed with an extended-stay and limited-service hotel with retail and service uses substantially in accordance with the architectural plans prepared by SmithGroup JJR Architects, dated February 8, 2013, and marked as Exhibit 17A in the record, as revised by Exhibit 34A, and as revised by the plans dated September ~~19~~ **18**, 2015, marked as Exhibit 6 of the record in Z.C. Case No. 11-03D, **and as further revised by the plans dated August 29, 2016, marked as Exhibit 2C of the record in Z.C. Case No. 11-03I** (collectively, the "Plans"), and as modified by the guidelines, conditions, and standards herein.²

....

7. The Applicant is permitted to establish a restaurant/bar use within the Parcel 5 Building penthouse and on the rooftop terrace consistent with the Plans.

On October 17, 2016, upon the motion of Vice Chairman Miller, as seconded by Chairman Hood, the Zoning Commission **APPROVED** the Application at its public meeting by a vote of

² As part of this Order the Commission is also including a technical correction to the date of the plans referred to in the order issued in Z.C. Case No. 11-03D. In that case, which the Commission approved as a minor modification on October 19, 2015, the approved plans are dated September 18, 2015. (See Z.C. Case No. 11-03 D, Exhibit 6.) However, the final order issued in that case incorrectly states that the approved plans are dated September 19, 2016.

4-0-1 (Anthony J. Hood, Robert E. Miller, Peter G. May to approve; Michael G. Turnbull to approve by absentee ballot; Third Mayoral Appointee position vacant, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on November 25, 2016

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-05A
Z.C. Case No. 13-05A
Forest City Washington
(PUD Time Extension @ Squares 744S and 744SS)
March 14, 2016

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on March 14, 2016. At that meeting, the Commission approved the application of Forest City Washington for a time extension in which to file a building permit application for the consolidated planned unit development (“PUD”), approved by Z.C. Order No. 13-05, until February 7, 2018 (“Application”). The Commission denied a time extension for the first-stage PUD approved by the Commission in Z.C. Order No. 13-05 as being premature. The property (Square 744S, part of Lot 805, and Square 744SS, part of Lot 801) that is the subject of this Application is bordered by N Place, S.E. on the north, 1st Street, S.E. on the west, the Anacostia River on the south, and property used by District of Columbia Water and Sewer Authority (“WASA”) operations on the east (“Property”). The time extension requests were made pursuant to Chapters 24 of Title 11 DCMR¹

FINDINGS OF FACT

BACKGROUND INFORMATION

1. Z.C. Case No. 13-05 included both a consolidated PUD approval and a first-stage PUD approval. The consolidated PUD project approved in Z.C. Order No. 13-05, which became final and effective on February 7, 2014, authorized the construction of a movie theater and parking garage structure in the northeastern corner of the Property (such property known as the “F1 Parcel”). The consolidated PUD approval was effective for two years from the effective date of the Order (that is, until February 7, 2016).
2. The first-stage PUD approval included three additional parcels located along 1st Street, S.E. and known as the G1, G2, and G3 Parcels, which will be developed with a mix of residential and retail uses. The first-stage PUD approval is effective for 12 years from the effective date of the Z.C. Order No. 13-05 (that is, until February 7, 2026).
3. Z.C. Order No. 13-05 also authorized the PUD-related rezoning of the Property from the CG/W-2 Zone District to the CG/CR and CG/W-1 Zone Districts. (The entirety of the F1 Parcel was rezoned to the CG/CR Zone District.)
4. On February 5, 2016, the Applicant filed a request asking that the Commission grant a two-year time extension in which the Applicant was required to file a building permit

¹ Chapter 24 and all other provisions of Title 11 DCMR were repealed on September 6, 2016. Chapter 24 is now Chapter 3 of DCMR Title 11-X. The repeal of Chapter 24 and the adoption of the replacement provisions has no effect on the validity of the Commission’s decision or the validity of this Order

- application for the consolidated PUD and Zoning Map Amendment application. The Applicant also requested that the Commission extend the first-stage PUD and Zoning Map Amendment for an additional two years. (Exhibit [“Ex.”] 1.)
5. The Applicant served the extension request on the two parties to the application, ANC 6D and WASA. (Ex. 1.) The Commission provided both parties at least 30 days to respond, and WASA filed a response in support of the extension on March 5, 2016.
 6. In a signed affidavit, the Applicant indicated that since the approval of the PUD, the Applicant proceeded diligently and in good faith to realize the Project. Actions taken included: negotiating and entering into a lease with the theater operator; modifying the design of the Project to accommodate the needs of the theater operator; negotiating and executing a Land Disposition Agreement with the District of Columbia, and securing approval from the DC Council for the same; and working with the Deputy Mayor for Planning and Economic Development (“DMPED”) and WASA on the relocation of existing WASA operations from the Property, which is required in order to effectuate the PUD. (Ex. 1B.)
 7. The Applicant explained that the relocation of WASA operations is not within the Applicant’s control, but instead must be undertaken by DMPED and WASA. The relocation requires the evaluation, identification, and agreement on alternative locations; determination of the scope and responsibility for the development of replacement facilities; the design, permitting, and relocation of the replacement facilities; and relocation of WASA to the replacement facilities. The Applicant noted that to date one relocation site had been identified and closed on, and another relocation site had been identified and was under negotiation. The additional steps still needed to be undertaken. Relocation of one of WASA’s operations will permit the development of the F1 Parcel. The Applicant explained that it had been meeting regularly with DMPED and WASA to assist in the relocation efforts. (Ex. 1B.)
 8. The Applicant indicated that to date it had expended approximately \$1,826,000 on the negotiation of the theater lease and LDA, refinement of the design of the F1 Parcel, and assistance in WASA relocation efforts. (Ex. 1B.)
 9. In its letter of support, WASA raised issues regarding property access and coordination between the Project and WASA’s PUD approving the construction of a new office headquarters on adjacent Property. (Ex. 6.) In a supplemental letter, the Applicant explained that such issues were outside the bounds of the Zoning Regulations and would be worked out among DMPED, WASA, and the Applicant. (Ex. 7.)
 10. The Applicant explained that the additional time would allow the Applicant to finish the refinements to the plans, and it would allow DMPED and WASA to complete relocation activities needed to move forward with the development of the F1 Parcel.

11. The Commission did not receive a report from either the Office of Planning or Advisory Neighborhood Commission (“ANC”) 6D.

CONCLUSIONS OF LAW

The Commission may extend the time period of an approved PUD provided the requirements of 11 DCMR §§ 2408.10 and 2408.11 are satisfied. Subsection 2408.10(a) requires that the applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. The parties in Z.C. Case No. 13-05 were ANC 6D and WASA. ANC 6D and WASA were each properly served with this time extension request and WASA submitted a letter evidencing its support for this Request.

Subsection 2408.10(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission’s justification for approving the original PUD. Based on the information provided by the Applicant, the Commission concludes that extending the time period of approval for the consolidated PUD is appropriate, as there are no substantial changes in the material facts that the Commission relied on in approving the original consolidated PUD application.

Subsection 2408.10(c) requires that the applicant demonstrate with substantial evidence that there is a good cause for the proposed extension, as provided in § 2408.11. Pursuant to § 2408.11, an extension of validity of a PUD may be granted if the applicant has demonstrated with substantial evidence one or more of the following criteria:

- (a) An inability to obtain sufficient project financing for the PUD, 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;
- (b) An inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD 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 PUD order.

The Commission finds that there is good cause shown to extend the period of time in which the Applicant is required to file a building permit application for the F1 Parcel component of the PUD. The time needed to relocate WASA operations is beyond the Applicant’s reasonable control and has rendered the Applicant unable to comply with the time limits of the PUD order for the consolidated PUD. For these reasons, the Commission finds that the Applicant has satisfied the requirements of 11 DCMR § 2408.11(a) regarding the application for a time extension of the consolidated PUD.

The first-stage PUD application approved in the Order is effective until February 7, 2026. The Commission concludes that the request for extension of the first-stage PUD is premature at this time, given the length of time remaining for the first-stage PUD. The Commission's denial is without prejudice to the Applicant filing a renewed request should the issue become ripe.

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. As noted above, ANC 6D was properly served with this time extension request but did not submit a report.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP recommendations. OP did not submit a report regarding the Application.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a time extension of the consolidated PUD approved in Z.C. Order No. 13-05. The consolidated PUD approved by the Commission shall be valid until February 7, 2018, within which time the Applicant will be required to file a building permit application to construct the approved consolidated PUD, and construction of the consolidated PUD must start no later than February 7, 2019.

The Commission **ORDERS DENIAL** of a time extension of the first-stage PUD approved in Z.C. Order No. 13-05 at this time. The first-stage PUD approved by the Commission remains valid until February 7, 2026. This denial is without prejudice to the Applicant requesting a time extension closer to the expiration date should it believe that additional time is needed to file any remaining second-stage applications.

On March 14, 2016, upon motion by Commissioner Turnbull, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the Application to extend the consolidated PUD and **DENIED** the Application to extend the first-stage PUD at its public meeting by a vote of **5-0-0** (Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and deny; Anthony J. Hood to approve and deny by absentee ballot).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register* on November 25, 2016.

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-05B
Z.C. Case No. 13-05B
Forest City Washington
(Modification of Consolidated PUD @ Squares 744S and 744SS)
September 19, 2016

Pursuant to proper notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on September 19, 2016 to consider an application by Forest City Washington (“Applicant”) for review and approval of a modification to an approved planned unit development (“PUD”) located at Square 744S, part of Lot 805 and Square 744SS, part of Lot 801 (“Property”). This application was set down for hearing prior to the repeal of the existing text of Title 11 of the District of Columbia Municipal Regulations (“DCMR”) and the adoption of replacement text effective September 6, 2016. Therefore, even though the Commission heard the case after September 6, 2016, the Commission considered the modification pursuant to the standards set forth in former Chapters 24 of Title 11. Nevertheless, the public hearing was conducted in accordance with the provisions of new § 408 of Title 11-Z DCMR. The Commission approves the modification, subject to the conditions below.

FINDINGS OF FACT

1. By Z.C. Order No. 13-05, dated December 9, 2013, the Commission approved a consolidated PUD and related amendment to the Zoning Map to permit the construction of a movie theater and parking garage on the northeastern portion of the Property, along N Place, S.E. (“Project”). The northeastern portion of the Property is known as the F1 Parcel. The Commission also approved a first-stage PUD for three additional parcels located along 1st Street, S.E., which will be developed with a mix of residential, retail, and park uses. The Commission authorized the rezoning of the Property to the CG/CR and CR/W-1 Zone Districts. The entirety of the F1 Parcel was rezoned to the CG/CR Zone District.
2. On March 14, 2016, the Commission voted to approve a two-year extension for the consolidated PUD for the F1 Parcel.
3. On April 22, 2016, the Applicant submitted an application for modification of the approved PUD in order to request certain changes to the approved plans and conditions (“Modification”). Specifically, the Applicant requested:
 - a. A change in the number of parking spaces. The Project was approved with 331 parking spaces. In the application, the Applicant requested a change to 323 parking spaces, but in a supplemental submission, the Applicant revised the requested amount of parking to 333 parking spaces;
 - b. Modifications to the building design and materials selection, as shown on the plans, in order to accommodate the operational needs of the theater;

- c. Modification to the proposed streetscape materials, as shown on the plans, in order to accommodate potential truck traffic on the adjacent street network;
 - d. Modifications to the roof plan, as shown on the plans, in order to accommodate the operational needs of the theater; and
 - e. Modification to Condition 9 of the Consolidated PUD to permit Capital Bikeshare memberships for theater employees as a substitute amenity to promote bicycle use.
4. The Modification would not affect the overall height, mass, or bulk approved by the Commission in the original PUD. (Exhibit ["Ex.,"] 1.)
 5. On May 12, 2016, the Office of Planning ("OP") submitted a report recommending that the Modification be set down for a public hearing. (Ex. 9.)
 6. At a public meeting on May 23, 2016, the Commission voted to set down Z.C. Case No. 13-05B 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, Advisory Neighborhood Commission ("ANC") 6D, and the parties to the original application.
 7. The application was updated by prehearing submissions dated June 2, 2016 and August 30, 2016. (Ex. 10-10A, 19-19B.) In the August 30, 2016 submission, the Applicant submitted revised modified plans and requested flexibility from the building lot control requirements in order to permit the construction of the Project on a tax lot rather than a lot of record, because existing title issues would preclude the creation of the single lot of record contemplated in the original PUD in a timely manner before the anticipated construction of the Project. (Ex. 19-19B.)
 8. Pursuant to a resolution adopted at a duly noticed public meeting on May 9, 2016, with a quorum present, ANC 6D voted 5-0-0 to support the proposed Modification. (Ex. 17.)
 9. On August 25, 2016, OP submitted a report in support of the application because the proposed changes remain in accordance with the intent and purpose of the original PUD and do not affect the material facts upon which the case was originally decided. (Ex. 18.)
 10. On September 9, 2016, the District Department of Transportation ("DDOT") submitted a report indicating that it did not object to the proposed Modification. (Ex. 20.)
 11. On September 19, 2016, the Commission held a public hearing on the application. Representatives of the Applicant, OP, and DDOT all appeared at the public hearing. In addition to the Applicant, ANC 6D was automatically a party in the proceeding.

12. Following the close of the public hearing, pursuant to 11-Z DCMR § 604.3(b), 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 “higher quality development.” 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 protects and advances the public health, safety, welfare, and convenience.” (11-X DCMR § 300.1.)

Development of the Property included in this application carries out the purposes of Subtitle X, Chapter 3 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 concept 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 6D and gives great weight to the issues and conditions expressed in the report of the affected ANC.

Based on the character of the proposed changes, the Commission concludes 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. The Commission also concludes that the additional flexibility requested from the subdivision/lot control requirements is appropriate given the complexity of the history of the underlying property.

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.

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. 13-05 and 13-05A. The conditions in Z.C. Order Nos. 13-05 and 13-05A remain unchanged except as follows.

B.1. The F1 Parcel shall be developed in accordance with the plans marked as Exhibit 19A in the record of Z.C. Case No. 13-05B (“Approved F1 Plans”), as modified by the guidelines, conditions, and standards herein.

...

B.4. The Applicant shall have flexibility from the public space at ground level, court, parking, and loading of the Zoning Regulations, as shown on the Approved F1 Plans. In addition, the Applicant shall have flexibility from the subdivision/lot control requirements to construct the Project on an assessment and taxation lot rather than a lot of record.

B.5. The F1 Parcel shall be used for ground-floor retail and arts uses, a movie theater, and commercial parking uses with approximately 333 parking spaces, as shown on the Approved F1 Plans.

...

B.9. The F1 Parcel shall provide a minimum of 40 bicycle parking spaces within the building and 12 bicycle parking spaces on racks outside the building. The final number and location of improvements in public space shall be subject to the discretion of DDOT. In addition, **for so long as the movie theater use exists**, the Applicant shall ensure that each lease or lease extension for the use contains a material provision requiring the lessee to join and maintain membership in Capital Bikeshare as a corporate member at the Gold level, and provide each employee who desires it with a free annual Capital Bikeshare membership. The lease provision shall further require that the opportunity shall be offered to each employee when they sign their other employment documents, and a notice reminding the employees of the benefit shall be provided in the same place as other workplace notices.). **Prior to obtaining a certificate of occupancy for the movie theater use**, the Applicant shall provide the Zoning Administrator with evidence that the executed lease includes this provision.

On September 19, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission **APPROVED** the application at the conclusion of the public hearing by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve; third Mayoral appointee position vacant, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the D.C. Register; that is on November 25, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-09A
Z.C. Case No. 13-09A
Stanton Square, LLC
(Modification of Consequence of Consolidated PUD @ Square 5877)
September 26, 2016

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on September 26, 2016. At that meeting, the Commission approved the application of Stanton Square, LLC (“Applicant”) for a modification of consequence of the consolidated PUD application approved by Z.C. Order No. 13-09. The property (Lots 125 and 126 in Square 5877) that is the subject of this application is bound by Stanton, Road, S.E., Elvans Road, S.E., and Pomeroy Road, S.E. (“Property”). The modification request was made pursuant to § 703 of the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

FINDINGS OF FACT

BACKGROUND INFORMATION

1. The Commission approved the development of a Community Service Center Campus on the Property as part of Z.C. Order No. 13-09. The consolidated PUD approval included a building on the Community Service Center Campus of approximately 54,000 square feet that will be occupied by Martha’s Table and Community of Hope. Martha’s Table will use approximately 42,000 square feet of the building for early childhood programming, nutrition and wellness services, and after-school programming. Community of Hope and other complementary non-profit organizations will use approximately 12,000 square feet of the building for employment and behavioral services counseling. The proposed modifications were solely related to redesign and relocation of certain architectural elements of the building that was approved by the Commission.
2. The Commission, at its September 12, 2016 public meeting, determined that the application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant to Subtitle Z § 703.1. The Commission was therefore required by Subtitle Z § 1703.17(c)(2) to establish a timeframe for the party in the original proceeding, Advisory Neighborhood Commission (“ANC”) 8B, to file a response in opposition to or in support of the request and for the applicant to respond thereto; and schedule the request for deliberations. The

Commission noted that ANC 8B had submitted a letter of support for the application into the record. However, that letter did not meet the standards necessary for the ANC’s determination to be given great weight. The Commission allowed ANC 8B until September 19, 2016 to file an updated letter regarding this application and scheduled its further deliberations for September 26, 2016.

CURRENT APPLICATION

3. The modifications proposed in this application are all related to the redesign and relocation of architectural elements of the building, based on a more detailed coordination of the building's interior space requirements with the unique programmatic needs of Martha's Table and Community of Hope. (Exhibit ["Ex. "] 1.)
4. The proposed revisions to the approved plans reflect a specific reconciliation of window location, size and configuration relative to the arrangement of the interior spaces that they serve. For example, the approved elevations depicted numerous windows for interior spaces that do not need, or should not have, such windows (such as bathrooms, storage spaces, and elevator/lift shafts). In addition, the new architectural team determined that the proposed floor-to-floor ceiling heights and window heights were rather tall and large, given the building's proposed uses (specifically those spaces which will be occupied by infants and toddlers in the education wing). In response to this critique, the revised plans include a reduced floor-to-floor height and more appropriately scaled window dimensions. (Ex. 1-1C.)
5. Specific revisions to the approved PUD included:
 - Exterior elevation revisions (window sizes and window configurations, and removal of some extraneous architectural elements) to reconcile with interior uses;
 - Adjustment of the building's floor-to-floor heights (from 14 feet to 13 feet) to better address interior space needs and provide more consistency with the scale of the surrounding residential and institutional buildings;
 - Reconciliation of window head heights (11 feet, four inches reduced to nine feet, four inches on the second floor, and 10 feet, eight inches reduced to nine feet, four inches on the first floor) to align with interior space needs;
 - Revision of the building's entrance "feature wall" from painted concrete to fiber cement panel, which is located on other parts of the building, for material consistency and a less "raw" material expression at the building entrance;
 - Enclosure of the front entrance vestibule to enhance interior environmental controls and building security;
 - Minor extension of the stair enclosure to align with the interior building spaces;
 - Addition of a trash container screen wall at the building's loading area;

- Front entrance driveway/parking reconfiguration to relocate parking spaces and to eliminate the need for the users of the spaces for persons with disabilities to cross the drive aisle to access the building; and
 - Final locations and heights of the roof top stair enclosure and mechanical screen walls (which fully satisfy all matter-of-right height and set-back requirements). (Ex. 1-1C.)
6. As noted, the only party in Z.C. Case No. 13-09 was ANC 8B, but the boundaries of ANC 8A are located across the street from a portion of the Property. Therefore, ANC 8A meets the new definition of “affected ANC” as stated at 11-B DCMR § 100.1.
 7. In satisfaction of § 703.13 of Subtitle Z, the Applicant provided a Certificate of Service which noted that ANC 8A and ANC 8B were served with the application. (Ex. 1.)
 8. On September 12, 2016, ANC 8B submitted a letter into the record which noted that ANC 8B had received and reviewed the minor changes to the community service center building and supported those minor changes. ANC 8B submitted a second letter into the record which noted that at a duly noticed regularly scheduled public meeting on September 20, 2016, the ANC voted 4-0 (with a quorum of four commissioners) to support the proposed minor changes included in the modification application. (Ex. 5, 6.)
 9. ANC 8A did not submit a written report.
 10. The Office of Planning (“OP”) submitted a report on September 2, 2016. The OP report stated that OP had no objection to the proposed modifications and concurred that the proposed refinements to the plans are consistent with the intent of the Commission in approving the PUD and fall within the scope of review as a modification of consequence. The OP report concluded that “the proposed modifications would not change the material facts upon which the original decision and order was based and that the modifications represent a refinement of the approved plans to accommodate specific space needs, not immediately anticipated when the concept plans and related floor plans were approved. The changes would support the needed community benefits proposed by the development.” (Ex. 4.)

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.” (11-Z DCMR § 703.3.) Examples of modifications of consequence “include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)

The Commission concludes that the modifications depicted in the plans included in the record in this case, and as described in the above findings of fact, are modifications of consequence, and therefore can be and granted without a public hearing.

The Commission finds that the proposed modifications are entirely consistent with the Commission's previous approval of the building on the Community Service Center Campus. The use of this building has not changed and the Applicant is only proposing the redesign and relocation of architectural elements of the building that do not diminish or detract from the Commission's original approval of the PUD project.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl) to give "great weight" to the issues and concerns of contained in the written report of an affected ANC. Both ANCs 8A and 8B meet the definition of "affected ANC" as set forth in 11-B DCMR § 100.1. As is reflected in the Findings of Fact, ANC 8B voted to support the application and the Commission finds that recommendation to be persuasive. Since ANC 8A did not submit a report, there is nothing to give great weight to. The Commission is also required give great weight to the recommendations of OP (See D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP's recommendation to approve this modification of consequence application. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the consolidated PUD project approved in Z.C. Case No. 13-09. The conditions in Z.C. Order No. 13-09 remain unchanged except as follows. The following condition replaces Condition No. A.1 of Z.C. Order No. 13-09:

1. The PUD project shall be developed in accordance with the plans marked as Exhibits 70A1-70A7 of the record in Z.C. Case No. 13-09, as modified by the plans included in Exhibit 1 of the record in Z.C. Case No. 13-09A, and as further modified by the guidelines, conditions, and standards herein.

On September 26, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took action to **APPROVE** the application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; third Mayoral Appointee position vacant, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on November 25, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 14-07B
(GG Union LP, 1250 4th St. (Edens), and 4th St., NE, LLC
Second-Stage PUD @ Square 3587)
November 17, 2016

THIS CASE IS OF INTEREST TO ANC 5D

On November 17, 2016, the Office of Zoning received an application Insight E Street, LLC (the “Applicant”) for approval of a second-stage planned unit development (“PUD”) for the above-referenced property.

The property that is the subject of this application consists of Lots 830-832 and 7014-7023 in northeast Washington, D.C. (Ward 5), on property located at 1300 4th Street, N.E. The property is currently zoned C-M-1. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the R-5-B Zone District.

This second-stage PUD is part of a larger mixed-use PUD project that included two buildings and various street and public space improvements. In this current application, the Applicant proposes to construct a mixed-use residential and retail building containing approximately 153,249 square feet of gross floor area, of which 141,249 square feet will be residential 10,750 square feet will be ground-floor retail. The penthouse will contain a building amenity and some apartments.

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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-32
Z.C. Case No. 15-32
1126 9th St. NW, LLC
(Consolidated PUD & Related Map Amendment
@ 1126 9th St N.W. (Square 369, Lot 880))
September 26, 2016

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on July 7, 2016, to consider an application from 1126 9th St. NW, LLC (“Applicant”) for review and approval of a consolidated planned unit development (“PUD”) for Lot 880 in Square 369 (“Property”), and a related Zoning Map amendment to rezone a portion of the PUD site from the Downtown Development Overlay District (“DD”)/C-2-A to DD/C-2-C. The Applicant proposes to construct a mixed-use building with upper floor residential units and commercial uses on the ground floor (“Project”). The Commission considered the application pursuant to Chapters 24 and 30 and § 102 of the D.C. Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”)¹. The public hearings were conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application with conditions.

FINDINGS OF FACT

Procedural History

1. On November 27, 2015, the Applicant submitted an application to the Commission for the review and approval of a consolidated PUD and a related Zoning Map amendment to rezone an approximately 6,408 square foot portion of the site from the DD/C-2-A Zone District to the DD/C-2-C Zone District and include it in Housing Priority Area “A”. The application proposes to construct a mixed-use building with upper floor residential units and commercial uses on the ground floor.
2. On February 19, 2016, the Office of Planning (“OP”) filed its setdown report indicating support for setting the application down for a public hearing. (Exhibit [“Ex.”] 10.)
3. At a public meeting on February 29, 2016, the Commission voted to set the case down for a public hearing and requested the Applicant to provide additional information and drawings to address Commission concerns regarding:
 - a. The building design, including roof plans, penthouse design, and requested court flexibility;

¹ Chapter 24 and all other provisions of Title 11 DCMR were repealed on September 6, 2016. Chapter 24 was replaced by Chapter 3 of Subtitle 11-X. However, because this application was set down for hearing before that date, the Commission’s approval was based on the standards set forth in Chapter 24.

- b. Street-level design, including signage, as well as information on loading and circulation in the alley to the rear of the Property;
 - c. The benefits and amenities package offered by the Project;
 - d. The feasibility of achieving a greater degree of LEED certification; and
 - e. Further information regarding the historic nature of the existing building on the Property.
4. Notice of the public hearing was published in the *D.C. Register* on May 13, 2016. (Ex. 15.)
 5. On April 12, 2016, the Applicant filed a Pre-Hearing Statement responding to the Commission's and OP's requests. (Ex. 12-12E.) The Applicant filed its Transportation Demand Management ("TDM") Plan and Comprehensive Transportation Review as well as its response to additional OP requests on July 7, 2016. (Ex. 29, 30.)
 6. Several individuals and neighbors submitted letters of support into the record, as discussed more fully in Findings of Fact Nos. 46-52 below.
 7. A public hearing was conducted on July 7, 2016. The Commission accepted Peter Fillat as an expert in the field of architecture, and Chris Kabatt as an expert in the field of transportation consulting. The Applicant presented testimony from the experts as well as Chris VanArsdale, Kevin Brown, and Peter Stuart on behalf of the Applicant and submitted additional plans in support of the application. (Ex. 31A1-31A11.)
 8. At the conclusion of the hearing, the Commission voted to take proposed action to approve the application.
 9. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC") as required by the District of Columbia Home Rule Act on July 11, 2016. (Ex. 34.)
 10. On July 14, 2016, the Applicant submitted its list of final proffered public benefits of the PUD and draft conditions, pursuant to 11 DCMR §§ 2403.16 through 2403.18. (Ex. 35.) On July 28, 2016, the Applicant submitted its draft Findings of Fact and Conclusions of Law. (Ex 36-36A.)
 11. The Commission considered final action at its September 12, 2016 public meeting. Commissioner May stated that he had participated in NCPC's review of this case as representative for the National Park Service. He advised the Commission that although NCPC had not yet submitted a report, it was concerned that the Project violated An Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 601.01 to 601.09) ("Height Act"). In

response to this information, the Commission by consensus requested that OP communicate NCPC's Height Act concern to the Zoning Administrator and request that the Zoning Administrator offer his opinion about whether the Project violates the Height Act. The Commission deferred taking action until it received a response from the Zoning Administrator.

12. In a letter dated September 15, 2016, the NCPC Executive Director advised the Commission that through a delegated action he found that the proposed PUD "is inconsistent with the Comprehensive Plan for the National Capital and other federal interests, due to a minimal violation of the penthouse setback requirements" of the Height Act. (Ex. 37.)
13. On September 26, 2016, OP submitted a supplemental report that attached the Zoning Administrator's opinion interpreting the Height Act in relation to the Project. The Zoning Administrator concluded that the Project did not violate the Height Act. He explained that he disagreed with NCPC's conclusion because the penthouse setback in question was on the west side of the building, which faced an alley and did not face a street. The Height Act requires a 1:1 setback on all exterior walls, and the concept of what constitutes an "exterior wall" has been consistently interpreted by his office as walls that adjoin a street. Since the wall in question adjoined an alley, and not a street, he concluded that the Height Act did not require a 1:1 setback, and therefore the Project did not violate the Height Act. (Ex. 38.)
14. At its September 26, 2016 meeting, the Commission considered the NCPC report and the Zoning Administrator's response. The Commission voted to approve the application, but did so without taking a position on NCPC's interpretation of the Height Act. The Commission noted that it was up to the Zoning Administrator, not the Commission, to interpret the Height Act. Nevertheless, the Zoning Administrator should not view the Commission's approval of this modification as obviating the need for a careful review of these plans for compliance with the Height Act and the Zoning Regulations.
15. On September 26, 2016, the Commission voted to take final action to approve the application subject to the conditions enumerated in this Order.

Description of Property and Surrounding Areas

16. The Property is approximately 7,610 square feet, a portion of which is currently improved with a one and two-story building that fronts on 9th Street, N.W. and that previously contained commercial uses ("Existing Building"). The remainder of the Property is an undeveloped lot. The Property is located within the boundaries of Advisory Neighborhood Commission ("ANC") 2F.
17. The Property is located in the Northwest quadrant of the District of Columbia on the block bounded by M Street, N.W. to the north, 9th Street, N.W. to the east, 10th Street, N.W. to the west, and L Street, N.W. to the south. The Property is approximately 500 feet

from the Convention Center Metrorail Station, which sits along M Street, N.W. east of the Property. The Property is within the Shaw Historic District (the eastern boundary of which runs down 9th Street, N.W. immediately east of the Property). Mount Vernon Square is to the south of the Property, and Logan Circle is to the west.

18. The Property is located within areas designed for High-Density Residential Land Use and High-Density Commercial Land Use on the Future Land Use Map. The Generalized Policy Map includes the Property in a “Main Street Mixed Use Corridor.”

Underlying and Requested Zoning

19. The Property is split between two zone districts. An approximately 843-square-foot portion is within the DD/C-2-C Zone District and Housing Priority Area “A”, and the remaining approximately 6,789-square-foot portion is within the DD/C-2-A Zone District. The DD/C-2-C Zone District permits a maximum height of 110 feet with no maximum floor area ratio (“FAR”) for residential uses at this location. The DD/C-2-A Zone District permits a maximum height of 50 feet with a maximum FAR of 2.5.
20. North of the Property, the zoning is generally either C-2-A or R-4, and the area north of the Property is outside of the DD overlay. The Property is otherwise surrounded by areas zoned DD/C-2-C or DD/C-3-C. The related Map Amendment proposes to rezone an approximately 6,408 square foot portion of the site from the DD/C-2-A Zone District to the DD/C-2-C Zone District and include it in Housing Priority Area “A”. As a result, the majority of the Property will be within the DD/C-2-C Zone District.

The Proposed Project

21. The Project will contain a mixed-use building with upper floor residential units and commercial uses on the ground floor. In total, the Project will contain a gross floor area of approximately 40,290 gross square feet (“GSF”) and will have an overall FAR of approximately 5.3. The Project will create approximately 33 residential units and approximately 3,723 GSF of ground floor commercial use. The Project will have a maximum height of 100 feet. Two permanent non-conforming parking spaces (one of which may be used for two smaller car-share vehicles) and a loading space will be accessed from the alley.
22. Along the 9th Street façade, the Project will step back from the street before rising to the full 100 feet, allowing the existing structure to be solely expressed within such setback area. Most of the Existing Building will be retained and incorporated into the Project. The Project will have a height of approximately 51 feet, eight inches, with two sixth-floor loft areas rising to approximately 61 feet, four inches along the M Street frontage. The Project includes public benefits and amenities such as the provision of housing in the DD Overlay, the provision of affordable housing at this core location where affordable housing would not otherwise be required, the restoration of the entirety of the historic

- Existing Building on the site, the strengthening of the streetscape of the re-emerging 9th Street commercial corridor, the infill of a gap in the M Street streetscape, the provision of a LEED v. 2009 Gold certification and an enhanced Green Area Ratio (“GAR”) for the site, the provision of car-share spaces at the rear of the Project, and the financial support of local neighborhood initiatives such as improvements to the 10th Street Park.
23. The design of the Project’s façade captures the aesthetic character of the historic Shaw neighborhood. The Project translates the detailed bays and oriels of the Historic District’s masonry buildings into a contemporary lifestyle solution utilizing similar materials with modernized but similarly proportioned bays and oriels. The Project’s masonry is a light shade of warm grey with bays that are framed in metal panels. This masonry façade is complemented by infill panels of wood finished aluminum to retain a residential character in the modern design.
 24. A further design goal of the Project is to allow for light and a feeling of openness over an unusually configured space. The Project introduces extensive fenestration across the Project’s facades. In order to allow daylight to penetrate into certain lower-level interior units of the Project, the Project introduces a pair of closed courts to serve as light wells.
 25. The Project’s ground-floor uses will enhance the commercial character of 9th Street and add vibrancy to a key corner across from the Convention Center.
 26. The Project will provide two residential units totaling no less than four percent of the Project’s total gross square footage as affordable housing. More specifically, the Project will set aside one residential unit for households earning no more than 50% of the Washington D.C. Area Median Income (“AMI”) and one residential unit for households earning no more than 80% of AMI.
 27. The Project will provide two non-conforming parking spaces and a loading pad at the rear of the Property accessible via the alley. Such loading facilities will allow space for the small delivery and service vehicles anticipated to utilize them. Additional loading for the Project will occur in the sizable commercial loading zone adjacent to the Property on 9th Street. The project will not require any new curb cuts and in fact will close a curb cut on M Street.
 28. The Project will incorporate a high degree of sustainable elements into the Project. The Project will be designed and constructed to Gold certification under the LEED NC v. 2009 rating system. Additionally, as stated above, the Project will retain and restore the vast majority of the Existing Building, integrating it throughout the new structure. Such historic preservation presents both an opportunity to celebrate the past and reuse existing materials and a challenge to modernize a property while achieving a high LEED score.
 29. The Comprehensive Transportation Review concluded that the PUD “will have an imperceptible impact on the surrounding transportation network.” It confirmed that the project is well suited for non-auto modes of transportation and that the TDM plan will

encourage residents to use public transit options. The Comprehensive Transportation Review also included the Project's Transportation Demand Management Plan. (Ex. 29.)

30. The Commission finds that the Project's design features are superior to those likely to be provided in a matter-of-right development at the PUD site. The Property is an important site for promoting further development within the Shaw Historic District and adjacent to the Convention Center. Through the PUD process, the Project will create an exemplary mixed-use development on the site. In fact, the PUD process will allow the Project to implement the Convention Center Strategic Development Plan. The PUD process will capture the benefits and amenities that will enhance the surrounding community while retaining the Shaw neighborhood's historic charm.

Development Incentives and Flexibility

31. In addition to the rezoning of the Property from DD/C-2-A Zone District to the DD/C-2-C Zone District and the application of the PUD standards in Chapter 24 of the Zoning Regulations, the Applicant requests flexibility from the strict application of certain provisions of the Zoning Regulations as follows:
 - a. Penthouse flexibility: Under § 411.18 of the Zoning Regulations, the Project's penthouse must be set back from the exterior walls surrounding the upper roof plane. The penthouse is proposed not to have any setback from three of the Project's exterior building faces where setbacks would otherwise be required. The Penthouse therefore requires special exception flexibility;
 - b. Parking: A waiver of the minimum parking requirements of § 2101.1 requiring (i) one space for each two dwelling units in the C-2-A Zone District, (ii) one space for each four dwelling units in the C-2-C Zone District, (iii) one space for each 600 square feet over 2,000 square feet of gross floor area for office use or one space for each 300 square feet over 3,000 square feet of gross floor area of retail use in the C-2-A Zone District, and (iv) one space for each 1,800 square feet over 2,000 square feet of gross floor area for office use or one space for each 750 square feet over 3,000 square feet of gross floor area of retail use in the C-2-C Zone District. The Project would require up to nine parking spaces but would provide no compliant parking spaces (and two non-compliant parking spaces at the rear);
 - c. Courts: The Zoning Regulations require closed courts for residential uses to be no less than 15 feet wide (and 350 square feet in area). Two of the Project's courts would not satisfy these requirements and would be nine feet wide (and 108 square feet in area). As a result, the Applicant seeks relief from the court requirements of the Zoning Regulations to allow the courts as proposed;
 - d. M Street building height: § 1706.15 of the Zoning Regulations requires that buildings fronting on M Street, N.W. at this location limit a building's height to 60 feet for a depth of 40 feet from M Street, N.W. However, the Project proposes

two loft elements at the Project's sixth floor that will rise to a height of 61 feet, four inches. Therefore, the Applicant seeks relief from the building height requirements along M Street, N.W. to allow the lofts as proposed; and

- e. Minimum lot area: Pursuant to § 2401.1 of the Zoning Regulations, the minimum area for a proposed PUD is generally 15,000 square feet in the C-2-A and C-2-C Zone Districts, provided such minimum area may be reduced by up to 50% in the event the Commission finds that (i) the development is of "exceptional merit" and in the "best interest of" the District, and (ii) at least 80% of the gross floor area of the development is to be used exclusively for dwelling units and uses accessory thereto. Since the Property contains 7,610 square feet of lot area and is located outside of the Central Employment Area, the Applicant requests that the Zoning Commission permit a reduction to the required lot area for a PUD since the Project is of "exceptional merit" and in the best interest of the District and at least 80% of the Project's gross floor area is devoted to residential use.

Public Benefits and Project Amenities

32. In addition to the sustainability features discussed above, the following benefits and amenities will be created as a result of the PUD project:
 - a. *Housing and affordable housing (§ 2403.9(f))* – The Applicant will set aside no less than four percent of the Project's residential gross square footage as affordable housing for the life of the Project. One of these units will be set aside for residents earning no more than 50% of AMI. The other such unit will be set aside for households earning no more than 80% of AMI. No affordable residential space would be required under the Inclusionary Zoning program so all of such space would be considered a public benefit of the Project. The Applicant shall distribute the mix of affordable housing unit types in proportion to the mix of market-rate unit types. The size of the affordable units shall be of a size substantially similar to the market rate units. The location of the affordable housing units shall be substantially similar to the locations shown on Pages ZC-31 and ZC-32 of Exhibit 31A in the record. In addition to the affordable housing contribution, the Project provides market-rate housing in a neighborhood where demand for new housing is very high, housing is considered a preferred use and even mandated in adjacent areas, and opportunities for new development are limited. The Commission finds that the provision of housing and affordable housing is a valuable community benefit of the PUD that should be recognized;
 - b. *Urban design, architecture and landscaping (§ 2403.9(a))* – The Project exhibits the characteristics of exemplary urban design and architecture. The Project provides a superior design that fully responds to the site location and history while efficiently integrating a mix of uses that will directly benefit the neighborhood. The Project's design will contribute to the Shaw neighborhood's strong visually interesting sense of place, incorporating elements from the area's

past, and tying the Project to an exciting and vibrant future of new residential opportunities and a re-emerging 9th Street commercial corridor. Further, the Project design will respect the existing grain of the block and adding a contemporary feel that is complementary of the surrounding historic architecture without being imitative;

- c. *Historic preservation of private structures (§ 2403.9(d))* – As described above, the Project’s retention and rehabilitation of the Existing Building is a superior public benefit because that building is part of a row of several existing vintage storefronts along 9th Street. The Project’s rehabilitation of the Existing Building supports the objective of using 9th Street’s historic retail core as a unique identity;
- d. *Environmental benefits (§ 2403.9(h))* – The Project incorporates a high degree of sustainable elements into the Project. The Project will be designed and constructed to Gold certification under the LEED NC v. 2009 rating system. In addition, the Project will incorporate extensive sustainable features. Of particular note, the Project will exceed the Green Area Ratio requirement of 0.3 and achieve a GAR of 0.318. Other sustainable features include large areas of both intensive and extensive green roof covering more than half of the site, water efficiency measures such as low-flow plumbing fixtures, a highly efficient residential mechanical system, and low-emitting finishes for a healthier interior environment;
- e. *Site planning, and efficient and economical land utilization (§ 2403.9(b))* – The Project’s design reflects creativity and engineering to synthesize highly-beneficial residential and commercial uses at the Property, with loading facilities and parking spaces to the rear of the site and hidden from public view. The Project makes the Property’s unusual configuration a virtue, using it to present to two streets at different heights and to infill between a new large building and an older three story building. The Project efficiently and economically converts a vacant and underutilized site into a building of appropriate density, including the preferred uses of housing and affordable housing;
- f. *Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts (§ 2403.9(c))* – The Project is an exemplary specimen of a transit oriented development that reduces vehicular traffic on the Downtown street network. The Project is appropriately dense for its location within a block of a Metrorail Station and readily served by multiple bus lines. It will provide potential new riders for the Metrorail system at this location and is well suited for pedestrians, bikers, and transit-users to commute to work Downtown or to a variety of shopping, entertainment, and cultural destinations. The proximity and convenience to mass transit options, Downtown, and the Central Employment Area will help to reduce dependence on the private personal vehicles and allow residents to experience a live/work urban environment. Residents in the Project

will be able to use public transit to and from work, and they will be able to shop and dine near home. Further, the Project will have a robust Transportation Demand Management Plan that will encourage residents, tenants and guests to use alternative modes of transportation; and

- g. *Uses of special value to the neighborhood or the District of Columbia as a whole (§ 2403.9(i))* – The Applicant will provide \$12,500 to nonprofit community organizations or resources as determined pursuant to an agreement with the Commissioners of ANC 2F. The proposed distribution of these funds includes:
- *10th St. Park Investment* – The Applicant will provide a sunshade to be located over the play area of the 10th Street Park with an estimated value of approximately \$10,000; and
 - *Donation to Thomson School Parent Teacher Association* – The Applicant will provide supplies and materials, including soil, planters, and other similar materials worth a total of \$2,500 for the Thomson Elementary School rooftop garden.

33. The Commission finds that the Applicant’s public benefits and project amenities provide value to the District and the community surrounding the Property and are sufficient to justify the density obtained through the PUD process and the relief requested.

Compliance with the Comprehensive Plan

34. The Commission finds that the proposed modification to the approved PUD is not inconsistent with the Comprehensive Plan (10 DCMR) and promotes the policies of its Land Use, Transportation, Housing, Urban Design, Economic Development, Historic Preservation Elements, and its Near Northwest Area Element.
35. The Project implements Land Use Element policies that promote transit oriented and mixed-use development. The Project contributes to the reinvestment in a block adjacent to the Central Employment Area and immediately across from a major District economic engine and a massive District investment – the Convention Center. The Project capitalizes on its proximity to a Metrorail Station by promoting density on an infill site and reducing the need for automobile traffic and automobile ownership through limited on-site parking. The multi-level vertical forms and strong street presence encourage walking, biking and transit and are respectful of the character of the lower buildings on the north side of M Street, N.W.
36. The Project implements Transportation Element policies that promote transit-oriented development and urban design improvements. The Project brings new housing and commercial uses within walking distance of the Metrorail station and, through its

- Transportation Management Plan, provides effective incentives to discourage motor vehicle use.
37. The Project implements Housing Element policies that encourage expansion of the City's supply of high-quality market-rate and affordable housing. The Project will bring approximately 33 new residential units to a neighborhood in need of more housing options, with two of such units set aside as affordable units (one for households earning no more than 50% of AMI and one for households earning no more than 80% of AMI).
 38. The Project implements Urban Design Element policies regarding the enhancement of the aesthetic appeal and visual character of areas around major thoroughfares. The Project significantly improves the appearance of a key and highly visible site in the Shaw Historic District and will catalyze additional investments in the neighborhood.
 39. The Project implements Economic Development Element policies that encourage expanding the retail sector, developing locally oriented office space, and cultivating a vibrant mix of business in the neighborhood. New ground-floor space will be reserved for commercial uses such as a small office or a small footprint retailer. Given the floorplate of the commercial space, the Project would be an appropriate scale for a local entrepreneur and would allow such a small business to capitalize on the considerable foot traffic and activity levels around the Convention Center.
 40. The Project implements Historic Preservation Element policies that encourage investment in, and the rehabilitation of, the City's historic structures. As described above, the Project is designed to be sensitive to the historic character of the surrounding neighborhood, to retain and rehabilitate the Existing Building, and to leverage the historic resources of the community and the Property. The preservation of the Existing Building is consistent with goals of celebrating the 9th Street, N.W. historic storefront identity.
 41. The Project implements Near Northwest Area Element policies by thoughtfully maintaining and enhancing the historic and diverse architectural character of the Shaw neighborhood. The Project's high quality design will contribute to the area's character as an architecturally rich neighborhood, while providing much needed reinvestment and renovation at this particular long-underutilized site along the 9th Street, N.W. commercial corridor.

Government Reports

42. OP filed a report on June 27, 2016. (Ex. 18.) The report noted that OP "recommends approval" of the Project, subject to the provision of more refined drawings at the public hearing, refinement of the affordable housing proffer, submission of the transportation demand management plan, and submission of justification for the requested relief for the building height along M Street, N.W. and the parking. At the hearing, OP reiterated its report and its recommendation of approval of the Project.

43. The District Department of Transportation (“DDOT”) submitted a report on June 27, 2016. (Ex. 19.) The report noted that DDOT had “no objection” to the approval of the Project, subject to continued coordination regarding public space and features within the public right of way expected to be built to DDOT standards. The DDOT Report noted that the Applicant’s traffic demand management measures are appropriate to address the impacts expected from the Project. At the hearing, DDOT rested on the record.

Advisory Neighborhood Commission Reports

44. ANC 2F submitted a letter in support of the project noting that, “On April 6, 2016, at a duly called and properly noticed public meeting with a quorum (at least five Commissioners) present and acting throughout”, ANC 2F voted (7-0-1) to support this application. (Ex. 20.)

Parties in Support or Opposition

45. No parties appeared in support or opposition to the application.

Persons in Support or Opposition

46. A letter in support from Young Lee, the owner of 11 M Cleaners, was received into the record. (Ex. 21.)
47. A letter in support from David Galeas was received into the record. (Ex. 22.)
48. A letter in support from David O'Brien was received into the record. (Ex. 23.)
49. A letter in support from Kate Mellor was received into the record. (Ex. 24.)
50. A letter in support from Nina Sughrue was received into the record. (Ex. 25.)
51. A letter in support from Russell Breakwell received into the record. (Ex. 26.)
52. A letter in support from Stacie Fabre received into the record. (Ex. 27.)

CONCLUSIONS OF LAW

1. Pursuant to 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, 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 guidelines, conditions, and standards that may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking, loading, yards, or courts.
3. The Commission concludes that the Project shall receive the waiver from the minimum area requirements of § 2401.1 of the Zoning Regulations because the Property is not less than 50% of the 15,000-square-foot lot minimum, the Project is of exceptional merit and in the best interest of the District, and at least 80% of the gross floor area of the Project is to be used exclusively for residential uses.
4. The Project complies with the applicable height, bulk, and density standards of the Zoning Regulations except in the limited circumstances where flexibility therefrom is requested and will not cause a significant adverse effect on any nearby properties. The residential and commercial uses for the Project are appropriate for the Property. The impact of the Project on the surrounding area is acceptable given the quality of the public benefits of the Project, and the application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
5. The Applicant's request for flexibility from the Zoning Regulations – specifically, the parking requirements, court requirements, roof structure setback requirements, and building height along M Street, N.W. – is not inconsistent with the Comprehensive Plan. Moreover, the Project's public benefits and amenities strike a reasonable balance with the requested development flexibility.
6. Approval of this PUD and related Zoning Map amendment is appropriate because the proposed development is consistent with the present and desired future character of the area, and is not inconsistent with the Comprehensive Plan or the Future Land Use Map of the Comprehensive Plan, which designates the Property as High-Density Mixed-Use. In addition, the Project will promote the orderly development of the site in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Zoning Map of the District of Columbia. In fact, it is through the PUD and Zoning Map amendment process itself that this particular Property is able to be productively utilized in a manner sensitive to its neighbors.
7. The rezoning of a portion of the Property to DD/C-2-C is consistent with the purposes and objectives of zoning as set forth in the Zoning Act of 1938, approved June 20, 1938.
8. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the recommendations of OP in all zoning cases. The Commission carefully considered the OP reports and found OP's reasoning persuasive in recommending approval of the application.

9. 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 2F position supporting approval of the application and concurred in its recommendation of approval.
10. The Commission provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the ANC, OP, and to owners of property within 200 feet of the site in accordance with the Zoning Regulations and applicable case law.
11. Based upon the record before the Commission, having given great weight to the views of the ANC and having considered the reports and testimony of OP and DDOT provided in this case, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under Chapter 24. The Commission finds that the Project fully satisfies the goals and objectives of the PUD Regulations of Chapter 24 to encourage the development of well-planned developments which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development. The Commission also approves the Applicant’s requests for flexibility from specific areas of the Zoning Regulations including, the roof structure requirements of § 411.18, the court requirements of § 776, the parking requirements of § 2101.1, and the building height requirements along M Street, N.W. of § 1706.15. In addition, the Commission grants a waiver from the minimum lot area requirements for PUDS under § 2401.1.
12. The Commission finds that the Applicant’s proposed TDM measures are adequate to mitigate any potential adverse effects on the surrounding area from the development that relate to traffic, and that these measures have been incorporated into the conditions of this Order.
13. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for the review and approval of a consolidated Planned Unit Development and a related Zoning Map amendment from DD/C-2-A to DD/C-2-C (and Housing Priority Area A) for the portions of the Property requested subject to the following conditions:

A. PROJECT DEVELOPMENT

1. The Project shall be developed in accordance with the architectural plans and drawings submitted on April 12, 2016 (Exhibit 12A1-12A2), and as modified by

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the plans and drawings presented the Applicant's presentation to the Commission on July 7, 2016 (Exhibit 31A1-31A11) and the guidelines, conditions, and standards herein (collectively, the "Plans").

2. The Project shall include a mixed-use building with upper-floor residential units and commercial uses on the ground floor containing up to approximately 40,290 gross square feet ("GSF") in total, with an equivalent FAR of up to approximately 5.3. Such GSF will be composed of up to approximately 3,723 GSF of commercial, retail and/or service uses and up to approximately 33 new residential units. The Project will have approximately two nonconforming surface parking spaces for commercial and/or residential parking and/or car-sharing services (one such space might be utilized for two car-sharing vehicles). The Project will be constructed to a maximum height of approximately 100 feet. Along the 9th Street, N.W. façade, the Project will step back from the street before rising to the full 100 feet, allowing the existing structure to be solely expressed within such setback area. Along the M Street, N.W. façade, the Project will have a height of approximately 51 feet, eight inches, with two sixth-floor loft areas rising to approximately 61 feet, four inches.
3. Approximately 6,408 square feet of the DD/C-2-A Zone District designation for the Property shall be amended to become the DD/C-2-C Zone District and included within Housing Priority Area A (as shown in the Plans). Pursuant to 11 DCMR § 3028.9, such amendment of zoning shall be effective upon the recordation of the covenant discussed in Condition No. D(2).
4. The Applicant shall have flexibility from the Zoning Regulations with respect to the Project's parking requirement, closed court requirements, roof structure setback requirements, and M Street, N.W. height setback (pursuant to § 1706.15) requirements as shown on the Plans.
5. The Project will include the preservation and restoration of the existing 1126 9th Street, N.W. structure in accordance with the Plans.

B. PUBLIC BENEFITS

1. **Prior to the issuance of the first Certificate of Occupancy for the residential component of the Project**, and for the life of the Project, the Applicant shall demonstrate the following:
 - a. The project shall provide a total of up to approximately 36,567 square feet of residential gross floor area ("GFA") of housing. No more than approximately 35,104 square feet of GFA of this total will be market rate housing, and no less than approximately 1,463 square feet of GFA will be affordable housing;

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- b. The Applicant shall set aside a minimum of four percent of the residential gross floor area as affordable housing for the life of the project. Of the affordable units, one unit shall be reserved for households with incomes not exceeding 50% of the Area Median Income for the Washington, D.C. metropolitan statistical area (“AMI”) and one unit shall be reserved for households with incomes not exceeding 80% of the AMI;
- c. The distribution of the affordable housing units shall be in substantial accordance with the plans marked as pages ZC-31 and ZC-32 of Ex. 31A of the record^[1], and substantially in accordance with the following chart:

Residential Unit Type	GFA/Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	Up to 36,567 sf of GFA (100%)	33	NA	NA	NA
Market Rate	No more than 35,104 sf of GFA (96%)	31	Market Rate	NA	NA
50% AMI	No less than 731.5 sf of GFA (2%)	1	50% AMI	For the life of the project	NA
80% AMI	No less than 731.5 sf of GFA (2%)	1	80% AMI	For the life of the project	NA

- 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 **Prior to the issuance of the first Certificate of Occupancy for the Project**, the Applicant shall provide evidence that it has completed the following:

- a. Provided supplies and materials, including soil, planters, and other similar materials worth a total of \$2,500 for the Thomson Elementary School rooftop garden; and

^[1] 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. The net square footages of the affordable housing shown on pages ZC-31 and ZC-32 of Ex. 31A satisfy the gross square footages shown on the chart below due to the efficiency factor of the building.

- b. Provided a sunshade to be located over the play area of the 10th Street Park with an estimated value of approximately \$10,000.

Such evidence shall be in the form of a letter (or letters) and/or receipts submitted to the Zoning Administrator stating that the above work, funding, or materials have been provided in the amounts set forth above and have been utilized for the purposes set forth above

3. The Project's LEED and sustainable design requirements shall be as follows:
 - a. **Prior to the issuance of the first Certificate of Occupancy for the Project**, the Applicant shall provide evidence that the Project has been designed to achieve a LEED NC v. 2009 Gold (or higher) level. The Applicant will obtain certification of such Gold level from the US Green Building Council within two years of the issuance of the first Certificate of Occupancy for the Project; and
 - b. **Prior to the issuance of the first Certificate of Occupancy for the Project**, the Applicant shall provide evidence that the Project has been designed to achieve a GAR of not less than approximately 0.318.

C. TRAFFIC MITIGATION

1. **For the life of the Project, the following transportation demand management ("TDM") measures shall be in place:**
 - a. Removal of the existing curb cut at the Property along M Street, N.W.;
 - b. Provision of up to two non-conforming parking spaces for car sharing services to use with a right of first refusal, and such spaces shall be available to members of the car sharing service 24 hours a day, seven days per week (subject to sufficient demand for such space or spaces from such car share companies);
 - c. Provision of at least 16 long-term bike parking spaces as shown on the Plans;
 - d. Provision of an interior bike repair area for the residents and commercial uses and a shower facility for the commercial uses for bike riders;
 - e. Provision of a transit information display in the residential lobby; and
 - f. Maintenance of a transportation management coordinator to provide information to residents and employees.

- g. In addition, the TDM measures shall include the following items for a fixed Bike helmets shall be provided to the initial purchasers of the residential units at the time of the initial purchase;
- h. A SmarTrip card with \$25.00 shall be provided to new condominium owners for five years from project opening;
- i. A SmarTrip card with \$25.00 provided to initial tenants of rental units for five years from project opening;
- j. A two-year bike-share or car-share membership shall be offered to residents upon initial move-in; and
- k. Any resident choosing a car-share membership shall receive the equivalent cash value of a one-year bike-share membership (i.e., the one-year car-share membership fee plus a usage credit in the total cash equivalent amount equal a one-year bike-share membership).

D. MISCELLANEOUS

- 1. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the number of residential units to plus or minus 10%;
 - b. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - c. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details, dimensions and locations, including curtainwall mullions and spandrels, window frames and mullions, glass types, belt courses, sills, bases, cornices, balconies, 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 or to address the structural, mechanical, design, or operational needs of the building uses or systems;
 - d. To vary the final design of retail frontages, including locations of doors, design of show windows and size of retail units and signage, to accommodate the needs of specific retail tenants;

- e. To make minor refinements to the floor-to-floor heights, so long as the maximum height and total number of stories as shown on the Plans do not change; and
 - f. To revise the design of the public space surrounding the Property and the exterior design of the project to the extent necessary to obtain approvals from District agencies and/or service to the Property from utilities.
2. No building permit shall be issued for this project until the Applicant has recorded a covenant among the land records of the District of Columbia between the owner 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 Applicant and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Zoning Commission.
 3. Pursuant to § 2408.8 of the Zoning Regulations, the PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 15-32. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1. Pursuant to § 2408.9, construction of the project must commence within three years of the effective date of this Order.
 4. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01, et seq. (“Act”) and this Order is conditioned upon full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, 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 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.

For the reasons stated above, the Commission concludes that the Applicant has met its burden, and it is **HEREBY ORDERED** that the applications be **GRANTED**.

On July 7, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the application at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On September 26, 2016, upon the motion of Vice Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the

application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; third Mayoral Appointee position vacant, not voting).

In accordance with the provisions of Section 3028.8 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register* on November 25, 2016.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 16-24
(1336 8th Street SPE, LLC – Consolidated PUD and Related
Map Amendment @ Square 399)
November 14, 2016**

THIS CASE IS OF INTEREST TO ANC 6E

On November 7, 2016, the Office of Zoning received an application 1336 8th Street SPE, 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 Lot 68 in Square 399 in northwest Washington, D.C. (Ward 6), on property located at 1336 8th Street, N.W. The property is currently zoned MU-4. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to MU-6.

The Applicant proposes to construct a mixed-use project with a density of 6.56 floor are ratio (“FAR”) with approximately 87,248 square feet (or 80 units) devoted to residential use and 7,980 square feet devoted to non-residential uses, including 1,240 square feet for use by The Church of the Immaculate Conception. The project will have 30% of the residential units set aside for affordable housing, half of which will be reserved for families earning up to 50% of the area median income (“AMI”). The project will have 20 parking spaces in a below-grade parking garage and feature a LEED-Gold certification.

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.

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