

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 22-150, St. Mary's Way Designation Act of 2017
- Board of Ethics and Government Accountability solicits public comments on the Draft Advisory Opinion on Ethical Standards for Advisory Neighborhood Commissions (ANCs)
- Department of Energy and Environment updates the District Stormwater Management Guidebook, soil erosion, and sediment control plan fees
- Department of Health Care Finance and Department on Disability Services solicit public comments on the proposed Home and Community-Based Services waiver application renewal amendments
- University of the District of Columbia adjusts tuition rates for degree granting programs beginning in the 2017 fall semester
- Department of Youth Rehabilitation Services amends funding availability for the FY18 Credible Messenger Initiative

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-56

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 7, 2017

To recognize and honor Jeannette Mobley, during Women’s History Month, for her outstanding leadership in Human Resource Management and for her commitment to the constituents of Ward 5.

WHEREAS, Jeannette Mobley was born in Pennsylvania, educated at Trinity University in Washington D.C., and earned a certificate in Career Development and Planning from the University of Michigan;

WHEREAS, Jeannette Mobley is the Co-Founder and former Chief Operating Officer of the JPM Group, LLC, a CBE Human Resources and Management Consulting firm based in Washington, D.C.;

WHEREAS, Jeannette Mobley held numerous leadership and human resource positions with Bell Atlantic, Verizon, and AT&T;

WHEREAS, Jeannette Mobley managed the corporate College Recruitment and Experienced Hire Program for District of Columbia, Maryland, Virginia, and West Virginia companies;

WHEREAS, Jeannette Mobley, in 1990, founded an all-male African American mentoring and professional development association called the Development Roundtable for the Upper Mobility of Males (DRUM);

WHEREAS, Jeannette Mobley specializes in career management, executive coaching, and managing large career centers for one of the nation’s top 3 outplacement firms, representing clients such as Johns Hopkins Applied Physical Lab, AT&T, Bell Atlantic, BB&T Bank, and the United States Postal Service;

WHEREAS, Jeannette Mobley served as the Chief of Staff for the Office of Councilmember McDuffie, Ward 5;

WHEREAS, Jeannette Mobley is one of the original founders of the DC Children’s Trust Fund Advisory Board and served as its Chair;

ENROLLED ORIGINAL

WHEREAS, Jeannette Mobley is a founding charter member of the Washington DC Hall of Fame, where she currently serves on its board of directors;

WHEREAS, Jeannette Mobley is an Ex-Officio member of the DC Democratic State Committee;

WHEREAS, Jeannette Mobley served 2 terms as the Financial Secretary for the Ward 5 Democrats;

WHEREAS, Jeannette Mobley held a mayoral appointment to the Alcohol Beverage Control Board under Mayor Vincent C. Gray;

WHEREAS, Jeannette Mobley held a mayoral appointment to the Local Opportunity Business Commission under Mayor Anthony Williams;

WHEREAS, Jeannette Mobley, in 2012, received the DC Government DC Serve Award for Outstanding Community Service; and

WHEREAS, Jeannette Mobley is a loving wife to her husband Pierpont Mobley, a loving mother to her 2 children, Anthony Mobley and Patricia Mobley, and a loving grandmother to her 2 grandchildren, Deja and Jada.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jeannette Mobley Woman of Distinction Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Jeannette Mobley for her many years of leadership in human resources, board leadership, and commitment to the constituents of Ward 5.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-57

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To posthumously honor the life of Dianne Sucora Williams.

WHEREAS, Dianne Sucora Williams, a native Washingtonian, was born on September 15, 1943 in Washington, D.C. to the late H.R. “Mac” and Bernice McConnell;

WHEREAS, Dianne Sucora Williams was raised in Washington, D.C. and grew up with her parents, siblings, and extended family;

WHEREAS, Dianne Sucora Williams was taught the virtues of honesty, faith, and the importance of family and friends during her years of formal education at Park View Elementary School, MacFarland Junior High, Theodore Roosevelt High School, and Howard University;

WHEREAS, Dianne Sucora Williams married her high school sweetheart, Walter A. Johnson, in 1963, and their union was blessed with her oldest daughter, Judith L. Johnson;

WHEREAS, Dianne Sucora Williams married Kenneth Williams in August 1973, and their union was blessed with another daughter, Meryl E. Williams;

WHEREAS, Dianne Sucora Williams remained true friends with both Walter Johnson and Kenneth Williams, both of whom are loving fathers and continue to be a part of the lives of family members and family gatherings;

WHEREAS, Dianne Sucora Williams retired from the Internal Revenue Service, and then returned to working for the District of Columbia Office of Tax and Revenue until she retired for a second time in 2010;

WHEREAS, Dianne Sucora Williams was an active member of several prominent organizations throughout her career, such as Blacks in Government, The National Urban League, The NorJemen Club, and the Mitchellville Drifters;

WHEREAS, Dianne Sucora Williams supported the Democratic party on both the local and national levels and could be found registering a neighbor to vote, getting signatures in support of a candidate, attending the Annual Congressional Black Caucus Annual Legislative Convention, and “rubbing elbows” with various prominent leaders;

ENROLLED ORIGINAL

WHEREAS, Dianne Sucora Williams loved basketball, not only because one of her favorite cousins, Oliver “Ollie” Johnson, played for the Boston Celtics, but because she enjoyed knowing about the players, including their stats and who they were as a person, and because of her love for the game, on any given night or Saturday afternoon, she could be found yelling at a televised game or at a player while attending the game in person, or praising her favorite team, the Los Angeles Lakers, her favorite players, Earvin “Magic” Johnson and Julius “Dr. J” Erving, and her favorite coaches, Pat Riley, Phil Jackson, and Doc Rivers;

WHEREAS, Dianne Sucora Williams loved Martha’s Vineyard, and for over 30 years, she made her annual expedition to the Vineyard, which later on included various stops along the way to visit friends and shop at one of her favorite stores, and upon her arrival at the Inkwell, she spent 2 weeks annually enjoying some much-needed rest, sun, fun, and many gatherings with friends;

WHEREAS, Dianne Sucora Williams loved cooking and spent time thinking of new recipes, watching one of her many cooking shows on television, and catering in the homes of some of the District’s prominent families;

WHEREAS, Dianne Sucora Williams enjoyed making certain that family members were happy, birthdays and family gatherings were joyful and meaningful, and every family member was remembered on holidays and special occasions;

WHEREAS, Dianne Sucora Williams had a zest for life that was reflected in her love of family, shopping, traveling, and dancing;

WHEREAS, Dianne Sucora Williams, also known as Mom, Gi-Gi, and Pepsi, was known to say that she was living her life like it’s golden; and

WHEREAS, Dianne Sucora Williams passed away peacefully at Holy Cross Hospital after a long and valiant fight against breast cancer.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Dianne Sucora Williams Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the rich life of Dianne Sucora Williams and expresses its sympathy on her passing.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-58

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Saint Mary’s Episcopal Church of Foggy Bottom on the occasion of its 150th anniversary and to declare June 11, 2017, as “Saint Mary’s Episcopal Church Day” in the District of Columbia.

WHEREAS, St. Mary’s Episcopal Church (“St. Mary’s”) was opened for Divine Service on the second Sunday in June 1867, thus becoming the first African American Episcopal congregation in Washington, D.C.;

WHEREAS, St. Mary’s was born out of the desire of African American communicants of the Church of the Epiphany to establish a separate place of worship;

WHEREAS, President Abraham Lincoln’s Secretary of War, Edwin McMasters Stanton, agreed to have the chapel attached to Kalorama Hospital taken down carefully and rebuilt in the city for communicants seeking a church of their own;

WHEREAS, Catherine Pearson, a parishioner of St. John’s, offered a lot on 23rd Street, between G and H Streets, N.W., for the location of what was first called St. Barnabas Mission but was changed to St. Mary’s the same year;

WHEREAS, the Civil War had just passed when St. Mary’s came into existence, the time of Reconstruction had just begun, and the outlook of those who had just received their freedom was none too promising;

WHEREAS, the founders of St. Mary’s continued struggling to have a church they could call their own and which they could pass on to their children and future generations;

WHEREAS, St. Mary’s stands today as a monument to the faith of the founders who prayed, planned, and worked to have a place where they could worship God in Spirit and Truth;

WHEREAS, St. Mary’s has served Washington, D.C. and the metropolitan area throughout its history, and now in a newly restored interior with a dedicated worship, education, and musical service;

ENROLLED ORIGINAL

WHEREAS, on April 2, 1973, St. Mary's was placed on the National Register of Historic Places by the U.S. Department of the Interior; and

WHEREAS, St. Mary's is moving into its third century looking forward to continued growth in all of its worship, education, and community service to meet the needs of an ever-changing congregation, city, and world.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Mary's Episcopal Church 150th Anniversary Celebration Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes and honors St. Mary's Episcopal Church on the observance of its 150th anniversary celebration and declares June 11, 2017, as "St. Mary's Episcopal Church Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-59

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize the many contributions of people with developmental disabilities, to emphasize the importance of protecting and providing access, support, and services for people with disabilities, to reaffirm the District's commitment to protecting its most vulnerable residents, and to declare the month of March 2017, as "Developmental Disabilities Awareness Month" in the District of Columbia.

WHEREAS, developmental disabilities continue to affect more than 7 million Americans and their families;

WHEREAS, persons with a work-limiting disability continue to experience lower average wages, lower employment rates, lower labor market activity, and higher rates of poverty;

WHEREAS, we encourage all citizens to support opportunities for people with developmental disabilities to experience full access to education, housing, employment, recreational activities, and other community resources;

WHEREAS, ensuring the prospect of a fulfilling life for everyone, regardless of disability, requires the continued commitment of our entire community to protecting both access and dignity for people with disabilities;

WHEREAS, the then President of the United States proclaimed the month of March 1987, as the first "Developmental Disabilities Awareness Month", speaking of the "prospect of a brighter future and greater opportunity" for people with disabilities;

WHEREAS, this month's theme for Developmental Disabilities Awareness Month is "Our Voices, Our Choices"; and

WHEREAS, March 2017, is the 30th anniversary of the original Developmental Disabilities Awareness Month recognition.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Developmental Disabilities Awareness Month Recognition Resolution of 2017".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes the contributions of people with developmental disabilities and declares the month of March 2017, as “Developmental Disabilities Awareness Month”, as a confirmation of the District’s continued support for residents with developmental disabilities and those who support them to achieve their goals.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-60

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To honor the Capitol Hill Arts Workshop on the occasion of its 45th anniversary and to recognize the dedication and commitment of executive director Jill Strachan for her service to the Capitol Hill community.

WHEREAS, the Capitol Hill Arts Workshop (“CHAW”) is a community-based, nonprofit organization founded in 1972 by Sally Crowell and other community members who were interested in sharing their artistic expertise with children and adults;

WHEREAS, arts instruction classes were held in several Capitol Hill churches until, in the late 1970’s, the organization obtained the use of the old B.B. French School at 545 Seventh Street, S.E., from the District of Columbia government;

WHEREAS, CHAW is located in a racially and economically diverse neighborhood;

WHEREAS, CHAW embarked on an extensive renovation of the facility through a partnership with the Marines of the historic 8th & I Marine Barracks Washington D.C., neighborhood businesses, and residents;

WHEREAS, the mission of CHAW is to build community through the arts, and stay focused on its vision as a place where the arts connect and transform people;

WHEREAS, CHAW enjoys a wonderful partnership with the Homeless Children’s Playtime Project, a nonprofit organization that helps connect families living in homelessness with free classes, camps, and activities provided by CHAW;

WHEREAS, CHAW is staffed by dedicated, thoughtful, and creative individuals who focus their efforts on discovering individual potential through making art accessible to all;

WHEREAS, CHAW has enjoyed great success under the decade-long leadership of executive director Jill Strachan, whose commitment to supporting CHAW, its mission of community building through the arts, and the Capitol Hill neighborhood, is unparalleled; and

ENROLLED ORIGINAL

WHEREAS, the District of Columbia and Council of the District of Columbia are privileged and honored to recognize the Capitol Hill Arts Workshop on its 45th anniversary.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Capitol Hill Arts Workshop 45th Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes CHAW for its commitment to the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-61

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize the contributions of Americans with Autism Spectrum Disorder and to declare April as “National Autism Awareness Month” in the District of Columbia.

WHEREAS, autism is a pervasive developmental disorder affecting the social, communication, and behavioral skills of those affected by it;

WHEREAS, autism is the result of a neurological disorder that affects the normal functioning of the human brain, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background;

WHEREAS, autism is the fastest growing developmental disability in the United States, affecting more than 3 million people;

WHEREAS, autism affects one in 68 children in the United States, and the condition is far more prevalent among boys – affecting one in 42 – as compared to one in 189 girls;

WHEREAS, early detection is important and the American Academy of Pediatrics recommends that all kids are screened for autism at 18 and 24 months of age;

WHEREAS, it is important to ensure that persons living with autism have access to the lifelong care and services needed to pursue their full measure of personal happiness and achieve their greatest potential; and

WHEREAS, National Autism Awareness Month represents an excellent opportunity to promote autism awareness, autism acceptance and to draw attention to the tens of thousands facing an autism diagnosis each year.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Autism Awareness Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the importance of awareness and research of autism and declares April as “National Autism Awareness Month” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-62

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize, honor, and congratulate Emory Beacon of Light, Inc. on its 20th anniversary in Ward 4 of the District of Columbia.

WHEREAS, the Emory Beacon of Light, Inc., an outgrowth of the ministries of the Emory United Methodist Church, was established in 1996 as a nonprofit, 501(c)3 community development organization;

WHEREAS, since its foundation, Emory Beacon of Light, Inc. has served as a change agent within the community and surrounding neighborhoods offering a variety of services that have dramatically boosted the economic and social vitality of the area;

WHEREAS, in one year alone, the organization provided 158 weekend backpacks of food to children who receive free or reduced lunches, provided technical assistance to more than 313 small businesses in Brightwood, served 54 clients in our Immigration Clinic sponsored by Justice for our Neighbors, and sponsored 23 networking events, webinars, and workshops for small businesses in Brightwood;

WHEREAS, Emory Beacon of Light, Inc., with its partner, the Community Builders, has secured city funding for a mixed-use building project known as the Beacon Center, which will provide 99 units of housing and commercial space around a new church structure for Emory Fellowship;

WHEREAS, Emory Beacon of Light, Inc. provides much-needed food assistance to District families through its food pantry, making a difference between hunger and a healthy meal for many men, women, and children;

WHEREAS, in 2015 alone, Emory Beacon of Light, Inc. served more than 13,620 individuals, which equates to over 2,724 families served through its food pantry;

WHEREAS, Emory Beacon of Light, Inc. works closely with business leaders, elected officials, and faith leaders to improve the look, cleanliness, and safety of the Ward 4 community;

WHEREAS, the Emory Beacon of Light Storefront Improvement Program has worked with area merchants to beautify and elevate the businesses in District neighborhoods; and

ENROLLED ORIGINAL

WHEREAS, each year Emory Beacon of Light, Inc. sponsors a Walk-a-Thon for homeless men, women, and children who rely on the organization for its services and support throughout the year, including transitional housing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Emory Beacon of Light, Inc. 20th Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the impact of Emory Beacon of Light, Inc. and its contributions on its 20th anniversary.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-63

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize the importance of taking charge of maintaining healthy financial habits, and to declare April as “Financial Literacy Month” in the District of Columbia.

WHEREAS, the United States has recognized April as Financial Literacy Month since 2003;

WHEREAS, financial literacy is the ability to use knowledge and skills to manage financial resources effectively for a lifetime of financial well-being;

WHEREAS, in the United States, great efforts are made to teach Americans many subjects but financial literacy is not given the same attention, causing few Americans to know how to effectively manage their personal finances;

WHEREAS, Americans are insufficiently educated about their personal finances, and currently carry a total of over \$2 trillion in consumer debt;

WHEREAS, over 30% of Americans report having no extra cash available, making it impossible to escape the burden of living paycheck to paycheck;

WHEREAS, surveys have shown that more than half of millennials say debt is their “biggest financial concern,” and about 39% of millennials say they worry about their financial future “at least once a week”;

WHEREAS, Financial Literacy Month is an opportunity to highlight the importance of providing Americans with comprehensive financial education that includes skills like long-term vision and planning for the future;

ENROLLED ORIGINAL

WHEREAS, organizations who wish to highlight the importance of financial literacy have dedicated programs to counseling consumers on their finance, and helping them find the tools and solutions they need to achieve financial freedom;

WHEREAS, many of the country’s financial institutions and nonprofit financial educational organizations promote the month by holding events and creating educational materials that center around effectively handling money and dealing with debt;

WHEREAS, FinancialLiteracyMonth.com has been created for year-round use to delineate a 30-step path to financial wellness, helping create a successful strategy to better a person’s overall financial position;

WHEREAS, programs providing financial literacy education also provide professional financial guidance, credit counseling, community-wide educational programs, debt management assistance, bankruptcy counseling and education services, and housing counseling assistance; and

WHEREAS, Financial Literacy Month serves to emphasize the importance of economic and financial education and promote financial stability.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Financial Literacy Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and highlights the importance of financial literacy in the District of Columbia and declares April as “Financial Literacy Month” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-64

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor the importance of drawing attention to world health issues, and to declare April 7, 2017 as “National World Health Day” in the District of Columbia.

WHEREAS, in 1948, the World Health Organization (“WHO”) held the First World Health Assembly and designated April 7 of each year, with effect from 1950, as World Health Day;

WHEREAS, World Health Day is one of the 8 official global health campaigns marked by the WHO, along with World Tuberculosis Day, World Immunization Day, World No Tobacco Day, World AIDS Day, World Blood Donor Day, and World Hepatitis Day;

WHEREAS, the WHO puts together regional, local, and international events each year related to the theme of the year;

WHEREAS, World Health Day provides an opportunity for individuals in every community to get involved in activities that can lead to better health;

WHEREAS, World Health day, in 2017, aims to mobilize action on depression -- a condition that affects all ages, countries, and all walks of life, impacting people’s ability to carry out everyday tasks and potentially leading to self-inflicted injury and suicide;

WHEREAS, World Health Day will work to promote a better understanding of depression, including prevention and treatment, to reduce the stigma associated with the illness thus leading more people to seek help; and

WHEREAS, World Health Day serves as a day for District citizens, government agencies, and public interest groups to reflect on current progress and future action needed for improving the overall health of the world.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National World Health Day Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the impact of the World Health Organization and its contributions and declares April 7, 2017 as “National World Health Day” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-65

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize the 155th anniversary of District of Columbia Emancipation Day on April 16, 2017 as an important day in the history of the District of Columbia and the United States in that on April 16, 1862, President Abraham Lincoln signed the District of Columbia Compensated Emancipation Act, which freed 3,100 slaves in the District of Columbia.

WHEREAS, on April 16, 1862, President Abraham Lincoln signed the District of Columbia Compensated Emancipation Act during the Civil War;

WHEREAS, the District of Columbia Compensated Emancipation Act provided for immediate emancipation of 3,100 enslaved men, women, and children of African descent held in bondage in the District of Columbia;

WHEREAS, the District of Columbia Compensated Emancipation Act authorized compensation of up to \$300 for each of the 3,100 enslaved men, women, and children held in bondage by those loyal to the Union, voluntary colonization of the formerly enslaved to colonies outside of America, and payments of up to \$100 to each formerly enslaved person who agreed to leave America;

WHEREAS, the District of Columbia Compensated Emancipation Act authorized the federal government to pay approximately \$1 million, in 1862 funds, for the freedom of 3,100 enslaved men, women, and children of African descent in the District of Columbia;

WHEREAS, the District of Columbia Compensated Emancipation Act ended the bondage of 3,100 enslaved men, women, and children of African descent in the District of Columbia, and made them the "first freed" by the federal government during the Civil War;

WHEREAS, nine months after the signing of the District of Columbia Compensated Emancipation Act, on January 1, 1863, President Lincoln signed the Emancipation Proclamation of 1863, to begin to end institutionalized enslavement of people of African descent in Confederate states;

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WHEREAS, on April 9, 1865, the Confederacy surrendered, marking the beginning of the end of the Civil War, and on August 20, 1866, President Andrew Johnson signed a Proclamation—Declaring that Peace, Order, Tranquility and Civil Authority Now Exists in and Throughout the Whole of the United States of America;

WHEREAS, in December 1865, the 13th Amendment to the United States Constitution was ratified, establishing that “ Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction”;

WHEREAS, in April 1866, to commemorate the signing of the District of Columbia Compensated Emancipation Act of 1862, the formerly enslaved people and others, in festive attire with music and marching bands, started an annual tradition of parading down Pennsylvania Avenue, proclaiming and celebrating the anniversary of their freedom;

WHEREAS, the District of Columbia Emancipation Day Parade was received by every sitting President of the United States from 1866 to 1901;

WHEREAS, on March 7, 2000 at the Twenty Seventh Legislative Session of the Council of the District of Columbia, Councilmember Vincent B. Orange, Sr. (D-Ward 5) authored and introduced, with Carol Schwartz (R-At large) the historic District of Columbia Emancipation Day Emergency Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-237; D.C. Official Code §§ 1-612.02a, 32-1201);

WHEREAS, the District of Columbia Emancipation Day Emergency Amendment Act of 2000 was passed unanimously by the Council, and signed into law on March 23, 2000 by Mayor Anthony A. Williams to establish April 16th as a legal private holiday;

WHEREAS, on April 16, 2000, to properly preserve the historical and cultural significance of the District of Columbia Emancipation Day, Councilmember Orange hosted a celebration program in the historic 15th Street Presbyterian Church, founded in 1841 as the First Colored Presbyterian Church;

WHEREAS, on April 16, 2002, after a 100-year absence, the District of Columbia, spearheaded by Councilmember Orange with the support of Mayor Anthony A. Williams, returned the Emancipation Day Parade to Pennsylvania Avenue, N.W., along with public activities on Freedom Plaza and evening fireworks (D.C. Official Code § 1 -182);

WHEREAS, on November 30, 2004, Mayor Anthony A. Williams signed the District of Columbia Emancipation Day Parade and Fund Act of 2004, effective March 17, 2005 (D.C. Law 15-240; D.C. Official Code § 1-181 1 *et seq.*), which established the Emancipation Day Fund to

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receive and disburse monies for the Emancipation Day Parade and activities associated with the celebration and commemoration of the District of Columbia Emancipation Day;

WHEREAS, on January 4, 2005, Mayor Anthony A. Williams signed the District of Columbia Emancipation Day Amendment Act of 2004, effective April 5, 2005 (D.C. Law 15-288; D.C. Official Code § 1-612.02(a)(11)), which established April 16th as a legal public holiday;

WHEREAS, on April 16, 2005, District of Columbia Emancipation Day was observed for the first time as a legal public holiday, for the purpose of pay and leave of employees scheduled to work on that day (D.C. Official Code § 1-612.02(c)(2));

WHEREAS, April 16, 2017, is the 155th anniversary of District of Columbia Emancipation Day, which symbolizes the triumph of people of African descent over the cruelty of institutionalized slavery and the goodwill of people opposed to the injustice of slavery in a democracy;

WHEREAS, the Council of the District of Columbia remembers and pays homage to the 23 million people of African descent enslaved for more than 2 centuries in America for their courage and determination; and

WHEREAS, the Council of the District of Columbia remembers and pays homage to President Abraham Lincoln for his courage and determination to begin to end the inhumanity and injustice of institutionalized slavery by signing the District of Columbia Compensated Emancipation Act on April 16, 1862.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia Emancipation Day 155th Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the 155th anniversary of District of Columbia Emancipation Day as an important, historic occasion for the District of Columbia and the nation and serves as an appropriate time to reflect on how far the District of Columbia and the United States have progressed since institutionalized enslavement of people of African descent; and, most importantly, the 155th anniversary reminds us to reaffirm our commitment to forge a more just and united country that truly reflects the ideals of its founders and instills in its people a broad sense of duty to be responsible and conscientious stewards of freedom and democracy.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-66

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize the importance of drawing attention to Chagas Disease, and to declare April 14, 2017 as “Chagas Disease Awareness Day” in the District of Columbia.

WHEREAS, Chagas disease, a parasitic infection that is typically transmitted by insects but can be congenital, can persist in the body for decades and lead to serious heart problems, such as heart failure, stroke, and heart rhythm disturbances later in life;

WHEREAS, Chagas disease affects 8 to 10 million people worldwide, many of whom are in Latin America, and is the third-most-prevalent parasitic infection in the world;

WHEREAS, one in every 3 people who contract Chagas disease develops a lethal heart condition, killing more than 12,000 people each year;

WHEREAS, it is estimated that up to 70% of the population in some provinces of Bolivia have Chagas disease, and the populations of El Salvador and other Central American countries also show high rates of infection;

WHEREAS, immigrants afflicted with Chagas disease in the United States, many of whom do not speak English and lack insurance, face numerous obstacles to treatment;

WHEREAS, doctors in the United States are often unaware of how to screen for and treat the disease and testing is both costly and inconsistent;

WHEREAS, it is estimated that there may be approximately 300,000 persons in the United States with Chagas disease who acquired the infection in areas where the disease is relatively common;

WHEREAS, the economic toll of Chagas disease is estimated at \$7 billion annually, with more than 10% of that cost incurred in the United States and Canada; and

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WHEREAS, Chagas Disease Awareness Day serves as a day to learn more about Chagas disease and how it can affect individuals and families in the District of Columbia and to support developments in testing and treatment toward the discovery of a cure.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Chagas Disease Awareness Day Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia encourages District of Columbia residents to learn more about Chagas disease and how it can affect individuals and families in the District, supports developments in testing and treatment toward the discovery of a cure, and declares April 14, 2017 as “Chagas Disease Awareness Day” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-67

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Jacque Patterson on the occasion of his retirement from the United States Air Force, and for his dedicated, selfless service to the United States and the District of Columbia.

WHEREAS, Jacque Patterson grew up in Tacoma, Washington, and earned a bachelor's degree in education from Southern Illinois University and a master's degree in Public Administration from Central Michigan University;

WHEREAS, Jacque Patterson began his career in February of 1988, when he entered the United States Air Force, and has been stationed in bases both domestic and overseas, including Texas, Mississippi, New Jersey, Maryland, Virginia, and the Republic of Korea;

WHEREAS, Jacque Patterson completed 13 years of active duty service with deployments to Operation DESERT SHIELD and Operation JOINT GUARD, before joining the Air Force Reserves;

WHEREAS, Jacque Patterson is the Individual Mobilization Augmentee ("IMA") to the MAJCOM Chaplain Assistant Functional Manager, Headquarters Air Mobility Command ("AMC"), Office of the Command Chaplain, Scott AFB, Illinois;

WHEREAS, in his role as IMA, Jacque Patterson serves as the liaison between AFRC and AMC enlisted IMAs for cross-feeding Chaplain Corps policy changes, personnel issues, PME attendance, and promotion eligibility information;

WHEREAS, Jacque Patterson also planned and developed MAJCOM IMA training workshops and served at the Air Mobility Command Representative to the Reserves Chaplain Corps Council;

WHEREAS, Jacque Patterson is a decorated airman who has received over 18 major awards for his service including the Meritorious Service Medal, Commendation Medal,

ENROLLED ORIGINAL

Achievement Medal, Outstanding Unit Award, Organizational Excellence Award, Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Service Medal, NATO Medal, Kuwait Liberation Medal, and several others;

WHEREAS, Jacque Patterson has also been a dynamic member in the District of Columbia, appointed to a number of District of Columbia boards and commissions, including the board of directors of the District of Columbia Housing Finance Agency, advisory board for Veteran Affairs, and the St. Elizabeth Redevelopment Initiative Advisory Board;

WHEREAS, Jacque Patterson served 4 terms as an ANC Commissioner;

WHEREAS, on March 1, 2014, Jacque Patterson was promoted to Air Force Chief Master Sergeant; and

WHEREAS, Jacque Patterson is retiring after 29 years of honorable service with the United States Air Force.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jacque Patterson Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and thanks Jacque Patterson for his 29 years of service with the United States Air Force, his contributions to the District of Columbia, and his dedication to the United States of America.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-68

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Dr. Elizabeth (Bettye) Bouey-Yates on the occasion of a legacy luncheon celebrating her life and to declare April 29, 2017, as “Dr. Elizabeth (Bettye) Bouey-Yates Day” in the District of Columbia.

WHEREAS, Dr. Bouey-Yates has lived in the District of Columbia for over 48 years and currently resides at 328 G Street, S.W.;

WHEREAS, Dr. Bouey-Yates is the daughter of the late Rev. Edward H. Bouey and Dr. Elizabeth Cloes Bouey of Richmond, Virginia, who both served as missionaries in West Africa for many years;

WHEREAS, Dr. Bouey-Yates followed in the footsteps of her parents by spending much of her life in developing countries in Africa, Asia, and the Caribbean, working with people and programs to provide educational and technical assistance;

WHEREAS, Dr. Bouey-Yates began preparation for her life’s work at Virginia Union University, graduating in 1943 at the age of 17 years;

WHEREAS, Dr. Bouey-Yates received her first graduate degree from Columbia University in New York City and her doctoral degree from George Washington University;

WHEREAS, Dr. Bouey-Yates began her professional career as a teacher in the Richmond Public Schools;

WHEREAS, Dr. Bouey-Yates joined the staff of the International Relations Division of the National Education Association as Director of its Overseas Educational Assistance Program in 1964, living and working in developing countries throughout the world;

WHEREAS, Dr. Bouey-Yates later moved to Switzerland to work for the World Confederation of Organizations of the Teaching Profession as Program Director for Africa;

ENROLLED ORIGINAL

WHEREAS, Dr. Bouey-Yates lived through the outbreak of war in the Congo, a plane hijacking across the Red Sea to Yemen, coup d'états in Liberia and the Cameroons, political demonstrations in Swaziland, Lesotho, and South Africa, and relief efforts in drought-stricken Ethiopia;

WHEREAS, Dr. Bouey-Yates from 1977 to her retirement in 1986 worked in South Africa, assisting the Black and Colored Teachers Association in its struggle against apartheid;

WHEREAS, Dr. Bouey-Yates passion for South Africa has resulted in organized trips of American groups to study, experience, and enjoy the country she has come to love so dearly;

WHEREAS, Dr. Bouey-Yates' numerous trips with more than a thousand travelers has resulted in the formation of the Dr. Bettye Bouey-Yates Educational Foundation, founded primarily to give much-needed assistance to the 1,200 children at the Christianberg Public Primary School, located outside the city of Durban;

WHEREAS, Dr. Bouey-Yates belongs to Christ United Methodist Church in the District of Columbia, whose members, many of whom are former South African travelers, provide various forms of assistance to an orphanage, a church, and HIV-AIDS program in South Africa's black township of Soweto;

WHEREAS, Dr. Bouey-Yates is a member of Delta Sigma Theta, Inc., and continues to be involved in many activities that relate to Africa, African-American history, and the culture and arts; and

WHEREAS, the District of Columbia and the Council of the District of Columbia are privileged and honored to recognize Dr. Elizabeth (Bettye) Bouey-Yates on this auspicious occasion, a legacy luncheon on April 29, 2017 celebrating her life.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Dr. Elizabeth (Bettye) Bouey-Yates Day Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia recognizes Dr. Elizabeth (Bettye) Bouey-Yates for her commitment to the District of Columbia, and declares April 29, 2017, as "Dr. Elizabeth (Bettye) Bouey-Yates Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-69

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To honor the myriad accomplishments and distinguished service of Dr. Johnnetta Betsch Cole on the occasion of her retirement from serving as the Director of the Smithsonian National Museum of African Art.

WHEREAS, Dr. Johnnetta Betsch Cole spent one year in an early entrance program at Fisk University and completed her undergraduate studies at Oberlin College;

WHEREAS, Dr. Johnnetta Betsch Cole earned a master’s degree and a Ph.D. in anthropology from Northwestern University with a focus on African Studies;

WHEREAS, Dr. Johnnetta Betsch Cole became the first African American woman to serve as president of Spelman College in 1987, and during her presidency, Spelman was named the No. 1 liberal arts college of the South;

WHEREAS, Dr. Johnnetta Betsch Cole served as president of Bennett College for Women, and during her presidency, an art gallery was opened and programs were initiated in women’s studies and global studies;

WHEREAS, Dr. Johnnetta Betsch Cole is Professor Emerita of Emory University from which she retired as Presidential Distinguished Professor of Anthropology, Women’s Studies, and African American Studies;

WHEREAS, Dr. Johnnetta Betsch Cole has conducted research in Africa, the Caribbean, and the United States, and she has authored and edited several books and scores of scholarly articles;

WHEREAS, Dr. Johnnetta Betsch Cole has served as President of the board of the Association of Art Museum Directors and is a fellow of the American Anthropological Association and the American Academy of Arts and Sciences;

WHEREAS, Dr. Johnnetta Betsch Cole serves on the board of Gregory University, in Uturu, Nigeria, and is also a member of the Toni Morrison Society;

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WHEREAS, Dr. Johnnetta Betsch Cole was the Chair of the Board of United Way of America from 2004 to 2006, becoming the first African American to serve in that position;

WHEREAS, Dr. Johnnetta Betsch Cole has served on the corporate boards of Home Depot, Merck, and Nation's Bank South, and was the first woman to serve on the board of Coca-Cola Enterprises;

WHEREAS, Dr. Johnnetta Betsch Cole serves on the Advisory Committee of America's Promise and Points of Light Foundation and is a member of Delta Sigma Theta Sorority, Inc., The Links, Inc., and the National Council of Negro Women;

WHEREAS, Dr. Johnnetta Betsch Cole was listed among the 100 most influential African Americans by Ebony Magazine in 2010, Washingtonian Magazine listed her in 2011 among Washington, D.C.'s most powerful women, and in 2015 BET (Black Entertainment Television) awarded her the BET Honors award for education;

WHEREAS, Dr. Johnnetta Betsch Cole has been awarded 68 honorary degrees and is the recipient of numerous awards, including the TransAfrica Forum Global Public Service Awards; the Radcliffe Medal; the Eleanor Roosevelt Val-Kill Medal; the Alexis de Tocqueville Award for Community Service from United Way of America; the Joseph Prize for Human Rights presented by the Anti-Defamation League; the Uncommon Height Award from the National Council of Negro Women; the Straight for Equality award from Parents, Families and Friends of Gays and Lesbians (PFLAG); the John W. Gardner leadership Award from Independent Sector; the Lenore and George W. Romney Citizen Volunteer Award from the Points of Light Foundation; the George Washington Carver award; the Benjamin Franklin Creativity Laureate Award; and the Alston-Jones International Civil and Human Rights Award;

WHEREAS, Dr. Johnnetta Betsch Cole, through her work as a college president and university professor and through her published works, speeches, community service, and consultations with corporations and nonprofit organizations, has consistently addressed racial, gender, and all other forms of inequality;

WHEREAS, Dr. Johnnetta Betsch Cole was conferred an Igbo Chieftaincy title of ADAOHA (Daughter of All) on December 8, 2012, in Uturu, Nigeria by His Royal Highness Eze Cyril Ibe, EzeOgbonnaya Uwadiegwu and Eze Chimezie;

WHEREAS, Dr. Johnnetta Betsch Cole is the wife of James D. Staton, Jr., mother of 3 sons and one stepson, grandmother to 3 grandchildren, and a mentor to many young women and men;

ENROLLED ORIGINAL

WHEREAS, Dr. Johnnetta Betsch Cole has worked with a number of Smithsonian programs since the mid-1980's and currently serves on the Scholarly Advisory Board for the Smithsonian's National Museum of African American History and Culture; and

WHEREAS, Dr. Johnnetta Betsch Cole is retiring from serving since her March, 2009 appointment as the Director of the Smithsonian National Museum of African Art, a museum founded in 1964 that became a part of the Smithsonian Institution, moved to its current location on the National Mall, and hosts a collection of over 12,000 objects that represents nearly every area of the continent of Africa and contains a variety of media and art forms.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Dr. Johnnetta Betsch Cole Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia celebrates the long and distinguished career of Dr. Johnnetta Betsch Cole as an educator and humanitarian, and congratulates her on the completion of her successful tenure as the Director of the Smithsonian National Museum of African Art.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-70

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Sam Gilliam for his many professional accomplishments, his countless contributions to the arts, and his well-deserved standing as one of the foremost artists to emerge from the District of Columbia.

WHEREAS, Sam Gilliam was born in Tupelo, Mississippi in 1933, and received both a Bachelor of Arts and Master of Arts from the University of Louisville;

WHEREAS, Sam Gilliam entered the U.S. Army in 1956 and served for 2 years;

WHEREAS, Sam Gilliam began his career in 1962, when he moved to the District of Columbia, and following an early figurative period, he began painting in an abstract idiom;

WHEREAS, in 1968, Sam Gilliam affirmed his place among American avant-garde with the creation of his draped works, with patterns resembling those found in African American “crazy quilts”;

WHEREAS, Sam Gilliam has been featured at several District of Columbia galleries, including the Corcoran Art Gallery;

WHEREAS, Sam Gilliam has taught art in the Washington, D.C. public school system and several universities, including Carnegie-Mellon and the Maryland Art Institute in Baltimore;

WHEREAS, Sam Gilliam has received numerous awards, including National Endowment for the Arts Activities Grants in 1967, 1973-1975, and 1989, and a Guggenheim Memorial Foundation Fellowship in 1971;

WHEREAS, Sam Gilliam’s art has been displayed in the American Pavilion at the 1972 Venice Biennale, the San Francisco Museum of Art, Kordansky’s gallery in Los Angeles, the Philadelphia Museum of Art, the Museum of Modern Art, and the Metropolitan Museum of Art;

ENROLLED ORIGINAL

WHEREAS, Sam Gilliam maintains an art studio in Ward 4 of the District of Columbia that features dozens of his Color Field style paintings;

WHEREAS, Sam Gilliam has been commissioned to create a multi-paneled, 28-foot-long piece for the lobby of the Smithsonian Museum of African American Culture and History, one of the highest profile commissions of his career;

WHEREAS, Sam Gilliam’s spontaneous and improvisational techniques, particularly his pouring of pigments onto unstretched canvas, have cemented his place as a world-renowned artist;

WHEREAS, Sam Gilliam’s work across various forms of media has made him an extraordinary artist who has broken numerous boundaries; and

WHEREAS, Sam Gilliam, at 83 years of age and after more than 40 years of painting, has experienced an artistic rebirth and continues to reshape his position within the art world.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sam Gilliam Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes Sam Gilliam’s impact on the art community in the District of Columbia, honors his incredible career as both artist and teacher, and celebrates the lasting impact of his artwork.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-71

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Father Michael J. Kelley for his 40 years of pastoral and community service in the District of Columbia.

WHEREAS, Father Michael J. Kelley was born in Spokane, Washington, and ordained as a priest of the Archdiocese of Washington on May 17, 1975;

WHEREAS, in 1992, Father Michael J. Kelley was named pastor of Saint Martin of Tours Parish in Washington, D.C., where he continues to serve as pastor today;

WHEREAS, Saint Martin of Tours Catholic Church is an open and diverse parish that promotes justice and peace;

WHEREAS, Father Michael J. Kelley partnered with Catholic Charities, local community groups, and the District of Columbia government to build and manage The Summit at St. Martin’s Apartments, an affordable workforce housing apartment complex for individuals and families;

WHEREAS, Father Michael J. Kelley opens St. Martin’s Community Center any day of the week to give children in the neighborhood a safe place to play basketball;

WHEREAS, Father Michael J. Kelley provides space for community organizations at the St. Martin’s Community Center, including numerous Alcoholics Anonymous and Narcotics Anonymous groups that meet 7 days a week;

WHEREAS, Father Michael J. Kelley authorized the creation of a Black and Women’s History Ministry so parishioners can celebrate and explore the richness, value, and contributions of black people and women of all races to the church, community, city, and the world;

WHEREAS, Father Michael J. Kelley is a founder and board member of the North Capitol Street and Rhode Island Avenue Ecumenical Council comprised of 7 churches that serve the spiritual, educational, and social needs of their respective communities; and

ENROLLED ORIGINAL

WHEREAS, Father Michael J. Kelley takes time to reach out to new neighbors while also continuing to serve longtime residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Father Michael J. Kelley Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Father Michael J. Kelley for his decades of service to Saint Martin of Tours Parish, to the Bloomingdale community, and to the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-72

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To honor the African-American Music Association, Inc. and its partners on the occasion of the 34th Annual Marvin Gaye Day.

WHEREAS, the African-American Music Association, Inc. (“AAMA”) was established to preserve, protect, and promote, and to foster the continued development of African-American music and the legacy of those who compose, record, and perform the music;

WHEREAS, the AAMA’s primary goal is to offer programs and activities to the community that will assure a better quality of life for persons pursuing music as a career, including a program that seeks to save children from abuse, neglect, and street violence;

WHEREAS, the AAMA, along with partners the Pennsylvania Avenue Baptist Church, MBI Health Services, LLC, Youth and Families in Crisis, LLC, and The DC Prevention Center for Wards 7 & 8, will host “Community Conversations II: Linking Gun Violence, Domestic Violence, Neighborhood Beefs, Drug and Alcohol Prevention, and Mental Health” on April 1, 2017 at the Pennsylvania Avenue Baptist Church to discuss the effects of domestic violence, mental health, teen gun violence, drug and alcohol prevention, and neighborhood beefs within our communities;

WHEREAS, Community Conversations II aims to emphasize the relationships between mental health, drug and alcohol abuse, gun violence, and domestic abuse that are pervasive across cultures, class, and ethnicity, but disproportionately represented in African-American communities nationwide, and solutions to these issues will be explored;

WHEREAS, Community Conversations II will also include festivities for children and young adults, special entertainment, live performances by local entertainers, issue forums, and other community outreach activities; and

WHEREAS, Community Conversations II will commemorate the 34th Annual Marvin Gaye Day, as established by the AAMA, in recognition of the death of Marvin Gaye, the singer, songwriter, record producer, native Washingtonian, and native of Ward 7 who lost his life in a domestic violence incident on April 1, 1984, and suffered from many of the social ills that will be examined at the event.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “African-American Music Association, Inc. 34th Annual Marvin Gaye Day Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia congratulates the African-American Music Association, Inc. and its partners on the occasion of the 34th Annual Marvin Gaye Day.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-73

COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To honor and recognize public charter schools in the District of Columbia and to declare May 1 through May 7, 2017 as “National Charter Schools Week” in the District of Columbia.

WHEREAS, more than 41,000 students attend public charter schools in the District of Columbia, enjoying access to a free, quality education;

WHEREAS, the District of Columbia Public Charter School Board provides effective oversight to the 65 nonprofits operating 118 schools that educate students from every ward of the District of Columbia;

WHEREAS, public charter school students, parents, teachers, and administrators have helped make the District of Columbia into one of the most successful, nationally recognized school choice systems in the United States;

WHEREAS, District of Columbia public charter schools adhere to tough academic standards, a comprehensive charter application review process, and rigorous oversight;

WHEREAS, 2017 marks the 21st year of public charter schools in the District of Columbia; and

WHEREAS, National Charter Schools Week is an annual opportunity to recognize and celebrate the quality educational options that public charter schools offer to District of Columbia students and families.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Charter Schools Week Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia honors and recognizes the significance of public charter schools in the District of Columbia and declares May 1 through May 7, 2017 as “National Charter Schools Week” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-74

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To congratulate and celebrate the National Champion Ridge Road Titans Junior Pee Wee Football Team.

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team is an association of the Capital Beltway League, where Michael Keys is president, in the Big East Region of the American Youth Football;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team Commissioner is Michael Moore, the Assistant Commissioner is Ron Hull, the Ridge Road Recreation Center Manager is Sonny Hicks, the 501(c)(3) President is Barbara Greene, and the Administrator is Ebony Livingston;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team is coached by Head Coach Carlos Turner, Josh Griffin, Johnny Sidbury, Jimmy Stubbs, Idrees Farooq, and Ronald Hull;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team 2016-2017 roster includes:

Ricardo Douglas	#1
Mario Jones	#2
Ke'Juan Richburg	#3
Mykel Morman	#4
Jordan Strickland	#5
Joshua Griffin	#6
Atiba de Souza, Jr.	#7
Juan Pratt, Jr.	#8
Dajuan Samuel	#9
Khairi Jones	#10
Lavonte Fleming	#17
Edrees Farooq	#21
Shamar McIntosh	#22

ENROLLED ORIGINAL

Ronald Hull, III	#44
Rocco Gilbert	#50
Jalel Lott	#52
Solomon Sidbury	#55
Reginald Anderson, Jr.	#56
Jayden Morrison	#59
Quron Parrott	#66
Jordan Chiles	#72
Louis Bailey	#80
Dhani Brooks	#81
Keushon Washington	#99

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team MVP Players are Edrees Farooq, Ricardo Douglas, Reginald Anderson, Jr., and Dajuan Samuel;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team Unsung Heroes for Courage Award recipients are Mykel Morman and Ronald Hull, III;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team Coach of the Year is Head Coach Carlos Turner;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team is the 2016-2017 Capital Beltway League Champion team;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team is the 2016-2017 Maryland State Champion team;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team is the 2016-2017 Big East Regional Champion team;

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team was undefeated in the 2016-2017 season, winning 17 games; and

WHEREAS, the Ridge Road Titans Junior Pee Wee Football Team won the American Youth Football National Division I Junior Pee Wee Championship in Florida against the defending National Champion Marshall Heights Bison, with a winning score of 35 – 0.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Ridge Road Titans Junior Pee Wee Champion Football Team Recognition Resolution of 2017”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia congratulates the Ridge Road Titans Junior Pee Wee Football Team on its championship, commends the team for its undefeated season, honors the team for its tenacity and excellence, and thanks the players for serving as examples for other youth in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Jeffrey Ballou on his election as the 110th President of the National Press Club and for over 25 years of dedication to media and journalism.

WHEREAS, Jeffrey Ballou was born in Pittsburgh, Pennsylvania and graduated from Penn State University with a Bachelor of Arts in Journalism and African-American studies.

WHEREAS, Jeffrey Ballou attended American University, from which he earned a Masters of Arts in Journalism and Public Affairs;

WHEREAS, Jeffrey Ballou started his media career as a broadcast fellow in Boston, Massachusetts;

WHEREAS, Jeffrey Ballou has worked at various media outlets across the country, including radio stations, television stations, and other freelance assignments;

WHEREAS, Jeffrey Ballou became a member of the National Press Club in 1992;

WHEREAS, Jeffrey Ballou, in 2006, became the Deputy News Editor for Al Jazeera Media Network and was a founding member of the English language channel's launch team;

WHEREAS, Jeffrey Ballou was promoted to news editor of Al Jazeera Media Network in 2013;

WHEREAS, Jeffrey Ballou became a member of the National Press Club, which was founded more than a century ago as the traditional meeting place in Washington, D.C. for newsmakers and journalists;

WHEREAS, Jeffrey Ballou was first elected to the National Press Club's Board of Governors in 2012 and was elected as vice chair of the board in 2014; and

WHEREAS, Jeffrey Ballou was elected as the 110th President of the National Press Club and became the first African-American male to serve in this role.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jeff Ballou Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Jeff Ballou for over 25 years of experience in media and journalism, and for his election as the 110th President of the National Press Club.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Mary Louise Bridgewater Barnes on the occasion of her 90th birthday.

WHEREAS, Mary Louise Bridgewater Barnes was born in Charlottesville, Virginia to Nimrod and Beatrice Bridgewater;

WHEREAS, Mary Louise Bridgewater Barnes moved to Washington D.C. in 1948 and began working as a family caretaker for service generals and kernels families;

WHEREAS, Mary Louise Bridgewater Barnes provided homemaker healthcare services for families in need in the District of Columbia;

WHEREAS, Mary Louise Bridgewater Barnes retired from homemaker services in 1987 after 20 years;

WHEREAS, Mary Louise Bridgewater Barnes, after retirement, continued to volunteer with families;

WHEREAS, Mary Louise Bridgewater Barnes has been a dedicated member of Galilee Baptist Church for 34 years and she sits on the Board of the Helping Hands Ministry and the Widowers Ministry;

WHEREAS, Mary Louise Bridgewater Barnes has been a Washingtonian for 69 years;

WHEREAS, Mary Louise Bridgewater Barnes is the loving mother of 4 daughters, 10 grandchildren, 17 great-grandchildren, and 7 great-great-grandchildren.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mary Louise Bridgewater Barnes Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Mary Louise Bridgewater Barnes on the occasion of her 90th birthday and for her commitment to helping families in need in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-77

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Masjid Muhammad, The Nation’s Mosque, on the occasion of its 80th anniversary celebration, and for its significant contribution to the Ward 5 community.

WHEREAS, one billion people worldwide identify as Muslims, including 200,000 people in the Washington, D.C. metropolitan area;

WHEREAS, Masjid Muhammad is celebrating 80 years as a community in the District;

WHEREAS, Masjid Muhammad was built under the leadership of the Honorable Elijah Muhammad, father of the late Imam W. Deen Mohammed;

WHEREAS, Masjid Muhammad is located on the 1500 block of 4th Street, N.W, which was renamed “Islamic Way” by Mayor Sharon Pratt Kelly and the Council in 1992;

WHEREAS, Masjid Muhammad’s members have made many contribution to the District through Quranic principles;

WHEREAS, Masjid Muhammad’s members are healthy-minded citizens, including entrepreneurs, community leaders, lawyers, educators, military and law enforcement officers, sports leaders, religious scholars, and various other public servants; and

WHEREAS, Masjid Muhammad’s members are instructed to take seriously the trust and responsibility of citizenship, and stand for values such as justice, democracy, human rights, and participating in activities that support District senior citizens, such as hosting the weekly Kibar Nutrition Program that serves lunch to District residents 60 years of age and over.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Masjid Muhammad, The Nation’s Mosque 80th Anniversary Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Masjid Muhammad for its efforts to improve the community and provide a place of worship for District residents.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-78

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To declare the month of April 2017 as “Safe Digging Month” in the District of Columbia.

WHEREAS, because excavation and digging activities begin in spring and summer, Common Ground Alliance and the National Association of Pipeline Safety Representatives (“NAPSR”) have designated April as National Safe Digging Month;

WHEREAS, in an effort to raise awareness about prevention of damage to underground infrastructure, the Public Service Commission of the District of Columbia, as a member of NAPSR, is educating consumers about safe digging practices, damage prevention, and public safety;

WHEREAS, the Public Service Commission of the District of Columbia encourages the public, businesses, and their contractors to call 811 before digging near their homes or businesses;

WHEREAS, residents should be aware that natural gas pipelines, electric power lines, or other facilities may be buried only a few inches underground in easy striking distance even for shallow digging projects;

WHEREAS, the nationwide 811 number provides those who intend to dig or excavate a convenient and easy access to the District One Call Center to request locating and marking natural gas pipelines, electric power lines, and underground facilities;

WHEREAS, to prevent loss of life, damage to property and the environment, and endangerment to the continuity of services, the Public Service Commission of the District of Columbia promotes calling 811 before digging and making resources available that can be used for such promotion;

WHEREAS, in advance of any digging project, there is a required wait time, a respect for the marked lines by maintaining visual definition throughout the course of the excavation, and finally digging with care around the marks; and

ENROLLED ORIGINAL

WHEREAS, safe digging is a shared responsibility, and to “Know What’s Below, Call 811 Before you Dig”;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Safe Digging Month Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia declares the month of April 2017 as “Safe Digging Month” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-79

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Wade Henderson on the occasion of his retirement and for dedicating several years to protecting civil and human rights.

WHEREAS, Wade Henderson is a graduate of Howard University and the Rutgers University School of Law;

WHEREAS, Wade Henderson holds an honorary Doctorate in Law from Queens College School of Law, City University of New York;

WHEREAS, Wade Henderson was the associate director of the Washington national office of the American Civil Liberties Union (“ACLU”), where he began his career as a legislative counsel and advocate on various civil rights and civil liberties issues;

WHEREAS, Wade Henderson served as the executive director of the Council on Legal Education Opportunity;

WHEREAS, Wade Henderson was the Washington Bureau director of the National Association for the Advancement of Colored People, where he directed the government affairs and national legislative program;

WHEREAS, Wade Henderson is president of the Leadership Conference on Civil and Human Rights and counsel to the Leadership Conference Education Fund;

WHEREAS, Wade Henderson serves on the Board of Directors for the National Quality Forum and the Board of Directors of the Center for Responsible Lending;

WHEREAS, Wade Henderson serves on the Board of Trustees of the Education Testing Services;

WHEREAS, Wade Henderson is a member of the Federal Deposit Insurance Corporation Advisory Committee on Economic Inclusion; and

WHEREAS, Wade Henderson is the Joseph L. Rauh, Jr., Professor of Public Interest Law at the David A. Clarke School of Law, University of the District of Columbia.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Wade Henderson Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Wade Henderson, on the occasion of his retirement and for his dedication and service to human rights and civil liberties.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-80

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and honor Robin Kelly on the occasion of her retirement from the Court Services and Offender Supervision Agency.

WHEREAS, Robin Kelly graduated from Eastern High School in 1973 and earned her Masters of Social Work from Howard University in 2005;

WHEREAS, Robin Kelly began her career in public service at the District of Columbia Department of Parks and Recreation;

WHEREAS, Robin Kelly later accepted a position at the District of Columbia Department of Corrections;

WHEREAS, Robin Kelly transitioned from District government to the federal government and worked at the Department of Labor;

WHEREAS, Robin Kelly continued her federal government career and worked for the Department of Transportation;

WHEREAS, Robin Kelly worked at the Guaranty Pension Corporation followed by a position at the Veterans Administration;

WHEREAS, Robin Kelly became the supervisory social services assistant at the Superior Court of the District of Columbia in 1986;

WHEREAS, Robin Kelly, in 1997, became a probation officer at the Superior Court of the District of Columbia;

WHEREAS, Robin Kelly, in 1999, later became the community supervision officer at Court Services and Offender Supervision Agency, where she retired in 2017.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Robin Kelly Recognition Resolution of 2017”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and honors Robin Kelly on the occasion of her retirement and for her dedication as a remarkable employee in both the District and federal governments.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-81

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize and remember Dr. Martin Luther King, Jr. on the 49th anniversary of his assassination on April 4, 1968.

WHEREAS, Dr. King helped to organize efforts, plan events, and lead marches seeking advancements for the rights of African Americans to vote, for desegregation, for recognition and respect for labor rights, and to ensure other basic civil rights;

WHEREAS, Dr. King was a leader of the successful Montgomery bus boycott in 1955, which sought desegregation of the public transit system in the South;

WHEREAS, Dr. King helped found the Southern Christian Leadership Conference ("SCLC") in 1957, and served as its first president;

WHEREAS, Dr. King helped organize the 1963 nonviolent protests in Birmingham, Alabama, that drew national attention to the struggle for civil rights and to the hateful and brutal responses of local law enforcement;

WHEREAS, on April 16, 1963, Dr. King authored his famous "Letter from Birmingham Jail" where Dr. King wrote that "Injustice anywhere is a threat to justice everywhere." and defended the strategy of nonviolent resistance to racism, stating that people have a moral responsibility to break unjust laws and to take direct action rather than waiting potentially forever for justice to come through the courts;

WHEREAS, Dr. King also helped to organize the 1963 March on Washington during which he delivered his eloquent and moving "I Have a Dream" speech;

WHEREAS, Dr. King received the Nobel Peace Prize in 1964 for his work toward passage of the Civil Rights Act of 1964 and for combating racial inequality through civil disobedience and nonviolent resistance;

WHEREAS, Dr. King helped to organize the monumentally inspiring Selma to Montgomery marches in 1965, which assisted advocacy for passage of the Voting Rights Act to guarantee all African American citizens the right to vote;

ENROLLED ORIGINAL

WHEREAS, in later years, Dr. King and the SCLC continued working for social change and justice by fighting housing conditions in Chicago, supporting the garbage workers in Memphis, Tennessee in 1968, seeking the alleviation of poverty, and planning a national occupation of Washington, D.C. through the "Poor People's Campaign";

WHEREAS, on April 4, 1968, Dr. King was assassinated in Memphis, Tennessee; and

WHEREAS, while some of Dr. King's dreams remain unrealized in the United States, through his determination, spirit, and resolve, Dr. King helped lift the souls of all Americans and lead one of the greatest movements for equality and freedom in history.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be sited as the "49th Anniversary of the Assassination of Dr. Martin Luther King, Jr. Recognition Resolution of 2017".

Sec. 2. On the 49th anniversary of his assassination, the Council of the District of Columbia recognizes, remembers, and honors the late Dr. Martin Luther King, Jr., who devoted his brief life to strengthening the content of the American character, called on our Nation to live up to its founding principles of life, liberty, and the pursuit of happiness for all its citizens, and changed our Nation forever through his leadership, service, and clarity of vision.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-82

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 4, 2017

To recognize the entire Frank W. Ballou Senior High Senior School Class of 2017 for applying to college.

WHEREAS, every one of the 190 seniors at Frank W. Ballou Senior High School have applied to college;

WHEREAS, the college and career coordinator of the Frank W. Ballou Senior High School is Jamanda Porter;

WHEREAS, the Frank W. Ballou Senior High School was established in 1958;

WHEREAS, the Frank W. Ballou Senior High School was rebuilt in 2015 and is among the newly renovated high schools in Washington, D.C.;

WHEREAS, among millennials 25 to 32 years of age, median annual earnings for full-time working college-degree holders are \$17,500 greater than those with high school diplomas only;

WHEREAS, research shows that poverty is reduced through employment and employment is increased after a college degree is earned;

WHEREAS, Ward 8 has the highest unemployment rate in Washington, D.C.;

WHEREAS, the Frank W. Ballou Senior High School has an enrollment of over 900 students and every student qualifies for free or reduced-priced lunch;

WHEREAS, never before has an entire senior class at Frank W. Ballou Senior High School ever applied to college;

WHEREAS, the Frank W. Ballou Senior High School is only one of 2 District of Columbia Public Schools where 100% of its seniors have applied to college;

ENROLLED ORIGINAL

WHEREAS, the Frank W. Ballou Senior High School credited the accomplishments its college-prep classes, the work of the career coordinator, and a school-wide campaign to apply to college;

WHEREAS, this accomplishment will raise the expectations of all senior classes following the class of 2017; and

WHEREAS, the Ward 8 community and the entire city of Washington, D.C. is proud of the achievements of the class of 2017 at the Frank W. Ballou Senior High School.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Frank W. Ballou Senior High School Class of 2017 College Application Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes the Frank W. Ballou Senior High School Class of 2017 for applying to college.

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

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

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

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

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

B22-250 Vital Records Modernization Act of 2017

Intro. 4-12-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PROPOSED RESOLUTIONS

PR22-247 Board of Industrial Trades Constantin Rodousakis Confirmation Resolution of 2017

Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-248 Board of Industrial Trades Garth Grannum Confirmation Resolution of 2017

Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

- PR22-249 Board of Industrial Trades Richard Jackson Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR22-250 Board of Industrial Trades Terrence Hughes Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR22-251 Board of Dietetics and Nutrition Annina Burns Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-252 Board of Dietetics and Nutrition Kimberly Thompson Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-253 Board of Long-Term Care Administration Toya Carmichael Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR22-254 Chief Tenant Advocate of the Office of the Tenant Advocate Johanna Shreve Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization
-

- PR22-255 Real Property Tax Appeals Commission Mr. Alvin Lee Jackson Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
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- PR22-256 Real Property Tax Appeals Commission Mr. Frank Sanders Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
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- PR22-257 Real Property Tax Appeals Commission Ms. Wendy Gadson Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
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- PR22-258 Commission on Fashion Arts and Events Mariessa Terrell Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
-
- PR22-259 Board of Veterinary Medicine Leanne Lipton Confirmation Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR22-260 Local Rent Supplement Program Contract No. 2013-LRSP-10A Approval Resolution of 2017
Intro. 4-10-17 by Chairman Mendelson at the request of the District of Columbia Housing Authority and Retained by the Council, with comments from the Committee on Housing and Neighborhood Revitalization
-

PR22-261 Sense of the Council Reaffirming the District's Commitment to Climate Change Action Resolution of 2017

Intro. 4-4-17 by Councilmembers Cheh, Bonds, Silverman, Gray, R. White, Grosso, Todd, Allen, Evans, and Chairman Mendelson and referred to the Committee on Transportation and the Environment

PR22-265 Paul Public Charter School, Inc. Revenue Bonds Project Approval Resolution of 2017

Intro. 4-12-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR22-266 Board of Accountancy Angela Avant Confirmation Resolution of 2017

Intro. 4-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-267 Board of Nursing Layo George Confirmation Resolution of 2017

Intro. 4-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR22-268 Statewide Health Coordinating Council Barbara Ormond Confirmation Resolution of 2017

Intro. 4-13-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

- PR22-269 Statewide Health Coordinating Council Goulda Downer Confirmation
Resolution of 2017
- Intro. 4-13-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
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- PR22-270 Statewide Health Coordinating Council Jacqueline D. Bowens Confirmation
Resolution of 2017
- Intro. 4-13-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
-
- PR22-271 Statewide Health Coordinating Council Zinethia Lynn Clemmons
Confirmation Resolution of 2017
- Intro. 4-13-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
-
- PR22-272 Statewide Health Coordinating Council Robert Brandon Confirmation
Resolution of 2017
- Intro. 4-13-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health
-
- PR22-273 Rent Administrator Lauren Pair Confirmation Resolution of 2017
- Intro. 4-13-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Housing and Neighborhood Revitalization
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COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-150, St. Mary's Way Designation Act of 2017

on

Monday, May 8, 2017
2:30 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-150**, the "St. Mary's Way Designation Act of 2017." The hearing will be held at 2:30 p.m. on **Monday, May 8, 2017** in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of **Bill 22-150** is to symbolically designate the unnamed public alleyway on the south side of St. Mary's Church at 728 23rd Street, N.W., in Ward 2, as St. Mary's Way, in honor of the church's 150th anniversary. A symbolic naming typically involves designating and posting a name for a street or alley that shall be in addition to and subordinate to any name that is an official name.

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) 724-8196, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by noon **May 5, 2017**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by noon on May 5, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, May 15, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 22-32: Request to reprogram \$500,000 of Special Purpose Revenue Funds Budget Authority from the Department of Energy and Environment to the Pay-As-You-Go Capital Fund was filed in the Office of the Secretary on April 12, 2017. This reprogramming ensures that DOEE is able to implement the capital related requirements of a settlement agreement with DC Water to fund an environmental wetlands project for storm water retrofits.

RECEIVED: 14 day review begins April 13, 2017

Reprog. 22-33: Request to reprogram \$1,373,100 of Local Funds Budget Authority within the Department of Corrections was filed in the Office of the Secretary on April 12, 2017. This reprogramming ensures that DOC has adequate funding to procure goods and services for printing inmate handbooks, information technology software maintenance upgrades, Purchase Cards, professional services for job readiness, Correctional Treatment Facility (CTF) educational supplies, and radio equipment,

RECEIVED: 14 day review begins April 13, 2-178

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

Placard Posting Date: April 21, 2017
Protest Petition Deadline: June 5, 2017
Roll Call Hearing Date: June 19, 2017
Protest Hearing Date: August 9, 2017

License No.: ABRA-106064
Licensee: Grace Street Coffee Roasters, LLC
Trade Name: Grace Street Coffee Roasters
License Class: Retailer's Class "D" Restaurant
Address: 3210 Grace Street, Suite 106A, N.W.
Contact: Matt Minora, Esq.: 202-625-7700

WARD 2

ANC 2E

SMD 2E05

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 June 19, 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 August 9, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New Class "D" Restaurant with 60 seats, a Total Occupancy Load of 99 and a Summer Garden with 25 seats. Restaurant will serve coffee and pastries.

HOURS OF OPERATION FOR PREMISES AND SUMMER GARDEN

Sunday through Saturday 7 am - 10 pm

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

Sunday through Saturday 8 am - 10 pm

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

Placard Posting Date: April 21, 2017
 Protest Petition Deadline: June 5, 2017
 Roll Call Hearing Date: June 19, 2017
 Protest Hearing Date: August 9, 2017

License No.: ABRA-106080
 Licensee: Wharf 5 Hotel TRS Leaseholder, LLC
 Trade Name: Hyatt House Washington DC/The Wharf
 License Class: Retailer's Class "C" Hotel
 Address: 725 Wharf Street, S.W.
 Contact: Stephen J. O'Brien (202) 625-7700

WARD 6

ANC 6D

SMD 6D04

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 June 19, 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 August 9, 2017 at 4:30 p.m.**

NATURE OF OPERATION

New Class "C" Hotel with 237 hotel rooms. A total of 3 Summer Gardens totaling 475 seats: (1) second floor level with 175 seats, (2) second floor level with 125 seats, and (3) penthouse level with 175 seats. Entertainment Endorsement for inside premises and outdoor Summer Gardens.

HOURS OF OPERATION FOR INSIDE PREMISES AND OUTDOOR SUMMER GARDENS

Sunday through Saturday 12am - 12am (24 hour operations)

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

Sunday - Thursday 8:00 am - 2:00 am and Friday - Saturday 8:00 am - 3:00 am

HOURS OF ENTERTAINMENT ENDORSEMENT (INDOORS)

Sunday - Thursday 8:00 am - 2:00 am and Friday - Saturday 8:00 am - 3:00 am

HOURS OF ENTERTAINMENT ENDORSEMENT (OUTDOORS)

Sunday - Saturday 8:00 am - 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: April 21, 2017
Protest Petition Deadline: June 5, 2017
Roll Call Hearing Date: June 19, 2017
Protest Hearing Date: August 9, 2017

License No.: ABRA-105768
Licensee: Mi Vida Wharf, LLC
Trade Name: Mi Vida
License Class: Retailer's Class "C" Restaurant
Address: 98 District Square, S.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 6

ANC 6D

SMD 6D04

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 June 19, 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 **August 9, 2017 at 1:30 p.m.**

NATURE OF OPERATION

New Class C Restaurant serving Mexican food with 300 seats and a Total Occupancy Load of 400. Applicant has also applied for an Entertainment Endorsement and two Summer Gardens with 100 seats on the ground level and 40 seats on the second floor.

HOURS OF OPERATION INSIDE PREMISE

Sunday 10:00 am – 3:00 am, Monday through Thursday 11:00 am – 3:00 am, Friday 11:00 am – 4:00 am and Saturday 10:00 am – 4:00 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES

Sunday 10:00 am – 2:00 am, Monday through Thursday 11:00 am – 2:00 am, Friday 11:00 am – 3:00 am and Saturday 10:00 am – 3:00 am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday 10:00 am – 2:00 am, Monday through Thursday 11:00 am – 2:00 am, Friday 11:00 am – 3:00 am and Saturday 10:00 am – 3:00 am

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

Sunday 10:00 am – 12:00 am, Monday through Thursday 11:00 am – 12:00 am, Friday 11:00 am – 2:00 am and Saturday 10:00 am – 2:00 am

HOURS OF LIVE ENTERTAINMENT FOR SUMMER GARDENS

Sunday 10:00 am – 11:00 pm, Monday through Thursday 11:00 am – 11:00 pm, Friday and Saturday 11:00 am – 12:00 am

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

Placard Posting Date: April 21, 2017
Protest Petition Deadline: June 5, 2017
Roll Call Hearing Date: June 19, 2017
Protest Hearing Date: August 9, 2017

License No.: ABRA-106063
Licensee: Tomcam, LLC
Trade Name: Pluma by Bluebird Bakery
License Class: Retailer's Class "D" Restaurant
Address: 391 Morse Street, N.E.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 5

ANC 5D

SMD 5D01

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 June 19, 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 **August 9, 2017 at 4:30 p.m.**

NATURE OF OPERATION

A café and bakery serving baked goods, sandwiches, salads, pastries and alcoholic beverages with a Total Occupancy Load of 40 seats. Offering a Sidewalk Café with 25 seats.

HOURS OF OPERATION ON PREMISE AND FOR SIDEWALK CAFE

Sunday through Thursday 7:00 am – 10:00 pm, Friday and Saturday 7:00 am – 11:00 pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION ON PREMISE AND FOR SIDEWALK CAFE

Sunday through Thursday 8:00 am – 10:00 pm, Friday and Saturday 8:00 am – 11:00 pm

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

Placard Posting Date: April 21, 2017
Protest Petition Deadline: June 5, 2017
Roll Call Hearing Date: June 19, 2017
Protest Hearing Date: August 9, 2017

License No.: ABRA-106038
Licensee: Shillings' Cannery, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 1331 4th Street, S.E.
Contact: Stephen J. O'Brien, Esq.: 202-625-7700

WARD 6

ANC 6D

SMD 6D07

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 June 19, 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 **August 9, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A full-service restaurant serving brunch, lunch and dinner with a focus on Mid-Atlantic cuisine. Seating Capacity of 100, Total Occupancy Load of 150, and a Summer Garden with 45 seats. Will include Entertainment.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON PREMISE

Sunday through Thursday 8 am – 2 am, and Friday through Saturday 8 am – 3 am

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION ON THE OUTDOOR SUMMER GARDEN

Sunday through Saturday 8 am – 2 am

HOURS OF LIVE ENTERTAINMENT ON PREMISE

Sunday through Thursday 8 am – 2 am, and Friday through Saturday 8 am – 3 am

HOURS OF LIVE ENTERTAINMENT ON THE OUTDOOR SUMMER GARDEN

Sunday through Thursday 8 am – 10 pm, and Friday through Saturday 8 am – 11 pm

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JUNE 7, 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 SIX

19498 **Application of Eric Petersen**, pursuant to 11 DCMR Subtitle X, Chapter 9, for
ANC 6B a special exception from the accessory building use requirements of Subtitle U §
 301.1(e), to construct a two-story accessory dwelling to be used as a garage with
 a second-story dwelling unit in the RF-1 Zone at premises 1109 D Street, S.E.
 (Square 992, Lot 65).

WARD THREE

19503 **Application of D.C. Department of General Services**, pursuant to 11 DCMR
ANC 3E Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2, from the
 minimum parking requirement of Subtitle C § 701.5 to replace an existing
 recreation center with a new recreation center in the R-1-B Zone at premises 4500
 Van Ness Street NW. (Square 1560, Lot 805).

WARD SIX

19504 **Application of CHC BOLD PAC**, pursuant to 11 DCMR Subtitle X, Chapter 9,
ANC 6B for a special exception under the RF-Use requirements of Subtitle U § 320.1(a),
 for the use of an existing residential building for the purposes of a nonprofit
 organization in the RF-3 Zone at premises 428 New Jersey Avenue SE. (Square
 0694, Lot 0813).

WARD SIX

19505 **Appeal of 57th Street Mews, Inc.**, pursuant to 11 DCMR Subtitle Y § 302, from
ANC 6A the decision made on February 28, 2017 by the Zoning Administrator,
 Department of Consumer and Regulatory Affairs, to revoke building permit
 B1307755, to permit the construction of an addition to a one-family dwelling and
 conversion to an 18-unit apartment building in the R-4 (formerly C-2-A) Zone at
 premises 1511 A Street, N.E. (Square 1070, Lot 0094).

BZA PUBLIC HEARING NOTICE

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CONTINUED CASES

WARD SIX

THIS APPEAL WAS POSTPONED FROM JANUARY 18, 2017 TO THE PUBLIC HEARING OF FEBRUARY 1, 2017. RESCHEDULED ADMINISTRATIVELY TO MARCH 1, 2017, THEN RESCHEDULED BY CONSENT TO APRIL 5, 2017, AND CONTINUED TO JUNE 7, 2017:

19410 **Appeal of ANC 6C**, 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 SIX

THIS APPEAL WAS POSTPONED FROM JANUARY 18, 2017 TO THE PUBLIC HEARING OF FEBRUARY 1, 2017. RESCHEDULED ADMINISTRATIVELY TO MARCH 1, 2017; THEN RESCHEDULED BY CONSENT TO APRIL 5, 2017, AND CONTINUED TO JUNE 7, 2017:

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).

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**

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set for the hearing, a Form 140 – Party Status Application Form.* This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning’s website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

*Note that party status is not permitted in Foreign Missions cases.

Do you need assistance to participate?

Amharic

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

Chinese

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系,电话号码(202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
ONE BOARD SEAT VACANT
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-602.05, 1-604.01, and 1-604.06(a) (2016 Repl.)), hereby gives notice of proposed rulemaking action to adopt amendments to Chapter 1 (Organization of the Board of Elections) in Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the creation of Sections 106 and 107 is to reserve appropriate sections for future Board of Elections personnel regulations. The purpose of the creation of Section 108 is to establish an optional universal leave structure for the three statutorily defined employees of the Board of Elections: the Executive Director, the General Counsel, and the Director of Campaign Finance. By creating and permitting the option of this leave structure, the Board is allowing these statutorily defined employees to choose a leave structure that would be afforded to other agency heads serving at the pleasure of the Mayor in the Executive Service.

A Notice of Proposed Rulemaking with respect to these amendments was published in the *D.C. Register* on February 17, 2017, at 64 DCR 1750. No written comments on the proposed rules were received during the public comment period, and no substantive changes have been made to the regulations as proposed. The Board adopted these rules as final at a regular meeting on Wednesday, April 5, 2017.

These final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 1, ORGANIZATION OF THE BOARD OF ELECTIONS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Section 106, [RESERVED], is newly adopted to read as follows:

106 **[RESERVED]**

Section 107, [RESERVED], is newly adopted to read as follows:

107 **[RESERVED]**

Section 108, UNIVERSAL LEAVE, is newly adopted to read as follows:

108 **UNIVERSAL LEAVE**

108.1 The provisions of this section shall apply only to the employees serving in the following positions on or after January 3, 2017:

(a) Executive Director;

- (b) General Counsel; and
- (c) Director of Campaign Finance (Director).

- 108.2 For the purpose of this section, the term “qualified employee” or “qualified position” shall mean the Executive Director, General Counsel, or Director.
- 108.3 For the purpose of this section, the term “participating employee” shall mean any qualified employee who elects to have a universal leave account in lieu of accruing annual and sick leave.
- 108.4 An employee appointed to serve in an acting or interim capacity as Executive Director, General Counsel, or Director shall not become subject to the provisions of this section. If the acting Executive Director, General Counsel or Director is later hired by the Board to continue in a qualified position, the applicability of this section shall become effective as of the date of hire.
- 108.5 Each qualified employee may elect to have a universal leave account in lieu of accruing annual and sick leave.
- 108.6 On the first pay period of the leave year, each participating employee shall have his or her universal leave account credited with two hundred eight (208) hours of universal leave.
- 108.7 Each full biweekly pay period represents eight (8) hours of accrued universal leave.
- 108.8 Each participating employee hired after the first pay period of the leave year shall have his or her universal leave account credited with universal leave on a pro rata basis.
- 108.9 Universal leave shall be used on days on which a participating employee would otherwise work and received pay and shall be exclusive of official holidays and non-workdays established by statute or administrative order.
- 108.10 There shall be no charge to universal leave for absences of less than two (2) hours.
- 108.11 A participating employee may carry over not more than forty (40) hours of unused universal leave for use in succeeding years. Any unused universal leave hours in addition to the approved carry-over hours shall be forfeited at the end of the leave year.

- 108.12 Upon separation, a participating employee shall be paid for any universal leave remaining to his or her credit, less a pro-rated amount representing the portion of the universal leave that would be creditable for the remainder of the year. Payment for leave upon separation shall be at the employee's rate of pay at the time of separation.
- 108.13 Each participating employee serving in that role on January 3, 2017 shall have his or her accrued annual leave balance, up to a maximum of two hundred forty (240) hours, transferred to an annual leave escrow account for use at the discretion of the employee until exhausted. The employee shall be given a lump-sum payment for any annual leave in excess of the leave transferred pursuant to this subsection, payable at the rate of pay in effect on the last day of the last pay period of the 2016 leave year.
- 108.14 Each participating employee appointed without a break in service to any qualified position from another position in the District government after January 3, 2017 shall have his or her accrued annual leave balance, up to a maximum of two hundred forty (240) hours, transferred to an annual leave escrow account for use at the discretion of the employee until exhausted. The employee shall be given a lump-sum payment for any annual leave in excess of the leave transferred pursuant to the subsection, payable at the rate of pay in effect immediately before his or her appointment to a qualified position.
- 108.15 Upon separation, a participating employee shall be paid for any annual leave remaining in the annual leave escrow account.
- 108.16 Each participating employee serving in that role on January 3, 2017, or each participating employee appointed without a break in service to any qualified position from another position in the District government after January 3, 2017, shall have his or her accrued sick leave balance transferred to a sick leave escrow account for use at the discretion of the employee until exhausted.
- 108.17 When a participating employee elects to use leave from either the annual leave escrow account or the sick leave escrow account, such usage shall only be charged for absences of more than two (2) hours.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING**Stormwater Management and Soil Erosion and Sediment Control Fees and Exemption**

The Director of the Department of Energy and Environment (DOEE or Department), in accordance with the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2016 Supp.)); the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.* (2016 Repl.)); the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; 55 DCR 1689 (February 22, 2008)), as amended by the Anacostia Waterfront Environmental Standards Amendment Act of 2012, effective October 23, 2012 (D.C. Law 19-192; D.C. Official Code §§ 2-1226.31 *et seq.* (2016 Repl.)); the Soil Erosion and Sedimentation Control Act of 1977, effective September 28, 1977 (D.C. Law 2-23; D.C. Official Code §§ 8-1701 *et seq.* (2013 Repl. & 2016 Supp.)), as amended by the Soil Erosion and Sedimentation Control Amendment Act of 1994, effective August 26, 1994 (D.C. Law 10-166; 41 DCR 4892 (July 22, 1994)); the Uniform Environmental Covenants Act of 2005, effective May 12, 2006 (D.C. Law 16-95; D.C. Official Code §§ 8-671.01 *et seq.* (2013 Repl.)); the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.* (2013 Repl. & 2016 Supp.)); Mayor's Order 2006-61, dated June 14, 2006, hereby gives notice of the adoption of the following amendments to Chapter 5 (Water Quality and Pollution) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

These amendments update the fees for the District Stormwater Management Guidebook and existing fees that the Department adjusts annually for inflation using the Urban Consumer Price Index published by the United States Bureau of Labor Statistics, as required by 21 DCMR § 501.1. All fees are rounded to the nearest cent. These amendments also update the total project cost beneath which an individual house, townhouse, or rowhouse is exempt from complying with the soil erosion and sediment control provisions of this chapter. Adjustments in future years will be applied to the adjusted value of the prior year rather than to the rounded value.

The Notice of Proposed Rulemaking was first published in the *D.C. Register* on December 16, 2016 at 63 DCR 015423. No comments were received. The final rule is unchanged from the proposed rule. These rules were adopted as final on April 7, 2017, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 5, WATER QUALITY AND POLLUTION, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 501, FEES, is amended as follows:

Subsection 501.3 is amended to read as follows:

501.3 An applicant for Department approval of a soil erosion and sediment control plan shall pay the fees in Table 1 for Department services at the indicated time, as applicable:

Table 1. Fees for Soil Erosion and Sediment Control Plan Review

Payment Type	Payment Requirement	Fees by Land Disturbance Type		
		Residential	All Other	
		≥ 50 ft ² and < 500 ft ²	≥ 50ft ² and < 5,000 ft ²	≥ 5,000 ft ²
Initial	Due upon filing for building permit	\$51.61	\$449.04	\$1,104.52
Final • Clearing and grading > 5,000 ft ² • Excavation base fee • Excavation > 66 yd ³ • Filling > 66 yd ³	Due before building permit is issued	n/a		\$0.15 per 100 ft ²
		n/a	\$449.04	
		\$0.10 per yd ³		
		\$0.10 per yd ³		
Supplemental	Due before building permit is issued	\$103.23	\$103.23	\$1,032.26

Subsection 501.4 is amended to read as follows:

501.4 An applicant for Department approval of a Stormwater Management Plan (SWMP) shall pay the fees in Table 2 for Department services at the indicated time, as applicable:

Table 2. Fees for Stormwater Management Plan Review

Payment Type	Payment Requirement	Fees by Combined Area of Land Disturbance and Substantial Improvement Building Footprint	
		≥ 5,000 ft ² and ≤ 10,000 ft ²	> 10,000 ft ²
Initial	Due upon filing for building permit	\$3,406.47	\$6,296.82
Final	Due before building permit is issued	\$1,548.40	\$2,477.44
Supplemental	Due before building permit is issued	\$1,032.26	\$2,064.53

Subsection 501.6 is amended to read as follows:

501.6 An applicant shall be required to pay the fees in Table 3 for review of a Stormwater Pollution Prevention Plan only if the site is regulated under the Construction General Permit issued by Region III of the Environmental Protection Agency.

Table 3. Additional Fees

Review or Inspection Type	Fees by Combined Area of Land Disturbance and Substantial Improvement Building Footprint	
	≤ 10,000 ft ²	> 10,000 ft ²

Soil characteristics inquiry	\$154.84	
Geotechnical report review	\$72.26 per hour	
Pre-development review meeting	No charge for first hour \$72.26 per additional hour	
After-hours inspection fee	\$51.61 per hour	
Stormwater pollution plan review	\$1,135.49	
Dewatering pollution reduction plan review	\$1,135.49	\$2,167.76
Application for relief from extraordinarily difficult site conditions	\$516.13	\$1,032.26

Subsection 501.7 is amended to read as follows:

501.7 An applicant for Department approval of a SWMP for a project being conducted solely to install a Best Management Practice (BMP) or land cover for Department certification of a Stormwater Retention Credit (SRC) shall pay the fees in Table 4 for Department services at the indicated time, as applicable, except that:

- (a) A person who is paying a review fee in Table 2 for a major regulated project shall not be required to pay a review fee in Table 4 for the same project; and
- (b) A person who has paid each applicable fee to the Department for its review of a SWMP shall not be required to pay a review fee in Table 4 for the same project:

Table 4. Fees for Review of Stormwater Management Plan to Certify Stormwater Retention Credits

Payment Type	Payment Requirement	Fees by Combined Area of Land Disturbance and Substantial Improvement Building Footprint	
		≤ 10,000 ft ²	> 10,000 ft ²
Initial	Due upon filing for building permit	\$593.55	\$877.43
Final	Due before building permit is issued	\$129.03	\$206.45
Supplemental	Due before building permit is issued	\$516.13	

Subsection 501.10 is amended to read as follows:

501.10 An applicant for Department approval of a Green Area Ratio plan shall pay the fees in Table 5 for Department services at the indicated time:

Table 5. Fees for Review of Green Area Ratio Plan

Payment Type	Payment Requirement	Fees by Combined Area of Land Disturbance and Substantial Improvement Building Footprint	
		≤ 10,000 ft ²	> 10,000 ft ²

Initial	Due upon filing for building permit	\$593.55	\$877.43
Final	Due before building permit is issued	\$129.03	\$206.45
Supplemental	For reviews after first resubmission	\$516.13	

Subsection 501.11 is amended to read as follows:

501.11 The in lieu fee shall be three dollars and sixty-one cents (\$3.61) per year for each gallon of Off-Site Retention Volume (Offv).

Subsection 501.13 is amended to read as follows:

501.13 A person shall pay the fees in Table 6 for the indicated resource before receipt of the resource:

Table 6. Fees for Resources

Paper Copies of Documents	Cost
District Standards and Specifications for Soil Erosion and Sediment Control	\$51.61
District Stormwater Management Guidebook	\$90.24
District Erosion and Sediment Control Standard Notes and Details (24 in x 36 in)	\$25.81

Section 541, SOIL EROSION AND SEDIMENT CONTROL: EXEMPTIONS, is amended as follows:

Subsection 541.1 is amended to read as follows:

541.1 The following land-disturbing activities are exempt from the requirement to comply with the soil erosion and sediment control provisions of this chapter, except as noted below and in Section 540 (Soil Erosion and Sediment Control: Applicability):

- (a) For an individual house, townhouse, or rowhouse:
 - (1) Gardening;
 - (2) Landscaping;
 - (3) Repairs;
 - (4) Maintenance;
 - (5) Stormwater retrofits, provided that:
 - (A) The soil allows for percolation; and

- (B) The retrofit location is no closer than ten feet (10 ft.) from a building foundation;
- (6) Utility service connection, repair, or upgrade;
- (b) A project for which the total cost is less than nine thousand two hundred ninety dollars and thirty-eight cents (\$9,290.38);
- (c) Tilling, planting, or harvesting of agricultural or horticultural crops;
- (d) Installation of fencing, a gate, signpost, or a pole;
- (e) Emergency work to protect life, limb or property, and emergency repairs, except that the following is not exempted to the extent described:
 - (1) The land disturbed must still be shaped and stabilized in accordance with the requirements of this chapter;
 - (2) Generally applicable control measures shall be used; and
 - (3) A plan shall be submitted within three (3) weeks after beginning the emergency work; and
- (f) Activities that disturb less than fifty square feet (50 ft²).

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2012 Repl.)), hereby gives notice of its intent to amend Chapter 2 (Administration and Management) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed rule is to change the title of the Provost of the Community College to the Chief Community College Officer.

The substance of the rules adopted herein was published in the *D.C. Register* on October 14, 2016 at 63 DCR 12832 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on November 22, 2016, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 2, ADMINISTRATION AND MANAGEMENT, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 211, EXECUTIVE APPOINTMENTS: NON-ACADEMIC ADMINISTRATORS, is amended as follows:

211 EXECUTIVE APPOINTMENTS: NON-ACADEMIC ADMINISTRATORS

211.1 The following administrative positions shall be filled by executive appointment and shall be ratified by the majority vote of the Board:

- (a) Chief Operating Officer (COO): The COO has university wide authority over business operations. The COO reports to the President.
- (b) Chief Student Development and Student Success Officer (CSDSSO): The CSDSSO has university wide authority over student support and student success. The CSDSO reports to the President.
- (c) Chief Community College Officer: The University of the District of Columbia Community College is a Branch campus of the University. It offers courses in educational programs leading to an associate's degree or

certificate. The administrative head of the Community College is titled the Chief Community College Officer, and reports to the President.

- (e) Chief of Staff: The Chief of Staff has authority over external affairs, coordinates the activities of the Offices of the Board and President, as well as the work of the Cabinet. The Chief of Staff reports to the President.
- (f) General Counsel: The General Counsel provides advice and counsel to the University stakeholders on all legal matters, and directs the activities of outside counsel working on behalf of the University. The General Counsel reports to the President with a dotted line to the Board.
- (g) Internal Auditor: The Internal Auditor is responsible for conducting internal audits of the University's operations. The Internal Auditor reports to the President with a dotted line to the Board.

211.2 The President may designate any position which reports directly to the President or any senior management or legal position of Administrative Salary Grade Level of 2B or higher which reports directly to a vice president to be filled by executive appointment.

211.3 The President, in his or her discretion, may conduct a formal or informal search or provide for a recruitment process to fill a position by executive appointment under this section, except that the President shall provide for a formal search and selection process, including active faculty and Board participation, to fill the position of Chief Community College Officer.

211.4 An employee of the University with permanent status who accepts an executive appointment under this section shall not have reversionary rights to return to the same position upon termination of the executive appointment. However, upon termination of the executive appointment, the former executive appointee shall retain his or her employment status at the University and shall be assigned to a position at the same level that he or she held at the time of the executive appointment.

211.5 A person newly hired under this section may, upon termination of the executive appointment, apply for competitive appointment to a position in the Educational Service for which he or she is qualified.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2012 Repl.)), hereby gives notice of its intent to amend Chapter 7 (Admissions and Academic Standards) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this rule is to adjust tuition rates for degree granting programs beginning in the fall semester of 2017.

The substance of the rules adopted herein was published in the *D.C. Register* on October 14, 2016 at 63 DCR 12835 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on November 22, 2016, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 7, ADMISSIONS AND ACADEMIC STANDARDS, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 728, TUITION AND FEES: DEGREE-GRANTING PROGRAMS, Subsections

728.1 – 728.8 are amended as follows:

728.1 The following tuition and fees have been approved by the Board of Trustees consistent with D.C. Official Code § 38-1202.06(8):

728.2	COMMUNITY COLLEGE ASSOCIATE DEGREE-GRANTING PROGRAMS	<u>Per Credit Hour</u>
	Washington, D.C. Residents	\$108.00
	Metropolitan Area Residents	\$182.00
	All Other Residents	\$307.00

728.3	FLAGSHIP BACCALAUREATE DEGREE-GRANTING PROGRAMS	<u>Per Credit Hour</u>
	Washington, D.C. Residents	\$300.00
	Metropolitan Area Residents	\$346.00
	All Other Residents	\$629.00

728.4	<p>FLAGSHIP GRADUATE DEGREE-GRANTING PROGRAMS</p> <p style="text-align: right;"><u>Per Credit Hour</u></p> <p>Washington, D.C. Residents \$475.00</p> <p>Metropolitan Area Residents \$537.00</p> <p>All Other Residents \$913.00</p>
728.5	<p>DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS FULL TIME PROGRAM STUDENTS (FALL & SPRING SEMESTERS ONLY)</p> <p style="text-align: right;"><u>Per Semester</u></p> <p>Washington, D.C. Residents \$5,758.00</p> <p>All Other Residents \$11,515.00</p>
728.6	<p>DAVID A. CLARKE SCHOOL OF LAW DEGREE-GRANTING PROGRAMS ALL OTHER STUDENTS</p> <p style="text-align: right;"><u>Per Credit Hour</u></p> <p>Washington, D.C. Residents \$391.00</p> <p>All Other Residents \$780.00</p>
728.7	<p>SCHOOL OF ENGINEERING BACCALAUREATE DEGREE-GRANTING PROGRAMS</p> <p style="text-align: right;"><u>Per Credit Hour</u></p> <p>Washington, D.C. Residents \$320.00</p> <p>Metropolitan Area Residents \$370.00</p> <p>All Other Residents \$671.00</p>

728.8 DEFINITIONS

- (a) Full-Time Students. Any undergraduate or community student enrolled in at least twelve (12) credits hours per semester, or any graduate student enrolled in at least nine (9) credit hours per semester, shall be considered a full-time student for the purposes of calculation of tuition in accordance with this chapter. Full-time undergraduate and community college students shall be charged tuition for each semester in which they are enrolled in the amount of twelve (12) credit hours, regardless of the number of credit hours actually taken. Full-time graduate students shall be charged tuition for each semester in which they are enrolled in the amount of nine (9) credit hours, regardless of the number of credit hours actually taken.
- (b) Metropolitan Area Residents. Any individual who can establish residency in one of the following counties shall be considered a Metropolitan Area Resident: Montgomery County, Maryland; Prince George’s County, Maryland; Arlington County, Virginia; Alexandria County, Virginia; Fairfax County, Virginia. The standards used to establish residency shall be the same standards used to establish residency for District residents.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Board of Trustees of the University of the District of Columbia, pursuant to the authority set forth under the District of Columbia Public Postsecondary Education Reorganization Act Amendments (Act), effective January 2, 1976 (D.C. Law 1-36; D.C. Official Code §§ 38-1202.01(a); 38-1202.06)(3),(13) (2012 Repl. & 2016 Supp.)), hereby gives notice of its intent to amend Chapter 21 (Leasing of Real Property) of Subtitle B (University of the District of Columbia) of Title 8 (Higher Education) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the final rule is to repeal the restriction on the maximum lease term length to allow for strategic planning and stronger negotiating positions.

The substance of the rules adopted herein was published in the *D.C. Register* on October 14, 2016 at 63 DCR 12838 for a period of public comment of not less than thirty (30) days, in accordance with D.C. Official Code § 2-505(a) (2016 Repl.).

No public comment was received by the Board within the public comment period. The rule was adopted by the Board as final on November 22, 2016, and will become effective upon publication of this notice in the *D.C. Register*.

Chapter 21, LEASING OF REAL PROPERTY, of Title 8-B DCMR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, is amended as follows:

Section 2100, ACQUISITION OF REAL PROPERTY BY LEASE, is amended to repeal Subsection 2100.2 set forth below. Deleted language is shown in strikethrough text:

2100.2 ~~University leases shall not bind the University for periods in excess of twenty (20) years.~~ [REPEALED].

DISTRICT OF COLUMBIA BOARD OF ELECTIONS**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The District of Columbia Board of Elections, pursuant to the authority set forth in The District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of emergency and proposed rulemaking action to adopt amendments to Chapter 30 (Campaign Finance Operations: Committees, Candidates, Constituent Service Programs, Statehood Funds), Chapter 34 (Campaign Finance Recordkeeping and Audits), Chapter 38 (Legal Defense Committees) and Chapter 41 (Campaign Finance Operations: Exploratory Committees) of Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

These amendments place the Board's regulations into conformity with the Campaign Finance Reform and Transparency Emergency Act of 2016 (D.C. Act 21-584, 63 DCR 16043 (December 30, 2016)) and the Campaign Finance Reform and Transparency Temporary Amendment Act of 2016, effective April 1, 2017 (D.C. Act 21-619; 64 DCR 885 (February 3, 2017)) (the "Acts"), effective April 1, 2017. This emergency rulemaking is necessary for the immediate preservation of the public peace and welfare of District residents because the provisions of the aforementioned Acts are in effect and require supporting regulations.

The Board adopted these emergency rules at its regularly scheduled meeting on Wednesday, April 5, 2017, at which time the amendments became effective. The emergency rules shall remain in effect until August 3, 2017 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Board gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 30, CAMPAIGN FINANCE OPERATIONS: COMMITTEES, CANDIDATES, CONSTITUENT SERVICE PROGRAMS, STATEHOOD FUNDS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Section 3011, LIMITATIONS ON CONTRIBUTIONS, is amended in its entirety to read as follows:

3011 LIMITATIONS ON CONTRIBUTIONS

- 3011.1 No person, including a business contributor and its affiliated entities, may make any contribution, and no person may receive any contribution, which, when totaled with all other contributions from the same person, pertaining to an individual's campaign for nomination as a candidate or election to public office, including both the primary and general elections, or special elections, exceeds the limitations enumerated for each office set forth in § 3011.2.
- 3011.2 Contributions in support of either individual candidates or their authorized committees, or for the recall of an incumbent, shall be limited to the following:

- (a) Mayor, U.S. Senator, and U.S. Representative to Congress – two thousand dollars (\$2,000);
- (b) Chairman of the Council and the Attorney General – one thousand five hundred dollars (\$1,500);
- (c) At-large Member of the Council – one thousand dollars (\$1,000);
- (d) Ward Member of the Council and At-large Member of the State Board of Education– five hundred dollars (\$500);
- (e) Ward Member of the State Board of Education – two hundred dollars (\$200);
- (f) Official of a Political Party – two hundred dollars (\$200);
- (g) Advisory Neighborhood Commissioner – twenty-five dollars (\$25); and
- (h) Political Action Committee – five thousand dollars (\$5,000).

3011.3 With the exception of special elections, no person, including a business contributor and its affiliated entities, shall make any contribution in any one primary or general election that, when totaled, exceeds five thousand dollars (\$5,000), to any one (1) political action committee.

3011.4 No person or business contributor and its affiliated entities shall receive or make a contribution in the form of cash or money order which exceeds one hundred dollars (\$100).

3011.5 For the purposes of the contribution limitations of this section, expenditures for candidates for office shall not be considered contributions or expenditures by or on behalf of a candidate when derived from:

- (a) Personal funds belonging to candidates; and
- (b) Funds from any person, political action committee, or independent expenditure committee advocating the election or defeat of any candidate for office; provided, that the contributions it has received and the expenditures it has made were not controlled by or coordinated with any public official or candidate, anyone acting on their behalf, or by any political committee authorized by the candidate.

3011.6 Each loan or advance from a candidate or member of the immediate family of a candidate shall be evidenced by a written instruction that fully discloses:

- (a) The terms of the loan or advance;
- (b) The conditions of the loan or advance;

- (c) The parties to the loan or advance; and
 - (d) Documentation regarding the source of the funds when the loan or advance is from the candidate.
- 3011.7 The amount of each loan or advance from a member of the candidate's immediate family shall be included in computing and applying the limitations on contributions under § 3011, upon receipt by the authorized political committee of the loan or advance from an immediate family member; provided, that the standards for repayment are consistent with the repayment policies of lending institutions in the District of Columbia.
- 3011.8 Contributions to a candidate, political committee, political action committee, or an independent expenditure committee shall be attributed to the person actually making the contribution.
- 3011.9 Contributions from minor children (under eighteen (18) years old) shall be attributed to their parents or legal guardians unless:
 - (a) The decision to contribute is made knowingly and voluntarily by the minor child; and
 - (b) The funds, goods, or services contributed are owned or controlled exclusively by the minor child.
- 3011.10 A connected organization, under § 3000.8, and each committee established, financed, maintained, or controlled by the connected organization share a single contribution limitation.
- 3011.11 A Bitcoin contribution may be accepted if the value of the Bitcoin contribution at the time of transfer does not exceed the contribution limits established by § 3011.
- 3011.12 A Bitcoin contribution received during the initial transfer shall be rejected and returned to the contributor if it exceeds the contribution limits established by § 3011.
- 3011.13 A Bitcoin contribution that does not exceed the contribution limits at the time of transfer shall, within five (5) days of receipt, be liquidated and converted into US dollars on a high volume public Bitcoin exchange website that is open to transactions in the United States.
- 3011.14 Each committee that receives a Bitcoin contribution shall be responsible for verifying both the accuracy of the contributor information provided and the Bitcoin value determinations as part of the committee's recordkeeping obligations under § 3400.

- 3011.15 Each committee that accepts Bitcoin contributions shall require the contributor to affirm on forms soliciting Bitcoin contributions:
- (a) That the contributor is a United States citizen or legal permanent resident;
 - (b) That the contributor's personal funds were used to purchase the Bitcoin contributed; and
 - (c) That the contributor is the actual lawful owner of the Bitcoin contributed.
- 3011.16 No person, including a business contributor, shall make a bundled or cause to make a bundling of contributions from different donors for the purpose of making a single contribution, directly or indirectly, to a candidate or political committee.
- 3011.17 No candidate or political committee shall accept, directly or indirectly a bundling of contributions from different donors for the purpose of making a single contribution in support of a candidate for public office.
- 3011.18 Each political committee shall disclose in a separate sub-schedule of Schedule A, to be prescribed by the Director, of the R&E Report, where two (2) or more contributions are forwarded from one or more persons, by a person who is not acting with actual authority as an agent or principal of a committee, the following information:
- (a) The name, address, and employer of each person reasonably known by the committee to have bundled in excess of \$10,000 in contributions during the reporting period;
 - (b) The identity of each instance in which multiple checks or money orders dated on or around the same date were received from contributors who share the same employer; and
 - (c) For each person, the total amount of the bundling.
- 3011.19 Limitations on bundled contributions under §§ 3011.16 and 3011.17, shall not apply to hosting a fundraiser, by itself.
- 3011.20 Any business entity, as that term is defined in § 29-101.02 of the District of Columbia Official Code, may make contributions in the District of Columbia.
- 3011.21 A corporation, its affiliated entities, including its subsidiaries, and each committee established, financed, maintained, or controlled by the corporation and its affiliated entities share a single contribution limitation.
- 3011.22 Each business entity is deemed to be a separate entity; provided, that a business entity, which is established, financed, maintained, or controlled (51% or more) by another entity, or shares a controller, whether the controller is another entity or an

individual, is considered, for the purposes of the contribution limitations, an affiliated entity of the other business entity.

- 3011.23 All contributions by a partnership shall be subject to each contributing partner's individual contribution limitations, under § 3011.
- 3011.24 Contributions by a partnership shall be attributed to each partner either by:
- (a) Instructions from the partnership to the committee or the candidate; or
 - (b) Agreement of the partners; provided, that the profits of non-contributing partners are not affected.
- 3011.25 No portion of any contribution under § 3011.22 shall derive from the profits of a corporation that is a partner.
- 3011.26 Each business entity, as that term is defined in § 29-101.02 of the District of Columbia Official Code, is subject to the limitations on contributions set forth in § 3011.
- 3011.27 A business contributor consists of:
- (a) A business entity that makes a contribution; and
 - (b) Each of that business entity's affiliated entities.
- 3011.28 A business contributor shall certify on a form prescribed by the Director and submitted to the committee for each contribution that it makes that none of its affiliated entities have contributed an amount that, when aggregated with the business contributor's contribution to that committee, would exceed the limits imposed by the Campaign Finance Act.
- 3011.29 A business contributor to a political committee, political action committee, or an independent expenditure committee shall provide the committee with the identities of the contributor's affiliated entities that have also contributed to the committee, the date and amount of each contribution and expenditure made.
- 3011.30 [REPEALED].
- 3011.31 Limitations on contributions under § 3011 shall not apply to initiative or referendum measures.
- 3011.32 With the exception of contributions received to retire debt, a political committee or a candidate shall not receive or accept contributions after the election or defeat of the candidate for office, or after the candidate notifies the Office of Campaign Finance of the intent to terminate the candidacy.
- 3011.33 [REPEALED].

Section 3017, FILINGS AND DEADLINES, is amended in its entirety to read as follows:

3017 FILINGS AND DEADLINES

- 3017.1 Reports of Receipts and Expenditures (R&E Reports) shall be filed with the Office of Campaign Finance by:
- (a) The treasurer of each political committee;
 - (b) Each candidate required to register pursuant to § 3002.2, unless reporting is otherwise exempted or waived under §§ 3003 and 3004;
 - (c) The treasurer of each political action committee; and
 - (d) The treasurer of each independent expenditure committee.
- 3017.2 All candidates and committees, except as otherwise noted in this chapter, shall file R&E Reports on the following dates:
- (a) March 10, June 10, August 10, October 10, and December 10 in the seven (7) months preceding the date on which an election is held for which the candidate seeks office and the committee supports a candidate for office;
 - (b) January 31, March 10, June 10, August 10, October 10, December 10, and the eighth (8th) day next preceding the date of any election, in any year in which there is held an election for which the candidate seeks office and the committee supports a candidate for office;
 - (c) January 31 and July 31; provided, that a committee no later than January 31 declares its intention to not support a candidate during an election year under § 3000.18; and
 - (d) January 31 and July 31, in a non-election year; provided, that a committee no later than January 31 of the non-election year declares its intention to not support a candidate during an election year under § 3000.18.
- 3017.3 All political action committees and independent expenditure committees shall also file R&E Reports on April 10 and October 10 of each year in which there is no election.
- 3017.4 Constituent-service program R&E Reports shall be filed quarterly each year on the first (1st) day of the following months:
- (a) January;
 - (b) April;

- (c) July; and
 - (d) October.
- 3017.5 Statehood Fund R&E Reports shall be filed quarterly each year on the first (1st) day of the following months:
 - (a) January;
 - (b) April;
 - (c) July; and
 - (d) October.
- 3017.6 Except as otherwise provided in this chapter, R&E Reports shall be filed on January 31 and July 31 of each year until all debts and obligations are satisfied by the following:
 - (a) Political committees pursuant to § 3015.8;
 - (b) A Statehood Fund when the U.S. Senator or Representative vacates office; and
 - (c) A constituent-service program when the elected official vacates office.
- 3017.7 All R&E Reports shall contain all financial transactions through and including the fifth (5th) day preceding the filing deadline for each R&E Report; provided, that the reporting period for the next R&E Report shall commence on the day following the closing date of the prior R&E Report.
- 3017.8 All contributions of two hundred dollars (\$200) or more, received after the filing deadline for the eighth (8th) day preceding the election Report, shall be reported in writing within twenty-four (24) hours of receipt.
- 3017.9 Where an exception to the mandatory electronic filing requirement is granted, all reports and statements filed in person or by first class mail shall be deemed timely filed when received by 5:30 p.m. of the prescribed filing date.
- 3017.10 All reports and statements electronically filed shall be deemed timely filed if received by midnight of the prescribed filing deadline.
- 3017.11 Upon written request submitted by the candidate or committee, on or before the filing deadline, the Director may allow an extension for filing a Report or statement for a reasonable period of time, for good cause shown.
- 3017.12 Any reference to days in this chapter is to calendar days, unless otherwise indicated.

Chapter 34, CAMPAIGN FINANCE RECORDKEEPING AND AUDITS, is amended as follows:

Section 3400, RECORDKEEPING PROCEDURES, is amended in its entirety to read as follows:

3400 RECORDKEEPING PROCEDURES

3400.1 To ensure financial accountability, this chapter governs the recordkeeping procedures for the following:

- (a) All candidates;
- (b) Political Committees;
- (c) Political action committees;
- (d) Independent expenditure committees;
- (e) Constituent-Service Programs; and
- (f) Statehood Funds.

3400.2 Each person who is required to file records under § 3400.1 shall obtain and preserve, from the date of registration, detailed records of all contributions and expenditures disclosed in reports and statements filed with the Director, including the following:

- (a) Check stubs;
- (b) Bank statements;
- (c) Canceled checks;
- (d) Contributor cards and copies of donor checks;
- (e) Credit card contributions, including merchant statements
- (f) Deposit slips;
- (g) Invoices;
- (h) Receipts;
- (i) Contracts;
- (j) Subcontracts;
- (k) Payroll records;
- (l) Lease agreements;
- (m) Petty cash journals, if applicable;

- (n) Ledgers;
- (o) Vouchers; and
- (p) Loan documents including the source of the funds.

3400.3 Each filer shall also obtain and preserve from each business contributor:

- (a) The identities of the business contributor's affiliated entities that have made contributions or expenditures to the filer;
- (b) The date and amount of each contribution and expenditure made by the business contributor's affiliated entities to the filer;
- (c) Repealed; and
- (d) A certification with respect to each contribution made that none of the business contributor's affiliated entities contributed an amount that, when aggregated with the contribution of the business contributor, exceeded the contribution limits.

3400.4 Bank statements may be submitted in lieu of canceled checks to show financial transactions, as long as the bank statements include photocopies of the canceled checks.

3400.5 A contribution received after an election cycle (primary and general) shall be earmarked to indicate that the contribution is for the retirement of the debt of a candidate or political committee.

3400.6 All filers, with the exception of lobbyists, shall maintain the records required under § 3400.2 for a period of three (3) years from the date of the filing of the final Report of Receipts and Expenditures (R&E Report) and the Statement of Committee Termination under § 3016.

3400.7 Each lobbyist shall maintain the records required under § 3400.2 for a period of five (5) years from the date of the filing of the Lobbying Activity Report previously required to be filed with the Office of Campaign Finance.

Section 3402, RECEIPTS, is amended in its entirety to read as follows:

3402 RECEIPTS

3402.1 To fully identify the donor of a contribution, including the Bitcoin, each receipt shall contain:

- (a) The donor's full name;
- (b) The donor's mailing address;

- (c) The donor's occupation and principal place of business, if any;
- (d) The date of the contribution;
- (e) The amount of the contribution; and
- (f) The contribution type (*i.e.*, check, credit card, money order, or cash).

3402.2 Each receipt from a business contributor shall also contain the following:

- (a) The identities of the business contributor's affiliated entities that have made contributions or expenditures to the filer;
- (b) The date and amount of each contribution and expenditure made by the business contributor's affiliated entities to the filer;
- (c) [REPEALED]; and
- (d) A certification with respect to each contribution made that none of the business contributor's affiliated entities contributed an amount that, when aggregated with the contribution of the business contributor, exceeded the contribution limits.

3402.3 Each receipt shall be handled in the following manner:

- (a) A pre-numbered receipt shall issue for each contribution received; and
- (b) Receipts shall be documented by contributor cards and copies of the donor's check.

3402.4 Each committee shall obtain and preserve:

- (a) Each instance in which two (2) or more contributions are forwarded from one or more persons by a person who is not acting with actual authority as an agent or principal of a committee;
- (b) The name, address, and employer of each person reasonably known by the committee to have bundled in excess of ten thousand dollars (\$10,000) during any reporting period, and;
- (c) For each person, the total amount of the bundling.

3402.5 Records of receipts and contributions shall be maintained to show:

- (a) Cumulative totals, with the exception of receipts for sales or collections; and
- (b) For receipts for sales or collections, a detailed record of receipts and expenditures.

3402.6 Each filer shall separately identify itemized receipts from unitemized receipts (for example, those receipts obtained at fundraising events).

Chapter 38, LEGAL DEFENSE COMMITTEES, is amended as follows:

Section 3802, FILING AND REPORTING REQUIREMENTS, is amended in its entirety to read as follows:

3802 FILING AND REPORTING REQUIREMENTS

3802.1 The treasurer of each legal defense committee shall electronically file Reports of Receipts and Expenditures (R&E Reports), in accordance with §§ 3006 and 3008 of Chapter 30, on forms prescribed by the Director, within thirty (30) days after the committee's organization and every thirty (30) days thereafter until dissolution.

3802.2 The treasurer (or, if the treasurer is unavailable, the designated agent as listed on the Statement of Organization filed under § 3801.2) shall electronically verify with respect to each R&E Report by oath or affirmation, subject to penalties of perjury, that reasonable due diligence was exercised in the preparation of the report, and that the report is true and complete to the best of the filer's knowledge.

3802.3 R&E Reports must disclose:

- (a) The amount of cash on hand at the beginning of the reporting period;
- (b) The full name and mailing address, including occupation and principal place of business, if any, of each person, including a business contributor, who has made one or more contributions to or for the committee within the calendar year in an aggregate amount or value in excess of fifty dollars (\$50) or more, together with the amount and date of the contributions;
- (c) The name and address of each affiliated entity of a business contributor which has also made a contribution to the committee;
- (d) The name, address, and employer of each person reasonably known by the committee to have submitted a bundled contribution in excess of ten thousand dollars (\$10,000) to the committee during the reporting period, and the total amount of the bundling;
- (e) The total sum of individual contributions made to or for the committee during the reporting period that is not reported under § 3802.2(b);
- (f) Each loan to or from any person within the calendar year in an aggregate amount or value of fifty (\$50) or more, together with the full names and mailing addresses (including the occupation and the principal place of business, if any) of the lender and endorsers, if any, and the date and amount of the loans;

- (g) The total sum of all receipts by or for the committee during the reporting period;
- (h) The full name and mailing address, including the occupation and the principal place of business, if any, of each person to whom expenditures have been made by or on behalf of the committee within the calendar year in an aggregate amount or value of ten dollars (\$10) or more;
- (i) The total sum of expenditures made by the committee during the calendar year;
- (j) The amount and nature of debts and obligations owed by or to the committee, in a form as the Director of Campaign Finance may prescribe; and
- (k) Other information as may be required by the Director of Campaign Finance.

3802.4 R&E Reports must be complete no later than five (5) days before the prescribed filing deadline.

3802.5 The treasurer of a legal defense fund, and each beneficiary of such a fund, shall keep a detailed and exact account of:

- (a) Each contribution made by any person, including a business contributor, to or for the legal defense committee;
- (b) The full name and address (including the occupation and principal place of business, if any) of each person, including a business contributor, that made a contribution of at least fifty dollars (\$50) or more, and the date and amount of such contribution;
- (c) The name and address of any affiliated entity of each business contributor which made a contribution to the committee, and the date and the amount of the contribution;
- (d) The name, address, and employer of each person reasonably known by the committee to have submitted a bundled contribution in excess of ten thousand dollars (\$10,000) to the committee during the reporting period, and the total amount of the bundling;
- (e) Each expenditure made by or on behalf of the legal defense committee; and
- (f) The full name and address (including the occupation and principal place of business, if any) of each person to whom an expenditure was made, and

the name, address, and the office held or sought, or the position held, by the public official, whichever is applicable.

Chapter 41, CAMPAIGN FINANCE OPERATIONS: EXPLORATORY COMMITTEES, is amended as follows:

Section 4101, DESIGNATION OF AN EXPLORATORY COMMITTEE AS A PRINCIPAL CAMPAIGN COMMITTEE, is amended in its entirety to read as follows:

4101 DESIGNATION OF AN EXPLORATORY COMMITTEE AS A PRINCIPAL CAMPAIGN COMMITTEE

4101.1 In the event that an individual on whose behalf an exploratory committee was organized becomes a candidate, the exploratory committee may be designated as a candidate's principal campaign committee, pursuant to § 3005 of Chapter 30 of this title.

4101.2 If an exploratory committee is designated as a principal campaign committee:

- (a) The exploratory committee shall be named as a "Connected Organization or Affiliated Committee", under § 3000.7 in the Statement of Organization filed pursuant to § 3000.9 by the designated principal campaign committee;
- (b) All funds previously raised and spent by the exploratory committee shall be reported as contributions and expenditures, pursuant to § 3008 of Chapter 30 of this title;
- (c) The exploratory committee shall account for all financial transactions including, but not limited to, contributions, expenditures, and loans, retroactive to the formation of the exploratory committee as defined in Chapter 99 of this title; and
- (d) The exploratory committee shall:
 - (1) Determine whether persons making contributions previously received by or on behalf of the candidate or by the principal campaign committee before designation may have exceeded the relevant limits, pursuant to § 3011 of Chapter 30 of this title; and
 - (2) Refund any contributions to donors who may have exceeded the contribution limitations by no later than 30 days after such determination is made.

4101.3 To ascertain individual donor compliance with the contribution limitations, contributions to an exploratory committee, or to a pre-designated principal campaign committee, shall be attributed in aggregate by donor name.

All persons desiring to comment on the subject matter of this rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 441 4th Street, N.W., Suite 270N, Washington, D.C. 20001. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboee.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2017-093
April 11, 2017

SUBJECT: Appointment – Interim Director, Homeland Security and Emergency Management Agency


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) (2016 Repl.), and in accordance with section 2 of An Act To authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes, approved August 11, 1950, 64 Stat. 438; Pub. L. 81-686; D.C. Official Code § 7-2202 (2012 Repl.), it is hereby **ORDERED** that:

1. **BRIAN BAKER** is appointed Interim Director, Homeland Security and Emergency Management Agency, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-062, dated January 29, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to April 7, 2017.



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 2017-094
April 12, 2017

SUBJECT: Appointment — Advisory Committee to the Office of Administrative Hearings

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) (2016 Repl.), and in accordance with section 20 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002, D.C. Law 14-76, D.C. Official Code § 2-1831.17 (2016 Repl.), it is hereby **ORDERED** that:

1. **PAUL WOLFSON** is appointed as a District of Columbia Bar member of the Advisory Committee to the Office of Administrative Hearings, replacing Richard Beckler, serving at the pleasure of the Mayor:
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-095
April 12, 2017

SUBJECT: Reappointments and Appointments – Apprenticeship 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) (2016 Repl.), pursuant of section 2 of An Act To provide voluntary apprenticeship in the District of Columbia, approved May 21, 1946, 60 Stat. 204; D.C. Official Code § 32-1402 (2012 Repl. and 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 (2016 Repl.), it is hereby **ORDERED** that:

1. **VIOLET CARTER**, pursuant to the Apprenticeship Council Violet Carter Confirmation Resolution of 2016, effective November 15, 2016, R21-0653 is reappointed as an employee organization representative member to the Apprenticeship Council, for a term to end November 19, 2018.
2. **FRANK CHIARAMONTE**, pursuant to the Apprenticeship Council Frank Chiamonte Confirmation Resolution of 2016, effective November 15, 2016, R21-0656 is appointed as an employer organization representative member to the Apprenticeship Council, for a term to end November 19, 2018.
3. **COURTLAND COX**, pursuant to the Apprenticeship Council Courtland Cox Confirmation Resolution of 2016, effective February 13, 2017, R22-0107 is reappointed as a public representative member, who is not a member of either employee or employer organizations member, to the Apprenticeship Council, for a term to end November 19, 2019.
4. **FREDERICK HOWELL**, pursuant to the Apprenticeship Council Frederick Howell Confirmation Resolution of 2016, effective November 15, 2016, R21-0655 is reappointed as public representative, who is not a member of either employee or employer organizations member to the Apprenticeship Council, for a term to end November 19, 2018.
5. **STEPHEN LANNING**, pursuant to the Apprenticeship Council Stephen Lanning Confirmation Resolution of 2016, effective November 15, 2016, R21-0654 is

appointed as an employee organization member to the Apprenticeship Council, replacing Ioannis "John" Xanthos, for a term to end November 19, 2019.

- 6. **LEROY WATSON**, pursuant to the Apprenticeship Council Leroy Watson Confirmation Resolution of 2016, effective November 15, 2016, R21-0657 is appointed as an employee organization member to the Apprenticeship Council, replacing Raymond Kibler, for a term to end November 19, 2017.
- 7. **EFFECTIVE DATE:** This Order shall become effective *nunc pro tunc* to the date of confirmation.


MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-096
April 12, 2017

SUBJECT: Reappointments and Appointments — Interagency Council on Homelessness

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) (2016 Repl.), and pursuant to section 4 of the Homeless Services Reform Act of 2005, effective October 22, 2005, D.C. Law 16-35; D.C. Official Code § 4-752.01 (2012 Repl. and 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 (2016 Repl.), it is hereby **ORDERED** that:


1. **ROBERT WARREN**, pursuant to the Interagency Council on Homelessness Robert Warren Confirmation Resolution of 2016, effective November 1, 2016, R21-0636 is appointed as a formerly homeless representative member of the Interagency Council on Homelessness, replacing Eric Sheptock, for a term to end May 1, 2018.
2. **DONALD BROOKS**, pursuant to the Interagency Council on Homelessness Donald Brooks Confirmation Resolution of 2016, effective November 1, 2016, R21-0637 is reappointed as a formerly homeless representative member of the Interagency Council on Homelessness for a term to end May 1, 2018.
3. **ALBERT TOWNSEND**, pursuant to the Interagency Council on Homelessness Albert Townsend Confirmation Resolution of 2016, effective November 1, 2016, R21-0638, is reappointed as a member of the District of Columbia Interagency Council on Homelessness for a term to end May 1, 2018.
4. **MARGARET HACSKAYLO**, pursuant to the Interagency Council on Homelessness Margaret Hacskaylo Confirmation Resolution of 2016, effective November 15, 2016, R21-0648 is reappointed as an advocate for the District's homeless population member of the Interagency Council on Homelessness, for a term to end May 1, 2018.
5. **MARGARET RIDEN**, pursuant to the Interagency Council on Homelessness Margaret Riden Confirmation Resolution of 2016, effective November 1, 2016, R21-0639 is reappointed as a member of the Interagency Council on Homelessness for a term to end May 1, 2018.

- 6. **JILL CARMICHAEL**, pursuant to the Interagency Council on Homelessness Jill Carmichael Confirmation Resolution of 2016, effective November 15, 2016, R21-0649 is reappointed as a member of the Interagency Council on Homelessness for a term to end May 1, 2018.

- 7. **KATHERINE COVENTRY**, pursuant to the Interagency Council on Homelessness Katherine Coventry Confirmation Resolution of 2017, effective March 12, 2017, PR22-0057 is reappointed as a member of the Interagency Council on Homelessness for a term to end May 1, 2018.

- 8. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.


MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

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

Mayor's Order 2017-097

April 12, 2017

SUBJECT: Appointments - District of Columbia Commission on Re-Entry and Returning Citizen Affairs**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 4 of the Office on Ex-Offender Affairs and Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007, D.C. Law 16-243, D.C. Official Code § 24-1303 (2016 Supp.), and Mayor's Order 2012-31, dated February 28, 2012, which re-designated the Commission as the Commission on Re-Entry and Returning Citizen Affairs ("**Commission**"), 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 (2016 Repl.), it is hereby ORDERED that:

1. **MARCUS BULLOCK**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Marcus Bullock Confirmation Resolution of 2016, effective January 26, 2017, PR22-0010 is appointed as a public member of the Commission, replacing Louis Sawyer for a term to end August 4, 2018.
2. **ESTHER FORD**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Esther Ford Confirmation Resolution of 2016, effective January 26, 2017, PR22-0017 is appointed as a public member of the Commission, replacing Roosevelt Cohens for a term to end August 4, 2017.
3. **ALAN HANSON**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Al Hanson Confirmation Resolution of 2016, effective January 26, 2017, PR22-0013 is appointed as a public member of the Commission, replacing Peter Willner for a term to end August 4, 2017.
4. **CLARENCE JOHNSON**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Clarence Johnson Confirmation Resolution of 2016, effective January 26, 2017, PR22-0016 is appointed as a public member of the Commission, replacing Tracey Payne Wilson for a term to end August 4, 2019.
5. **CORWIN KNIGHT**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Corwin Knight Confirmation Resolution of 2016, effective January 26, 2017, PR22-0014 is appointed as a public member of the Commission, replacing Trina Robinson for a term to end August 4, 2019.


6. **TONY LEWIS**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Tony D. Lewis Confirmation Resolution of 2016, effective January 26, 2017, PR22-0018 is appointed as a public member of the Commission, replacing Joseph Thomas for a term to end August 4, 2019.
7. **TANISHA MURDEN**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Tanisha L. Murden Confirmation Resolution of 2016, effective January 26, 2017, PR22-0011 is appointed as a public member of the Commission, replacing Amin Hussan Muslim, Sr., for a term to end August 4, 2019.
8. **NICOLE PORTER**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Nicole D. Porter Confirmation Resolution of 2016, effective December 20, 2016, PR21-0877 is appointed as a public member of the Commission, replacing James Lindsey for a term to end August 4, 2019.
9. **STENISE SANDERS**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Stenise Rolle Sanders Confirmation Resolution of 2016, effective January 26, 2017, PR22-0015 is appointed as a public member of the Commission, replacing Petrina L. Williams for a term to end August 4, 2018.
10. **PAULA THOMPSON**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Paula Thompson Confirmation Resolution of 2016, effective January 26, 2017, PR22-0012 is appointed as a public member of the Commission, replacing Kelly Wilkins for a term to end August 4, 2019.
11. **YASMINE ARRINGTON**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Yasmine A. Arrington Confirmation Resolution of 2016, effective September 20, 2016, PR21-0643 is appointed as a public member of the Commission, replacing Edwina Saymندی Lloyd for a term to end August 4, 2017.
12. **KEITH CAMPBELL**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Keith Campbell Confirmation Resolution of 2016, effective September 20, 2016, PR21-0644 is appointed as a public member of the Commission, replacing April Frazier, for a term to end August 4, 2017.
13. **ERIC WEAVER**, pursuant to the Commission on Re-Entry and Returning Citizens Affairs Eric Weaver Confirmation Resolution of 2016, effective September 20, 2016, PR21-0647 is appointed as a public member of the Commission, replacing Jacqueline Williams for a term to end August 4, 2019.

14. **EFFECTIVE DATE:** This Order shall become *nunc pro tunc* to the date of confirmation.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****PUBLIC NOTICE OF MEETING**

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that it will meet in order to discuss applications for the vacant administrative law judge position. The meeting will be closed the public pursuant to D.C. Code § 2-575(10) because applications for the appointment of a new administrative law judge will be discussed.

The meeting will be held on Thursday, April 20, 2017 at 4:00pm at the following location:

Office of Administrative Hearings
441 Fourth Street NW, Suite 450 North
Washington, DC 20001

For further information, please contact Shauntinique Steele at nikki.steele@dc.gov or 202-741-5303.

AGENDA

- I. Call to Order (Board Chair)**
- II. Roll Call**
- III. Discussion of the candidate applications for the vacant administrative law judge position**
- IV. Discussion of candidate interview dates and locations**
- V. Adjournment (Board Chair)**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, APRIL 26, 2017
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 # 17-PRO-00016; Ambo, LLC, t/a Ambo Market, 301 P Street NW
License #105293, Retailer B, ANC 5E
Application for a New License

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00014; 476 K, LLC, t/a Cloakroom, 476 K Street NW
License #87875, Retailer CN, ANC 6E
Substantial Change (Request for a Summer Garden Endorsement)

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00015; Kristina's Café, LLC, t/a Kristina's Café and Pastries
4418 MacArthur Blvd NW, License #105073, Retailer CR, ANC 3D
Application for a New License
This hearing is cancelled due to the submission of a Settlement Agreement for the Board's review and approval.

Show Cause Hearing (Status) **9:30 AM**
Case # 16-CMP-00853; Portals Hotelsite, LLC, t/a Mandarin Oriental Hotel
1330 Maryland Ave SW, License #60811, Retailer CH, ANC 6D
No ABC Manger on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 16-251-00150; Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT, ANC
1C
Violation of Settlement Agreement(Two Counts)

Board's Calendar
April 26, 2017

Show Cause Hearing (Status) **9:30 AM**
Case # 16-CMP-00624; Donburi, LLC, t/a Donburi DC, 2438 18th Street NW
License #96770, Retailer CR, ANC 1C
**No ABC Manager on Duty, Substantial Change in Operation Without
Board Approval**

Show Cause Hearing (Status) **9:30 AM**
Case # 16-CMP-00770; HSR, Inc., t/a New Dodge Market, 3620 14th Street
NW, License #99565, Retailer B, ANC 1A
No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 16-CMP-00785; HSR, Inc., t/a New Dodge Market, 3620 14th Street
NW, License #99565, Retailer B, ANC 1A
No ABC Manager on Duty

Show Cause Hearing* **10:00 AM**
Case # 15-CMP-00697; Jasper Ventures, LLC, t/a Capitale, 1301 K Street NW
License #72225, Retailer CN, ANC 2F
**Selling, Serving, or Permitting the Consumption of Alcoholic Beverages
after Hours**

Show Cause Hearing* **11:00 AM**
Case # 16-251-00162; TMI International, Inc., t/a Sip, 1812 Hamlin Street NE
License #95164, Retailer CT, ANC 5C
**Failed to Comply with hours of Operation, Violation of Settlement
Agreement**

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

Protest Hearing* **1:30 PM**
Case # 16-PRO-00122; Raso Corporation, t/a Nomad Hookah Bar, 1200 H
Street NE, License #87558, Retailer CT, ANC 6A
Petition to Amend or Terminate the Settlement Agreement

Protest Hearing* **1:30 PM**
Case # 17-PRO-00009; Top Shelf, LLC, t/a Penn Quarter Sports Tavern, 639
Indiana Ave NW, License #76039, Retailer CT, ANC 2C
Substantial Change (Summer Garden with 49 Seats)

Board's Calendar
April 26, 2017

Protest Hearing*

4:30 PM

Case # 17-PRO-00012; Library Tavern, LLC, t/a Library Tavern, 5420 3rd Street NW, License #105058, Retailer CT, ANC 4D

Application for a New License

Protest Hearing*

4:30 PM

Case # 17-PRO-00011; Green Island Café/Heaven & Hell, t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT, ANC 1C

Substantial Change (Request for a Summer Garden endorsement with seating for 40)

***The Board will hold a closed meeting for purposes of deliberating these hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA (SAFEKEEPING)

WEDNESDAY, APRIL 26, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-100620 – **TBD (Zenebe Shewayene)** – Retail – B – No Location
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-084620 – **Heat** – Retail – C – Nightclub – No Location
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-104515 – **& Pizza** – Retail – C – Restaurant – 1335 Wisconsin Avenue NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-089545 – **Duchess and the Queen** – Retail – C – Restaurant – 2102 18th Street NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-020067 – **Casa Blanca Restaurant** – Retail – C – Restaurant - 1014 Vermont Avenue
NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-000014 – **Coast In Liquors** – Retail – A – Liquor Store – 301 Florida Avenue NE
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-000460 – **Millie & Al's Ballances Columbia Restaurant** – Retail – C – Restaurant –
2440 18th Street NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-089877 – **Doener Bistro** – Retail – D – Restaurant – 1654 Columbia Road NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-072626 – **Petworth Liquors** – Retail – A – Liquor Store – 3210 Georgia Avenue NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-021489 – **Martin Luther King's Grocery** – Retail – B – 2420 Martin Luther King Jr.
Avenue SE
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-015251 – **1720 Club** – Retail – C – Nightclub – 2600 Virginia Avenue NW
[Safekeeping][Licensee did not request an extension of Safekeeping.]

ABRA-095113 – **Darnell's** – Retailer – C – Tavern – 944 Florida Avenue NW
[Safekeeping][Licensee did pay Safekeeping fees within 30 days of approval of Safekeeping.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CEASE AND DESIST AGENDA (CATERERS)

WEDNESDAY, APRIL 26, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below.

ABRA-087628 – **Spectrum** – Caterer – 1299 Pennsylvania Avenue NW
[Licensee did not make 2nd year payment.]

ABRA-088027 – **District Commons/Burger** – Caterer – 2200 Pennsylvania Avenue NW
[Licensee did not make 2nd year payment.]

ABRA-091399 – **Union Kitchen** – Caterer – 1369 New York Avenue NE
[Licensee did not make 2nd year payment.]

ABRA-092155 – **Equinox** – Caterer – 818 Connecticut Avenue NW
[Licensee did not make 2nd year payment.]

ABRA-094227 – **Root and Stem Catering** – Caterer – 2941 Fairview Park Drive, Falls Church, VA
[Licensee did not make 2nd year payment.]

ABRA-095166 – **District Provisions/550 Events** – Caterer – 550 Penn Street NE
[Licensee did not make 2nd year payment.]

ABRA-096988 – **Lebanese Taverna Market/Catering** – Caterer – 4400 Old Dominion Drive, Arlington, VA
[Licensee did not make 2nd year payment.]

ABRA-099262 – **Grace Period** – Caterer – 350 G Street SW, Unit N520
[Licensee did not make 2nd year payment.]

ABRA-100508 – **Catering Resources LLC** – Caterer – 550 North Madison Street, Arlington, VA
[Licensee did not make 2nd year payment.]

ABRA-101345 – **Haute Saison Catering** – Caterer – 1110 Congress Street NE
[Licensee did not make 2nd year payment.]

ABRA-077459 – **R & R Catering** – Caterer – 8004 Alban Road, Springfield, VA
[Licensee did not make 2nd year payment.]

ABRA-079539 – **M.K. Catering, Inc.** – Caterer – 5724 LaFayette Place, Hyattsville, MD
[Licensee did not make 2nd year payment.]

ABRA-103546 – **Bluejacket** – Caterer – 300 Tingey Street SE
[Licensee did not make 2nd year payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CEASE AND DESIST AGENDA (CLASS A WHOLESALERS)

WEDNESDAY, APRIL 26, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The ABC Board will be issuing Orders to Cease and Desist to the following Licensees for the reasons outlined below.

ABRA-082037 – **Speakeasy Spirits** – Wholesaler – A – 719 L Street NE
[Licensee did not make 3rd year payment.]

ABRA-092739 – **Barrel One** – Wholesaler – A – 500 Emerson Street NE
[Licensee did not make 3rd year payment.]

ABRA-093639 – **Il Pioppo** – Wholesaler – A – 2052 West Virginia Avenue NE
[Licensee did not make 3rd year payment.]

ABRA-093947 – **Pipetown Traders** – Wholesaler – A – 1412 Pennsylvania Avenue SE
[Licensee did not make 3rd year payment.]

ABRA-094679 – **Ledroit Brands** – Wholesaler – A – 2510 24th Street NE
[Licensee did not make 3rd year payment.]

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, APRIL 26, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, April 26, 2017 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# 17-AUD-00008, Epicurean and Company, 3800 Reservoir Road N.W., Retailer CR, License # ABRA-077576

2. Case# 17-AUD-00015, Kruba, 301 Tingey Street S.E., Retailer CR, License # ABRA-090630

3. Case# 17-CMP-00173, Granville Moore’s Brickyard, 1238 H Street N.E., Retailer CR, License # ABRA-072792

4. Case# 17-CMP-00204, Policy/Colada Shop, 1904 14th Street N.W., Retailer CR, License # ABRA-076804

5. Case# 17-CMP-00205, Le Petite Corner Store, 1643 34th Street N.W., Retailer B, License # ABRA-060593

6. Case # 17-CC-00048, Safeway, 2845 Alabama Avenue S.E., Retailer B, License # ABRA-060504

7. Case# 17-AUD-00013, Granville Moore’s Brickyard, 1238 H Street N.E., Retailer CR, License # ABRA-072792

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, APRIL 26, 2017 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to Remove Tasting Endorsement from license. ANC 4D. SMD 4D04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Colony Liquors*, 4901 Georgia Avenue NW, Retailer A Liquor Store, License No. 098972.

***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 INTERNATIONAL PUBLIC CHARTER SCHOOL**REQUEST FOR QUOTES****Extreme Networks Equipment**

Carlos Rosario International Public Charter School is soliciting price quotes and qualification statements from interested parties for hardware replacement support for 18 Extreme Network switches and software support subscriptions our Access Point license. All quotes must be submitted via email to gellis@carlosrosario.org no later than April 25, 2017.

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

The City Arts & Prep Public Charter School, 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:

- Leadership Coaching
- Business Operations 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, Monday, May 5, 2017.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator
bids@cityartspcs.org

OFFICE OF THE DEPUTY MAYOR OF EDUCATION

NOTICE OF PUBLIC MEETING

CROSS-SECTOR COLLABORATION TASK FORCE MEETING

Deputy Mayor for Education Jennifer Niles announces the scheduling of a Cross-Sector Collaboration Task Force meeting. The purpose of the meeting will be to clarify and discuss the issue areas the two Task Force working groups will take on and decide what further information is needed to advance the work of the working groups. The date, time and location shall be as follows:

- Date:** April 25, 2017
- Time:** 6:00 p.m. – 8:00 p.m.
- Location:** Education Counsel
101 Constitution Ave., NW Suite 900
Washington, DC
- Contact:** Ramin Tahri
Deputy Mayor for Education
202.727.4036 or ramin.taheri@dc.gov

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

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

VACANT: 3D07, 7B03 and 7F07

Petition Circulation Period: **Monday, April 24, 2017 thru Monday, May 15, 2017**

Petition Challenge Period: **Thursday, May 18, 2017 thru Thursday, May 24, 2017**

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

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

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

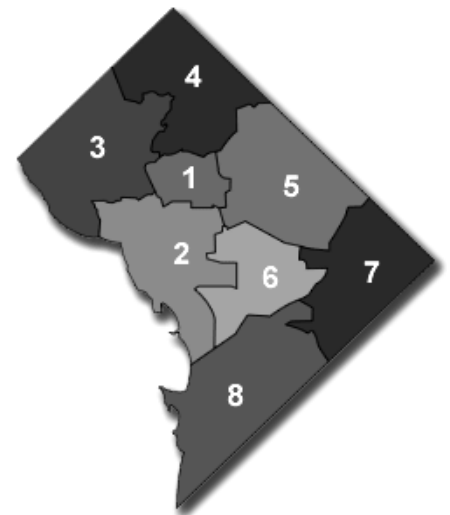
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of MARCH 31, 2017**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	45,395	2,952	656	146	180	11,484	60,813
2	31,071	5,848	207	164	154	11,004	48,448
3	37,887	6,544	349	143	160	11,082	56,165
4	48,326	2,274	533	81	169	8,828	60,211
5	51,199	2,355	585	99	221	9,118	63,577
6	53,934	7,068	497	211	235	13,493	75,438
7	46,426	1,317	449	47	155	6,359	54,753
8	45,216	1,423	460	32	178	7,136	54,445
Totals	359,454	29,781	3,736	923	1,452	78,504	473,850
Percentage By Party	75.86%	6.28%	.79%	.19%	.31%	16.57%	100.00%

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF MARCH 31, 2017**

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboee.org>



**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of MARCH 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,811	35	10	4	5	309	2,174
22	3,730	385	34	13	12	989	5,163
23	2,886	208	45	15	12	800	3,966
24	2,703	252	26	15	12	808	3,816
25	3,805	450	49	12	13	1,090	5,419
35	3,571	230	57	15	9	860	4,742
36	4,231	257	61	5	20	1,027	5,601
37	3,335	160	54	10	14	800	4,373
38	2,861	132	49	15	10	740	3,807
39	4,121	207	69	9	18	942	5,366
40	3,959	190	86	12	18	1,032	5,297
41	3,617	208	58	10	18	1,023	4,934
42	1,843	79	32	3	11	449	2,417
43	1,795	72	19	3	7	362	2,258
137	1,127	87	7	5	1	253	1,480
TOTALS	45,395	2,952	656	146	180	11,484	60,813

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of MARCH 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	979	185	7	9	12	573	1,765
3	1,691	402	18	8	13	684	2,816
4	1,892	477	6	14	6	735	3,130
5	2,127	612	13	14	10	786	3,562
6	2,370	883	18	13	15	1,290	4,589
13	1,301	243	4	3	5	416	1,972
14	2,956	495	21	14	13	984	4,483
15	3,085	409	29	17	16	895	4,451
16	3,493	434	25	19	14	978	4,963
17	4,822	622	33	19	18	1,498	7,012
129	2,386	392	10	12	12	905	3,717
141	2,398	320	11	13	11	651	3,404
143	1,571	374	12	9	9	609	2,584
TOTALS	31,071	5,848	207	164	154	11,004	48,448

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of MARCH 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,276	401	15	3	7	560	2,262
8	2,385	619	30	6	8	771	3,819
9	1,137	474	6	10	8	474	2,109
10	1,872	428	19	8	13	693	3,033
11	3,436	937	40	27	26	1,255	5,721
12	470	186	0	3	5	208	872
26	2,935	350	19	8	6	869	4,187
27	2,433	242	26	10	3	587	3,301
28	2,499	514	41	7	11	779	3,851
29	1,348	241	12	8	9	411	2,029
30	1,266	206	12	3	5	301	1,793
31	2,363	297	17	7	11	555	3,250
32	2,676	297	21	5	10	566	3,575
33	2,857	304	24	5	6	687	3,883
34	3,721	421	34	13	9	1,114	5,312
50	2,118	265	14	7	6	475	2,885
136	883	100	7	2	3	272	1,267
138	2,212	262	12	11	14	505	3,016
TOTALS	37,887	6,554	349	143	160	11,082	56,165

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of MARCH 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,249	62	33	6	9	385	2,744
46	3,092	112	37	6	14	562	3,823
47	3,347	147	41	10	15	758	4,318
48	2,735	133	25	5	6	545	3,449
49	916	47	14	0	6	210	1,193
51	3,228	521	23	6	8	631	4,417
52	1,234	160	8	0	2	242	1,646
53	1,242	69	22	2	6	234	1,575
54	2,359	99	27	2	5	444	2,936
55	2,386	75	18	1	10	424	2,914
56	3,070	100	33	8	15	622	3,848
57	2,186	60	35	5	11	402	2,699
58	2,191	65	19	4	8	338	2,625
59	2,593	84	29	7	7	433	3,153
60	2,180	73	24	4	9	583	2,873
61	1,587	55	14	0	5	273	1,934
62	3,098	122	26	2	3	384	3,635
63	3,653	131	60	2	18	651	4,515
64	2,306	71	20	7	7	344	2,755
65	2,674	88	25	4	5	363	3,159
Totals	48,326	2,274	533	81	169	8,828	60,211

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of MARCH 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,310	195	61	9	16	966	5,557
44	2,755	244	30	8	18	657	3,712
66	4,428	103	41	4	14	565	5,155
67	2,834	104	23	4	10	400	3,375
68	1,880	166	24	7	5	399	2,481
69	2,031	73	18	1	8	283	2,414
70	1,436	80	22	0	6	214	1,758
71	2,329	71	25	4	10	305	2,744
72	4,239	141	39	7	26	713	5,165
73	1,905	93	20	5	9	356	2,388
74	4,531	251	61	9	19	942	5,813
75	3,860	212	50	14	18	824	4,978
76	1,603	85	25	5	9	341	2,068
77	2,810	119	27	3	12	472	3,443
78	2,944	101	43	6	11	461	3,566
79	2,005	78	22	3	13	362	2,483
135	2,965	183	38	8	11	569	3,774
139	2,334	56	16	2	6	289	2,703
TOTALS	51,199	2,355	585	99	221	9,118	63,577

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of MARCH 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,518	568	45	23	18	1,252	6,424
18	4,918	381	48	14	21	1,081	6,463
21	1,152	52	8	6	2	260	1,480
81	4,545	389	46	9	21	919	5,929
82	2,585	265	34	9	9	553	2,973
83	4,997	681	38	22	25	1,321	7,084
84	1,971	414	20	6	9	553	2,973
85	2,667	525	16	9	12	747	3,976
86	2,187	259	24	10	11	454	2,945
87	2,716	278	18	3	12	583	3,610
88	2,144	284	17	5	3	528	2,981
89	2,592	654	21	9	10	783	4,069
90	1,574	256	11	6	9	484	2,340
91	4,026	378	41	17	21	962	5,445
127	3,972	309	45	22	14	835	5,197
128	2,446	220	28	10	11	624	3,339
130	798	316	6	3	3	288	1,414
131	2,573	664	16	19	17	809	4,098
142	1,553	175	15	9	7	418	2,177
TOTALS	53,934	7,068	497	211	235	13,493	75,438

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of MARCH 31, 2017**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,518	88	19	4	4	263	1,896
92	1,549	29	14	2	5	229	1,828
93	1,547	47	17	2	5	229	1,847
94	1,868	52	20	0	6	258	2,204
95	1,626	51	13	0	3	259	1,952
96	2,274	64	18	2	10	339	2,707
97	1,410	50	17	1	6	205	1,689
98	1,818	47	22	2	5	244	2,138
99	1,411	57	18	5	6	212	1,709
100	2,285	52	17	3	7	273	2,637
101	1,539	26	14	2	6	177	1,764
102	2,254	51	18	0	9	267	2,599
103	3,353	83	41	3	8	478	3,966
104	3,010	86	38	0	17	434	3,585
105	2,363	66	20	3	8	371	2,831
106	2,722	60	19	4	11	352	3,168
107	1,719	67	17	2	10	213	2,028
108	1,069	28	7	1	2	120	1,227
109	921	35	5	0	1	93	1,055
110	3,641	97	23	5	8	413	4,187
111	2,436	68	33	1	7	371	2,916
113	2,131	57	19	3	7	268	2,485
132	1,962	56	20	2	4	291	2,335
TOTALS	46,426	1,317	449	47	155	6,359	54,753

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of MARCH 31, 2017

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,138	61	17	0	8	301	2,525
114	3,457	138	38	1	19	575	4,228
115	2,794	77	24	5	13	584	3,497
116	4,060	105	44	4	12	636	4,861
117	2,043	49	18	2	12	340	2,464
118	2,695	78	32	2	10	413	3,230
119	2,697	119	32	2	14	480	3,344
120	1,830	32	16	1	3	222	2,104
121	3,276	88	27	3	6	455	3,855
122	1,762	45	19	0	10	235	2,071
123	2,307	162	26	6	17	376	2,894
124	2,587	68	21	0	8	359	3,043
125	4,437	108	42	1	15	692	5,295
126	3,814	132	49	3	17	727	4,742
133	1,327	48	13	0	0	181	1,569
134	2,166	55	32	1	6	291	2,551
140	1,826	58	10	1	8	269	2,172
TOTALS	45,216	1,423	460	32	178	7,136	54,445

D.C. BOARD OF ELECTIONS

003850

**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY**

For voter registration activity between 2/28/2017 and 3/31/2017

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	372,091	30,381	3,714	894	1,470	80,892	489,442
Board of Elections Over the Counter	356	35	5	0	0	112	508
Board of Elections by Mail	91	9	0	0	1	38	139
Board of Elections Online Registration	100	10	2	0	3	50	165
Department of Motor Vehicle	389	52	5	4	0	132	582
Department of Disability Services	0	0	0	0	0	0	0
Office of Aging	1	0	0	0	0	0	1
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0	0
Dept. of Youth Rehabilitative Services	3	0	0	0	0	0	3
Department of Corrections	4	2	0	0	0	1	7
Department of Human Services	3	0	0	0	0	0	3
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	126	2	2	0	0	24	154
+Total New Registrations	1,073	110	14	4	4	357	1,562

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	286	28	4	2	1	59	380
Administrative Corrections	61	124	110	0	69	388	752
+TOTAL ACTIVATIONS	347	152	114	2	70	447	1,132

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	7,576	690	102	19	55	2,544	10,986
Moved Out of District (Deleted)	1	0	0	0	0	0	1
Felon (Deleted)	1	0	0	0	0	0	1
Deceased (Deleted)	46	1	1	0	0	3	51
Administrative Corrections	6,741	203	11	10	1	348	7,314
-TOTAL DEACTIVATIONS	14,365	894	114	29	56	2,895	18,353

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	TOTAL
+ Changed To Party	619	153	36	56	6	276	
- Changed From Party	-311	-121	-28	-4	-42	-573	
ENDING TOTALS	359,454	29,781	3,736	923	1,452	78,504	473,850

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 (#6188-R1) to the Naval Research Laboratory (NRL) to operate one existing (1) 300 kWe Kohler 300 REOZDD emergency generator set with a Detroit Diesel diesel-fired engine rated at 490 bhp (366 kWm) engine output. The generator is located at Building 12, 4555 Overlook Avenue SW, Washington DC. The contact person for the facility is Lionel Vega, Environmental Engineer, Safety Branch, phone number: 202-404-2109.

The application to operate the emergency generator and the draft renewal 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 May 22, 2017 will be accepted.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit (#6606) to the United States Government Publishing Office (GPO) to operate a Heidelberg Sheet Fed Offset Printing Press, Model SM-102-4-P3, designated as press group 74 in Building C (also known as Building 3) of the GPO complex at 732 North Capitol Street NW, Washington DC 20401. The contact person for the applicant is D. Kevin McGuinness, Environmental Program Manager, at (202) 512-1626.

The proposed overall emission limits for the equipment are as follows:

- a. No visible emissions shall be emitted from this equipment. [20 DCMR 201 and 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]

It should be noted that emissions are primarily minimized from this type of equipment by operational limitations and procedures set forth in the permit, rather than from explicit emission limits.

Maximum potential emissions from the units, after emission controls, are expected to be as follows:

Pollutant	Estimated Maximum Annual Emissions (tons/yr)
Volatile Organic Compounds (VOC)	2.34
Total Hazardous Air Pollutants (HAP)	0.068

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

Interested persons may submit written comments or may request a 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
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Air Quality Division
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1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after May 22, 2017 will be accepted.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue Permit No. 7098 to Potomac Electric Power Company, to operate a 300 kWe emergency generator set powered by a 463 hp John Deere diesel-fired engine. The unit is located at the Alabama Avenue Substation, 3302 15th Street SE, Washington, DC 20032. The contact person for the facility is Mary Pekot, Manager Electric Maintenance, phone number: (202) 388-2626.

The proposed emission limits are as follows:

- a. Emissions from the generator set shall not exceed those found in the following table as measured using the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO_x, and CO and 40 CFR 89.112(c) for PM [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.112(a)-(c)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition (b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
 - 1. 20 percent during the acceleration mode;
 - 2. 15 percent during the lugging mode;
 - 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.17
Oxides of Nitrogen (NO _x)	0.72
Volatile Organic Compounds (VOC)	0.01
Total Particulate Matter (PM Total)	0.02
Oxides of Sulfur (SO _x)	0.24

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, a written request for a public hearing, or both, on the draft permit action within thirty (30) days of publication of this notice. The written comments or a written request for a public hearing 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 or outcome from a public hearing 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 May 22, 2017 will be accepted.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue Permit No. 7105 to Potomac Electric Power Company, to operate a 500 kWe Kohler emergency generator set with a 755 hp John Deere diesel-fired engine. The unit is located at 1st Street & V Street SW, Washington, DC 20003. The contact person for the facility is Mary Pekot, Manager Electric Maintenance, phone number: (202) 388-2626.

The proposed emission limits are as follows:

- a. Emissions from the generator set shall not exceed those found in the following table as measured using the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO_x, and CO and 40 CFR 89.112(c) for PM [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.112(a)-(c)]:

Pollutant Emission Limits (g/kW-hr)		
NMHC+NO _x	CO	PM
6.4	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition (b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
 - 1. 20 percent during the acceleration mode;
 - 2. 15 percent during the lugging mode;
 - 3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator engine set are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.19
Oxides of Nitrogen (NO _x)	1.74
Volatile Organic Compounds (VOC)	0.03
Total Particulate Matter (PM Total)	0.03
Oxides of Sulfur (SO _x)	0.39

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, a written request for a public hearing, or both, on the draft permit action within thirty (30) days of publication of this notice. The written comments or a written request for a public hearing 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 or outcome from a public hearing 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 May 22, 2017 will be accepted.

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

April 10, 2017

BEGA – Draft Advisory Opinion – ANC Ethical Standards

NOTICE OF DRAFT ADVISORY OPINION

The Director of Government Ethics, pursuant to the authority set forth in section 219(a-1)(2) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective February 22, 2014 (D.C. Law 20-75; D.C. Official Code § 1-1162.19(a-1)(2)) (“Ethics Act”), hereby gives notice that he intends to issue, on his own initiative, an advisory opinion that provides interpretive guidance to members of Advisory Neighborhood Commissions regarding the applicability of the District of Columbia Code of Conduct. Given recurring inquiries by members of the Commissions, the Director considers this topic to be a general question of law of sufficient public importance concerning the Code of Conduct over which the Ethics Board has primary jurisdiction.

All persons interested in commenting on this draft Advisory Opinion may do so not later than thirty (30) days after publication of this notice in the *D.C. Register* by sending comments electronically to bega@dc.gov or by filing comments in writing with Brian K. Flowers, General Counsel, Board of Ethics and Government Accountability, 441 4th Street, N.W., 830 South, Washington, D.C. 20001.

Draft Advisory Opinion

Ethical Standards Applicable to Advisory Neighborhood Commissioners

Purpose of this Advisory Opinion

Among its several duties, the Board of Ethics and Government Accountability (“BEGA”) is charged with administering and enforcing the Code of Conduct.¹ However, since BEGA’s inception, numerous Advisory Neighborhood Commissioners (“ANCs”) have questioned whether certain parts of the Code of Conduct apply to them. The purpose of this opinion, then, is to

¹ See section 202(a)(1) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1162.02(a)(1)).

discuss what parts of the Code of Conduct apply to ANCs – in addition to specific provisions of the Ethics Act itself – and what parts of the Code of Conduct do not apply to them.²

Background

The Council enacted the Ethics Act in response to allegations at that time “of misconduct by several members of the Council of the District of Columbia and the Mayor”³ and sought, with the legislation, to “establish[] a framework with the ability to respond to future misconduct.”⁴ The Council’s ultimate goal was “to restore the public’s faith in its government, starting first with its public officials.”⁵

BEGA was seen as the centerpiece of the legislation. “Most importantly, the bill will establish a new entity charged exclusively with administering and enforcing the new and enhanced laws and the code of conduct.”⁶

Despite the Council’s clear intent in passing the Ethics Act, some ANCs began to question whether certain parts of the Code of Conduct applied to them. They pointed, in particular, to Chapter 18 of Title 6B of the District of Columbia Municipal Regulations.⁷ That chapter, often referred to as the District Personnel Manual (“DPM”), applies to the ethical responsibilities of District government employees pursuant to Chapter XVIII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (“CMPA”).⁸ The ANCs contended, in short, that, inasmuch as they serve without compensation, they were not employees as defined by the CMPA and that, therefore, they were not subject to the DPM.⁹

When others in the government questioned the applicability of the whole of the Code of Conduct to them, the Council enacted the Universal Code of Conduct and BEGA Amendment Act of 2014

² The Code of Conduct is defined by section 101(7) of the Ethics Act (D.C. Official Code § 1-1161.01(7)), and its constituent parts are discussed in the text below.

³ Report of the Committee on Government Operations on Bill 19-511, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, at 2 (Council of the District of Columbia, December 5, 2011) (“Ethics Act Committee Report”).

⁴ *Id.*

⁵ *Id.* at 31.

⁶ *Id.* at 32. *See also* section 202(a) of the Ethics Act (D.C. Official Code § 1162.02(a)) (setting out BEGA’s core functions).

⁷ *See* section 101(7)(E) of the Ethics Act (D.C. Official Code § 1161.01(7)(E)).

⁸ Effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-618.01 *et seq.*). *See* DPM § 1800.1.

⁹ *See* section 301(7) of the CMPA (D.C. Official Code § 1-603.01(7)) (defining “employee” as “an individual who performs a function of the District government and who receives compensation for the performance of such services”).

(“Ethics Amendment Act”).¹⁰ For present purposes, two provisions of the Ethics Amendment Act are noteworthy. First, section 201a was added to the Ethics Act.¹¹ That sections provides as follows:

[The Ethics Act] and the Code of Conduct shall apply to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and *Advisory Neighborhood Commissions*, but excluding the courts. (Emphasis added.)

Second, the part of the definition of the Code of Conduct incorporating the DPM¹² was amended to provide “[f]or employees and public officials who are not members or employees of the Council, Chapter 18 of Title 6B of the District of Columbia Municipal Regulations.” (Emphasis added.)¹³

Discussion

Based on the foregoing background, especially the express language of section 201a of the Ethics Act, I conclude that ANCs are subject to the Ethics Act and to the Code of Conduct. Any argument to the contrary fails to appreciate that the Council’s overriding intent in passing the Ethics Act, and later clarified by the Ethics Amendment Act, was to restore the public’s trust in the District government, not just parts of it.

Those provisions of the Ethics Act and the Code of Conduct that are most applicable to ANCs are outlined in Sections A and B of the following discussion.

A. The Ethics Act

The Ethics Act applies to ANCs in a number of respects. In fact, I have previously determined that ANCs are subject to the all-important conflict of interest provisions of the Ethics Act due to their being elected officials.¹⁴

¹⁰ Effective July 15, 2014 (D.C. Law 20-122; 61 DCR 5688). See Report of the Committee on Government Operations on Bill 20-412, the Comprehensive Code of Conduct and BEGA Amendment Act of 2014, at 4 (Council of the District of Columbia, March 25, 2014) (“Although the Committee believes and has operated under the understanding that the Code of Conduct covers excepted service employees and all agencies – independent or otherwise – it is now necessary to clarify that understanding.”).

¹¹ Section 201a of the Ethics Act is codified at D.C. Official Code § 1-1162.01a.

¹² Section 101(7)(E) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(E)).

¹³ Both the Ethics Act and the CMPA define “public official” to include ANCs. See section 101(47)(E) of the Ethics Act (D.C. Official Code § 1-1161.01(47)(E)); section 301(14A)(E) of the CMPA (D.C. Official Code § 1-603.01(14A)(E)).

¹⁴ See Advisory Opinion #1075-001 (July 10, 2013) (available at <https://tinyurl.com/BEGA-1075-001>).

Section 223(c)(1)(B) of the Ethics Act¹⁵ provides that:

(c)(1) Any elected official who, in the discharge of the elected official's official duties, would be required to act in any matter prohibited under [section 223(a)]¹⁶ shall make full disclosure of the financial interest, prepare a written statement describing the matter and the nature of the potential conflict of interest, and deliver the statement to:

...

(B) In the case of an elected official other than a member of the Council, the Ethics Board.

Furthermore, during a proceeding in which an elected official would be required to take action in any matter that is prohibited under section 223(a), the Chairman is required to read the statement provided in section 223(c)(1)(B) into the record of proceedings and excuse the elected official from votes, deliberations, and other actions on the matter.¹⁷

Section 224(a)(3)(A) of the Ethics Act¹⁸ also applies to ANCs. That provision requires an ANC who is not otherwise required to file a public financial disclosure statement (by virtue of holding another District government position) to file a certification for the preceding year containing the information in section 224(a)(1)(G).¹⁹ The certification requires the filer to certify, for example, that he or she has filed and paid income and property taxes and has reported known illegal activity to the appropriate authorities, and that he or she not accepted any bribes or placed title to property in another's name to avoid having to make disclosure.

B. The Code of Conduct

The CMPA

Two sections of Chapter XVIII of the CMPA – sections 1801 and 1802 – are incorporated into the Code of Conduct.²⁰ Section 1801(a) provides as follows:

¹⁵ D.C. Official Code § 1-1162.23(c)(1).

¹⁶ Section 223(a) of the Ethics Act (D.C. Official Code § 1-1162.23(a)) provides that “[n]o employee shall use his or her official position or title, or personally and substantially participate, [in a] particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.”

¹⁷ See section 223(c)(3) of the Ethics Act (D.C. Official Code § 1-1162.23(c)(3)).

¹⁸ D.C. Official Code § 1-1162.24(a)(3)(A).

¹⁹ D.C. Official Code § 1-1162.24(1)(G).

²⁰ See section 101(7)(B) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(B)). To conform to their incorporation into the Code of Conduct, CMPA sections 1801 and 1802 (D.C. Official Code §§ 1-618.01 and 1-618.02) were amended by the Ethics Act “to subject public officials and members of boards and commissions to the standards of conduct provisions” contained in Chapter XVIII. See Ethics Act Committee Report at 41.

(a) Each employee, member of a board or commission, or a public official of the District government must at all times maintain a high level of ethical conduct in connection with the performance of official duties, and shall refrain from taking, ordering, or participating in any official action which would adversely affect the confidence of the public in the integrity of the District government.

CMPA Section 1801(a-1) operates as a public policy statement, encouraging ANCs, as public officials, to report “any violation of a law or rule, or the misuse of government resources, as soon as the employee, member of a board or commission, or a public official becomes aware of the violation or misuse of resources,” and section 1801(a-2) imposes on ANCs certain ethics training requirements.

Section 1802 of the CMPA reinforces the application of the conflicts of interest provisions in section 223 of the Ethics Act, providing that:

No employee, member of a board or commission, or a public official of the District government shall engage in outside employment or private business activity or have any direct or indirect financial interest that conflicts *or would appear to conflict with* the fair, impartial, and objective performance of officially assigned duties and responsibilities. (Emphasis added.)

The standard in section 1802 of avoiding appearances of conflicts of interest is also reflected in DPM § 1800.3 (n), which provides that “[e]mployees shall not take actions creating the appearance that they are violating the law or the ethical standards set forth in [the DPM].”²¹ Whether particular circumstances create an appearance that the law or the DPM standards have been violated is determined from the perspective of a reasonable person with knowledge of the relevant facts.

The DPM

Given the background discussion above, I can avoid redundancy and simply say here that the express language of section 101(7)(E) of the Ethics Act²² – that “[f]or employees and public officials who are not members or employees of the Council, Chapter 18 of Title 6B of the District of Columbia Municipal Regulations” – subjects ANCs to the DPM as part of the Code of Conduct.

The Correspondence Act

The Correspondence Act²³ was enacted to set the standards for using the District’s “official mail,” which is defined as mail “which is either prepaid or postpaid by any branch, division, or other

²¹ On a similar note, the nepotism prohibitions in section 1804 of the CMPA (D.C. Official Code § 1-618.04), while not themselves express components of the Code of Conduct, apply to ANCs by operation of their implementation in DPM § 1806.

²² D.C. Official Code § 1-1161.01(7)(E).

²³ Enacted as the Official Correspondence Regulations, effective April 7, 1977 (D.C. Law 1-118; D.C. Official Code § 2-701 *et seq.*). See Report of the Committee on Government Operations on Bill 1-341, the Official Correspondence Regulations (Council of the District of Columbia, November 9, 1976).

agency of the government of the District of Columbia.”²⁴ The term “agency” is defined, in turn, as including “all departments, entities, agencies, offices, or other subdivisions of the executive and legislative branches of the government of the District of Columbia as well as all independent boards, commissions, agencies, or other independent entities.”²⁵ That definition is broad enough, especially when viewed in light of the purpose of the Correspondence Act itself, to encompass Advisory Neighborhood Commissions. By logical extension, then, I conclude that ANCs, serving within the Advisory Neighborhood Commissions, are subject to the Correspondence Act as part of the Code of Conduct.²⁶

Penalties under the Correspondence Act include, for willful violations, a fine not exceeding \$1,000 or confinement for a term not exceeding one year, plus double the amount of money incidental to the unlawful mailing.²⁷ These penalties are separate from any that may be imposed under the Ethics Act for violation of the Code of Conduct.²⁸

C. Inapplicable Code of Conduct Provisions

The following provisions of the Code of Conduct do not apply to ANCs:

The Council Code of Official Conduct²⁹

For the current Council Period, the Council Code of Official Conduct was adopted pursuant to section 3 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22, Resolution of 2017.³⁰ Section 3 of the resolution provides that “[t]he document entitled ‘Council of the District of Columbia, Code of Official Conduct, Council Period 21,’ attached and made a part of this resolution shall be the Code of Official Conduct of the Council of the District of Columbia.” Based on its title and its text, which refers throughout to Councilmembers and their staffs, the Council Code of Official Conduct clearly does not apply to ANCs.

Section 416 of the Procurement Practices Reform Act³¹

²⁴ Section 2(6) of the Correspondence Act (D.C. Official Code § 2-701(6)). *Cf.* 39 U.S.C. § 3210 (federal franking law defining “official mail” in similar terms).

²⁵ Section 2(1) of the Correspondence Act (D.C. Official Code § 2-701(1)).

²⁶ *See* section 101(7)(C) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(C)).

²⁷ *See* section 9 of the Correspondence Act (D.C. Official Code § 2-708).

²⁸ *See* section 221 of the Ethics Act (D.C. Official Code § 1-1162.21).

²⁹ *See* section 101(7)(A) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(A)).

³⁰ Effective January 2, 2017 (Res. 22-1; 64 DCR 188).

³¹ *See* section 101(7)(D) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(D)).

Section 416(c) of the Procurement Practices Reform Act of 2010 (“PPRA”)³² provides that “[a] District employee shall not solicit or secure, or offer to solicit or secure, a contract for which the employee is paid or is to be paid any fee or other consideration contingent on the making of the contract between the employee and any other person.” However, Advisory Neighborhood Commissions are exempt from the PPRA,³³ and, by extension, ANCs are exempt as well. Therefore, ANCs are not subject to section 416 of the PPRA as part of the Code of Conduct.

The Local Hatch Act³⁴

The Prohibition on Government Employee Engagement in Political Activity Act of 2010 (“Local Hatch Act”)³⁵ governs the political activities of District government employees. However, the Local Hatch Act defines “employee” to exclude from its scope ANCs who are not otherwise employed by the District.³⁶ Therefore, ANCs are not generally subject to the Local Hatch as part of the Code of Conduct. Nonetheless, ANCs must be mindful of the parallel provisions of DPM § 1808.1 and section 336(a) of the Campaign Finance Act of 2011, which, respectively, prohibit the use of District government resources for unauthorized or campaign-related activities.³⁷

The Donations Act³⁸

The Donations Act³⁹ authorizes an entity of the District government to accept and use gifts or donations, if the Mayor approves the acceptance and use of the gift or donation and the entity uses the gift or donation to carry out its authorized functions or duties. However, the acceptance and use of gifts by Advisory Neighborhood Commissions is governed by other statutory authority,⁴⁰

³² Effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.16(c)).

³³ See section 105(c)(6) of the PPRA (D.C. Official Code § 2-351.05(c)(6)).

³⁴ See section 101(7)(E-i) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(E-i)).

³⁵ Effective March 31, 2011 (D.C. Law 18-355; D.C. Official Code § 1-1171.01).

³⁶ See section 2(3)(A)(v) of the Local Hatch Act (D.C. Official Code § 1-1171.01(3)(A)(v)).

³⁷ DPM § 1808.1 provides that “[a]n employee has a duty to protect and conserve government property and shall not use such property, or allow its use, for other than authorized purposes.” Section 336(a) of the Campaign Finance Act of 2011 (D.C. Official Code § 1-1163.36(a)) provides that “[n]o resources of the District of Columbia government ... shall be used to support or oppose any candidate for elected office, whether partisan or nonpartisan, or to support or oppose any initiative, referendum, or recall measure, including a charter amendment referendum conducted in accordance with [D.C. Official Code] § 1-203.03.”

³⁸ See section 101(7)(G) of the Ethics Act (D.C. Official Code § 1-1161.01(7)(G)).

³⁹ Enacted as section 4602 of the Acceptance and use of gifts by District Entities Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 1-329.01).

⁴⁰ See section 738(c)(2) of the District of Columbia Home Rule Act, approved Dec. 24, 1973 (87 Stat. 801; D.C. Official Code § 1-207.38(e)(c)(2)) (authorizing each Advisory Neighborhood Commission to “employ staff and expend, for public purposes within its neighborhood, public funds and other funds donated to it”); see also section 13(l) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-58; D.C.

and the Office of the Attorney General (“OAG”) has specifically opined that Advisory Neighborhood Commissions are not subject to the Donations Act.⁴¹ Therefore, by extension, ANCs not subject to the Donation Act as part of the Code of Conduct.

Illustrative Examples

The following examples are offered to illustrate the guidance in this opinion:

Example #1

ANC Commissioner John Doe, who is also a student at a private university located in his ANC area, is a resident assistant in one of the on-campus dorms. As a resident assistant, he receives a \$5,000 stipend for the academic year and a furnished room (valued at \$10,000) in the dorm. For its part, aside from teaching and research activities, the university owns commercial property in the Commissioner’s ANC area. The Commissioner wants to know if he has to recuse himself from any matters relating to the university that may come before his ANC.

Answer: Commissioner Doe has to recuse himself from any university-related matters because, as an elected official, he is prohibited from personally and substantially participating in any matter that he knows is likely to have a direct and predictable effect on his financial interests or the financial interests of a person closely affiliated with him.⁴² Here, the Commissioner’s position as a resident assistant essentially amounts to his having outside employment with a private entity, and the performance of his official duties as an ANC Commissioner could likely have a direct and predictable effect on the university’s financial interests.

Example #2

The wife of ANC Commissioner Tom Jones serves as the treasurer of a non-profit entity headquartered in the Commissioner’s ANC area. The Commissioner requests advice from BEGA on whether he can participate in deliberations and voting on a grant application that the non-profit is considering submitting to the ANC.

Official Code § 1-309.10(l) (limiting authority of Advisory Neighborhood Commissions to solicit and receive contributions).

⁴¹ The OAG opinion is available at <http://app.occ.dc.gov/documents/2005/20050817.pdf>.

⁴² See section 223(c)(1) and (c)(3) of the Ethics Act (D.C. Official Code § 1-1162.23(c)(1) and (c)(3)); section 1801 of the CMPA (D.C. Official Code § 1-618.01) (prohibiting public officials from, among other things, having “any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial, and objective performance of officially assigned duties and responsibilities”). See also section 101(43) of the Ethics Act (D.C. Official Code § 1-1161.01(43) (defining “person closely affiliated with the employee” as meaning “a spouse, dependent child, general partner, a member of the employee’s household, or an affiliated organization”); section 101(3)(A)(i) of the Ethics Act (D.C. Official Code § 1-1161.01(3)(A)(i) (defining “affiliated organization” to include organization or entity in which employee serves as officer, director, trustee, general partner, or employee).

*Answer: Commissioner Jones has to recuse himself from deliberating and voting on the application because, if he did not, he would impermissibly participate in a matter that he knows is likely to have a direct and predictable effect on the financial interests of the non-profit entity, an affiliated organization.*⁴³

Example #3

Commissioner Jones in Example #2 reviews the grant applications that have been submitted prior to the ANC's consideration of them. He tells his wife which other non-profits have already applied and discusses with her what he considers to be the strong points of some of the better submissions.

*Answer: The Commissioner's discussion with his wife violates the prohibition against using information that is not available to the public so as to further any private interest.*⁴⁴

Example #4

Shortly after winning office for the first time, an ANC Commissioner-elect wonders what, if any, financial disclosures she may have to make and calls BEGA for guidance.

*Answer: An ANC Commissioner who does not otherwise have to file an annual public financial disclosure statement is required, instead, to file an annual financial certification.*⁴⁵ *The certification calls for the filer to certify, for example, that he or she has filed and paid income and property taxes and has reported known illegal activity to the appropriate authorities, and that he or she has not accepted any bribes or placed title to property in another's name to avoid having to make disclosure.*⁴⁶ *The certification has to be filed before May 15th each year, but covers the preceding year.*

Example #5

An ANC votes not to protest the alcoholic beverage license application of a restaurant located in the ANC area. A week later, an ANC Co-Chair receives a fruit basket from the restaurant owner

⁴³ See section 101(3)(A)(ii) of the Ethics Act (D.C. Official Code § 1-1161.01(3)(A)(ii)) (defining "affiliated organization" to include organization or entity in which member of employee's household serves as officer, director, trustee, general partner, or employee).

⁴⁴ See DPM § 1800.3(c); cf. Rule VII(2), Council Code of Official Conduct (prohibiting divulgement of information "in advance of the time prescribed for its authorized issuance or otherwise make use of or permit others to make use of information not available to the general public").

⁴⁵ See section 224(a)(3) of the Ethics Act (D.C. Official Code § 1-1162.24(a)(3)).

⁴⁶ See section 224(a)(1)(g) of the Ethics Act (D.C. Official Code § 1-1162.24(a)(1)(g)).

and decides to keep it, thinking no reasonable person would consider the basket to have been given to influence her vote.

Answer: The Co-Chair's keeping the fruit basket violates the prohibition against accepting gifts from prohibited sources or those given because of one's official position or duties.⁴⁷ Rather than keeping the basket, the Co-Chair should have returned it to the restaurant owner or taken one of several other alternative actions, including sharing it with ANC staff.⁴⁸

Example #6

ANC Commissioner Sally Sue drops by the ANC office on a Sunday afternoon to catch up on some official business. Before leaving, she makes 100 color copies of a flier for a bake sale that she is organizing as the Treasurer of her child's travel soccer team.

Answer: Commissioner Sue's copying of the flier is impermissible because it violates the duties to protect and conserve government property and to use such property, or allow its use, only for authorized purposes.⁴⁹

Example #7

Commissioner Sue in Example #6 later attaches an e-copy of the flier to an email message addressed to constituents in her SMD. She sends the email from her personal laptop computer, but uses her ANC signature block, which includes her title as an ANC Commissioner, in the body of the message.

Answer: Commissioner Sue's sending the email over her ANC signature block creates at least the appearance of her impermissibly using her public office or position for the private gain of the soccer team.⁵⁰

Example #8

ANC Commissioner Betsy Ross serves as the Secretary of her neighborhood civic association and, together with a majority of those members voting at a meeting, votes to send a letter protesting the alcoholic beverage license application of a restaurant located in the Commissioner's ANC area.

⁴⁷ See DPM § 1803.2; see also section 101(46) of the Ethics Act (D.C. Official Code § 1-1161.01(46)) (defining "prohibited source" to include a person or entity "[conducting] operations or activities that are subject to regulation by the District government").

⁴⁸ See DPM § 1803.7.

⁴⁹ See DPM § 1808.1; see also DPM § 1807.1(b) (prohibiting outside activities that use government time or resources "for other than official business, or government approved or sponsored activities").

⁵⁰ See DPM § 1800.3(g); see also DPM § 1800.3(a) ("Government service is a public trust, requiring employees to place loyalty to the laws and ethical principles above private gain.").

Anticipating that the application will later become a matter before the ANC and that, when it does, the civic association will urge the ANC to protest the license application as well, the Commissioner asks BEGA for guidance.

Answer: Commissioner Jones should recuse herself from deliberations and voting on the application because, under the circumstances, her service as an officer of the civic association is not compatible with the full and proper discharge of her duties as an ANC Commissioner.⁵¹ The concern here, especially given Commissioner Jones' earlier vote, is the avoidance of the appearance of partiality.⁵²

Example #9

Commissioner Ross in Example #8 recuses herself from deliberations and voting on a decision by her civic association to apply to the ANC for a grant. The Commissioner thinks that by recusing herself on the civic association side, and therefore not taking a position on the grant application, she can avoid any appearance of partiality when voting in the ANC. She asks if this would be permissible.

Answer: Commissioner Ross's vote on the application is impermissible. The vote reflects her participation in a matter that she knows is likely to have a direct and predictable effect on the financial interests of the civic association, an affiliated organization,⁵³ and, therefore, amounts to a conflict of interest.

On the other hand, Commissioner Ross could have voted in the civic association, but she would have then had to recuse herself on the vote by the ANC, so as to avoid the conflict of interest. IMPORTANT NOTE: Commissioner Ross's name must not appear on any documentation (i.e., the grant application) from the civic association submitted to the ANC, inasmuch as this would constitute an improper representation by the Commissioner before the ANC.

Example #10

ANC 99Z meets to decide on which of two candidates should be hired to fill a part-time staff position. Both candidates appear by their resumes to be equally qualified, but Candidate A gets

⁵¹ See DPM § 1807.1(d) (providing, as an example of activities or actions that are not compatible with government service, “[m]aintaining financial or economic interest in or serving (with or without compensation) as an officer or director of an outside entity if there is any likelihood that such entity might be involved in an official government action or decision taken or recommended by the employee”).

⁵² Cf. 5 C.F.R. § 2635.502(b)(1)(iv) (defining “covered relationship,” for purposes of impartiality in performing official duties, any person or organization for whom or for which “the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee”).

⁵³ See section 101(3)(A)(i) of the Ethics Act (D.C. Official Code § 1-1161.01(3)(A)(i)) (defining “affiliated organization” to include organization or entity in which employee serves as officer, director, trustee, general partner, or employee).

the job on a 4-3 vote. It later turns out that Commissioner Tom Brown, who voted for Candidate A, failed to disclose that the candidate is the wife of one of his business associates.

*Answer: Commissioner Brown should have disclosed Candidate A's relationship to his associate, even if he may be able to claim having no close personal relationship with her. His vote creates at least the appearance that he failed to act impartially and that he gave preferential treatment to Candidate A.*⁵⁴

Example #11

Same facts as Example #10, except that Candidate A is Commissioner Brown's niece.

Answer: Because Candidate A is his relative,⁵⁵ Commissioner Brown should have recused himself,⁵⁶ and his vote operates as a hiring decision in violation of the prohibition against nepotism.⁵⁷ Furthermore, his niece's employment must be rescinded,⁵⁸ and, in addition to any other penalties, the Commissioner has to pay restitution to the District for any salary his niece may have received.⁵⁹

Example #12

ANC Commissioner Buck Rogers is an attorney. Before leaving office at the end of his term, he participates in the deliberations and voting on a grant application awarded to a non-profit entity in the ANC area. Several months later, he enters into a legal services contract with the non-profit and requests advice from BEGA on whether he can appear back before the ANC on behalf of the entity on any matters related to the grant.

*Answer: Mr. Rogers cannot appear back before the ANC because he is permanently prohibited from acting as an attorney (or otherwise as a representative) in a formal or informal appearance as to any particular matter involving a specific party, in which matter he participated personally and substantially as an ANC Commissioner.*⁶⁰

⁵⁴ See DPM § 1800.3(h) ("Employees shall act impartially and not give preferential treatment to any private organization or individual.").

⁵⁵ See DPM § 1899.1 (defining "relative" to include niece).

⁵⁶ See DPM § 1806.6 ("When the agency contemplates making a hiring decision concerning a relative of a public official within the same agency, the public official must file a written recusal, which shall be included in the relative's official personnel file along with the subject personnel action.").

⁵⁷ See DPM § 1806.3 (providing, in pertinent part, that "[a] public official may not directly or indirectly make a hiring decision regarding a position within his or her own agency with respect to a relative").

⁵⁸ See DPM § 1806.4.

⁵⁹ See DPM § 1806.5.

⁶⁰ See DPM § 1811.3.

Example 13

A government employee who works in the Office the City Administrator (OCA) and is also an Advisory Neighborhood Commissioner asks whether he can work on homeless shelter issues on both sides – in his day job at the OCA and in his ANC activities. He also wishes to know whether he would be prohibited from voting on a specific matter on the ANC side if he worked on the same matter as a government employee.

Because each role – employee and ANC Commissioner – involves government to government contact and not an outside private entity, the Financial Conflict of Interest rule technically would not apply. However, for appearance sake with respect to impartiality, the government employee should choose one side or the other with recusal being the proper remedy whenever a specific matter that he has worked on for the government comes up for a vote before his ANC.

The foregoing examples are meant to be illustrative only, and they certainly are not exhaustive. The analysis for determining the permissibility of conduct in a given situation is entirely fact-driven, and small details can make a big difference. Accordingly, I strongly recommend that ANC Commissioners contact this Office with any questions about whether their future conduct might violate a provision of the Ethics Act or the Code of Conduct.

_____/s/_____
DARRIN P. SOBIN
Director of Government Ethics
Board of Ethics and Government Accountability

#1559-002

**DEPARTMENT OF HEALTH CARE FINANCE &
DEPARTMENT ON DISABILITY SERVICES**

PUBLIC NOTICE OF WAIVER RENEWAL

**Home and Community-Based Services Waiver for
Persons with Intellectual and Developmental Disabilities**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl. & 2013 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.* (2012 Repl.)), and the Director of the Department on Disability Services (DDS), pursuant to authority set forth in Title I of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), hereby give notice of their intent to submit an application for renewal of the District of Columbia Medicaid program's Home and Community-Based Services (HCBS) Waiver for Persons with Intellectual and Developmental Disabilities (IDD) to the Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) for review and approval.

The renewal application for the HCBS Waiver contains changes to the methods and standards for setting payment rates for some services, substantive changes to the amount, duration, and scope of some services, substantive changes to service definitions, proposes several new services, and changes some provider qualifications, among other things.

A summary of all of the proposed substantive changes to the renewal application, including detailed information about any substantive changes to the rate methodology, and copies of the proposed waiver renewal application may be obtained on the DDS website at <http://dds.dc.gov/page/waiver-amendment-information>, on the DHCF website at DHCF website at <http://dhcf.dc.gov>, and upon request from Erin Leveton, Program Manager, DDS State Office of Disability Administration, Department on Disability Services, 250 E Street, SW, Washington DC 20024.

There are two opportunities to provide comments on the proposed HCBS waiver amendments: Written comments on the proposed waiver renewal shall be submitted to Erin Leveton, Program Manager, DDS State Office of Disability Administration, Department on Disability Services, 250 E Street, SW, Washington DC 20024, or via e-mail at dds.publiccomments@dc.gov, during the thirty (30) day public comment period, starting from the date this notice is published.

DHCF and DDS will hold a public forum during which written and oral comments on the proposed waiver renewal will be accepted. The public forum will be held at the D.C. Department on Disability Services, 250 E Street, SW, Washington DC 20024, on Tuesday, May 2, 2017 at 10 am.

Copies of this notice also will be published on the DDS website at <http://dds.dc.gov> and on the DHCF website at <http://dhcf.dc.gov>.

For further information, contact Erin Leveton, Program Manager, DDS State Office of Disability Administration, at (202) 730-1754, erin.leveton@dc.gov.

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 meeting dates and public hearings:

Wednesday, April 12, 2017, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, May 17, 2017, the Board will not have a regularly scheduled Board meeting. The Board will conduct a disciplinary hearing in the matter of Edward Longwe, DDS, at 9:30 a.m. In accordance with 17 DCMR § 4109.1, the hearing is open to the public. Following the open (public) session, the Board will meet in executive (closed/non-public) session to deliberate upon the case

Wednesday, May 24, 2017, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Thursday, May 25, 2017, the Board will conduct a disciplinary hearing in the matter of Tomell Dubose, DDS, at 9:30 a.m. In accordance with 17 DCMR § 4109.1, the hearing is open to the public. Following the open (public) session, the Board will meet in executive (closed/non-public) session to deliberate upon the case

Wednesday, June 21, 2017, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. At 11:00 a.m., the Board will conduct a disciplinary hearing in the matter of, Siar Karmand, DDS. In accordance with 17 DCMR § 4109.1, the hearing is open to the public. Following the open (public) session, the Board will meet in executive (closed/non-public) session to deliberate upon the case, to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month at 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002. The agendas for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at www.doh.dc.gov.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
April 26, 2017

On APRIL 26, 2017 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, J.D.

D.C. DEPARTMENT OF HUMAN RESOURCES
NOTICE OF EXCEPTED SERVICE APPOINTMENTS AND CHANGES

As of February 21, 2017

Pursuant to D.C. Official Code § 1-609.03(c), the Executive must publish the names of individuals appointed to Excepted Service positions within 45 days of appointment. The following individuals, along with the agency, title and grade, were appointed to Excepted Service or the nature of their appointment has changed.

AGENCY NAME	POSITION TITLE	LAST NAME	FIRST NAME	GRADE
Department of General Services	Chief Operating Officer	Sabbakhan	Camile	11
Office of the Deputy Mayor for Health and Human Services	Deputy Mayor for Health and Human Services	Chung	Hyesook	11
Department of Health Care Finance	Chief of Staff	Williamson	Melanie	10
Office of the Mayor	Associate Director	Still	Dana	06
Department of Employment Services	Information Technology Technician	Bough	Jason	05
Office of the Senior Advisor	Director of Policy and Legislative Affairs	Intrieri	Alana	11
Office of Deputy Mayor for Public Safety and Justice	Research Analyst	Foster-Moore	Eric	06
Office of Deputy Mayor for Public Safety and Justice	Chief of Staff	Gil	Helder	08
Office of Human Rights	Deputy Director	Khaing	Hnin	09
Deputy Mayor for Education (DME)	Special Assistant	Taheri	Ramin	09
Deputy Mayor for Greater Economic Opportunity (DMGEO)	Special Assistant	Johnson	Brent	05

AGENCY NAME	POSITION TITLE	LAST NAME	FIRST NAME	GRADE
Deputy Mayor for Health and Human Services (DMHHS)	Chief of Staff	Dolphin	Tene	09
Department of Healthcare Finance (DHCF)	Chief of Staff	Williamson	Melanie	10
Department of Employment Services (DOES)	Information Technology Technic	Bough	Jason	06
Office of the Mayor	Special Assistant	Wadsworth	Jasmine	03
Office of Human Rights (OHR)	Deputy Director	Khaing	Hnin	09

MAYA ANGELOU PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Window Removal and Asbestos Abatement

Maya Angelou Public Charter School (MAPCS) is located at 5600 East Capitol Street NE, Washington DC 20019. Our mission is to create learning communities in lower income urban areas where all students, particularly those who have not succeeded in traditional schools, can succeed academically and socially.

The intent of this solicitation is to secure proposals to remove and temporarily board the windows in the gym at MAPCS. The contractor will comply with all DC and federal laws, including but not limited to all applicable OSHA requirements and special permits required for asbestos abatement. The contractor is encouraged to view the site and the scope of the project prior to bidding. Appointments can be scheduled by contacting Heather Hesslink at (202) 792-5655 ext. 1106 or at hhesslink@seeforever.org. The contractor must carry liability insurance.

All bid proposals will be accepted until 12:00 PM on May 21, 2017. Interested vendors will respond to the advertised Notice of RFP via upload to Smartsheet link at:

<https://app.smartsheet.com/b/form?EQBCT=4f16850f2c41483a9869627084dc6afb>

Any proposal received after 12:01 PM on May 22, 2017 is deemed non-responsive and will not be considered. Proposals will not be accepted by oral communications, telephone, electronic mail, telegraphic transmission, or fax. The owner will rank the proposals in terms of meeting the requirements of this RFP. Additional information may be sought from contractor during the evaluation period.

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS**

NOTICE OF PUBLIC MEETING

CHRIS G. GARDINER, BOARD CHAIR

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 10:00 a.m. on Saturday, April 29, 2017. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Rooms 1/2/3. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. APPROVAL OF AGENDA**
- IV. READING AND APPROVAL OF MINUTES**
Wednesday, February 22, 2017
- V. CONSENT AGENDA**
 - A. Dr. Julian R. Craig, Chief Medical Officer
 - B. Dr. Mina Yacoub, Medical Chief of Staff
- VI. EXECUTIVE MANAGEMENT REPORTS**
Luis A. Hernandez, Chief Executive Officer
- VII. COMMITTEE REPORTS**
 - A. Governance Committee Report
 - B. Patient Safety & Quality Committee
 - C. Strategic Steering Committee
 - D. Finance Committee
- VIII. OTHER BUSINESS**
 - A. Old Business
 - B. New Business
- IX. Q & A**
- X. ANNOUNCEMENT**
Next Governing Board Meeting – **Wednesday, May 24, 2017 at 10:00 a.m.** in Conference Rooms 1/2/3 on the ground level.

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF CLOSED MEETING

April 20, 2017
10:00 a.m.
DCRB Board Room (2nd floor)
900 7th Street, N.W.
Washington, D.C 20001

On April 20, 2017, at 10:00 a.m., the District of Columbia Retirement Board (DCRB) will hold a closed meeting for the purpose of receiving ethics and fiduciary training as permitted by D.C. Official Code §2-575(b)(12).

The meeting will be held in the DCRB Board Room (2nd floor) at 900 7th Street, N.W., Washington, D.C. 20001.

For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

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 June 1, 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 April 28, 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: June 1, 2017

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Abubaker	Abdulrezak	Nazareth, LLC 2017 Vermont Avenue, NW	20001
Ashe	Susan	Gore Brothers 1025 Connecticut Avenue, NW, Suite 1000	20036
Burnette	Clara V.	Terry A. Austin Funeral Services 5635 Eads Street, NE	20019
Burton	Cassandra	Self 2854 Belair Place, NE	20018
Carr	Alexandra Nikole	King and Spalding, LLP 1700 Pennsylvania Avenue, NW, Suite 200	20006
Coles	Jennifer A.	Baker & Hostetler, LLP 1050 Connecticut Avenue, NW, Suite 1100, Washington Square	20036
Crawford	Julie C.	King and Spalding, LLP 1700 Pennsylvania Avenue, NW	20006
Creary	Shauna-Kay J.	Holy Trinity Catholic Church 3513 N Street, NW	20007
Crews	Renee Marie	Self 1108 Oates Street, NE	20002
Daniel	Tyler	Self 1515 11th Street, NW, Suite 1-1	20001
Dimitrov	Borislav	CIBT, Inc 4301 Connecticut, Avenue, NW, Suite 250	20008
Dinh	Robert Dattien	Eastern Title & Settlement 1746 Allison Street, NE	20017
Donn	Cathy A.	World Resources Institute (WRI) 10 G Street, NE, Suite 800	20002
Evans	Sabrina Renee	United States Secret Service	

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Felton	Myka	950 H Street, NW, Suite 3000 Planet Depos 1100 Connecticut Ave. NW, Suite 950	20223 20036
Findley	Flora	Self (Dual) 4902 Just Street, NE	20019
Garay	Sherry	American Bar Association 1050 Connecticut Ave. NW, Suite 400	20036
Gray	Vickie Carter	Squire Patton Boggs (US), LLP 2550 M Street, NW	20037
Gutierrez	Maraldy	Latin American Youth Center 3045 15th Street, NW	20009
Guzman	John L.	Bancroft Elementary School 4300 13th Street, NW	20011
Halsted	Amber N.	Stecco Law, PC 1025 Connecticut Ave. NW, Suite 1000	20036
Holness	Ali	Self (Dual) 920 Euclid Street, NW	20001
Holness	E. Gail Anderson	Self (Dual) 920 Euclid Street, NW	20001
Houston	Paulette	Center for International Private Enterprise (CIPE) 1211 Connecticut Ave. NW, Suite 700	20036
Jackson	Adrienne	Microsoft Corporation 901 K Street, NW, 11th Floor	20001
Komar	Jacqueline	ALF-CIO 815 16th Street, NW	20006
Konczos	Lauren Olivia	King and Spalding, LLP 1700 Pennsylvania Avenue, NW	20006
Krochmal	Lisa	IFC Asset Management Company, LLC 2121 Pennsylvania Avenue, NW	20433

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Lagera	Ruth	CTF Development Inc. 1155 Connecticut Ave. NW, Suite 1200	20036
Lewis	Yvonne A.	National Fair Housing Alliance 1101 Vermont Avenue, NW, Suite 710	20005
Lichty	Ashley K.	Medstar Georgetown University Hospital 3800 Reservoir Road, NW	20007
Lleonart Calvo	Marina	King and Spalding, LLP 1700 Pennsylvania Ave. NW, Suite 200	20006
Lultschik	Daniel	CTF Development Inc. 1155 Connecticut Ave. NW, Suite 1200	20036
Lynn	Alicia C.	Smithsonian Institution 425 3rd Street, SW, Suite 850	20024
Maddox	Kristeen Elaine	Washington Real Estate Investment Trust 1775 I Street, NW, Suite 1000	20006
McCarty	Andrea J.	Ifrah, PLLC 1717 Pennsylvania Avenue, NW, Suite 650	20006
McMullen	Valerie	Takeda Pharmaceuticals America, Inc 750 9th Street, NW, Suite 575	20001
Miller	Sally	Disabled American Veterans (DAV) 807 Maine Avenue, SW	20024
Morton	Sherri R.	Kolaghasi Capital US LLC 1037 30th Street, NW	20007
Moya De Jesus	Yessica	Premium Title and Escrow, LLC 3407 14th Street, NW	20010
Muehlenbeck	Philip E.	American Council on Education 1 Dupont Circle, NW	20036
New	Myra	Edgewood Mangement Corporation, Brookland Manor Apartments 2413 14th Street, NE, Suite 1	20018

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Nicholas	Florence	Baker & Hostetler, LLP 1050 Connecticut Ave. NW, Suite 1100	20036
Northern	Jane Strauss	Foundry United Methodist Church 1500 16th Street, NW	20036
Onuosa	Ogbonne	Congressional Federal Credit Union 441 2nd Street, SW, Room H-195	20515
Orr	Tirzah J.A.	National Confectioners Association 1101 30th Street, NW, Suite 200	20007
Paige-McKinney	Renea I.	Self 2412 30th Street, NE	20018
Pinegar	Phillip Reece	Office of the Vice President of the United States 1600 Pennsylvania Avenue, NW	20501
Piranian	Anna K.	White & Case, LLP 701 13th Street, NW	20005
Rambo Wilson	Ellen	U.S Court of Appeals for the Armed Forces 450 E Street, NW	20442
Sawyer	Susan	Champion Title and Settlements, Inc 1050 Connecticut Avenue, NW, 5th Flr	20036
Schamberger	Emily	The National Housing Trust 1101 30th Street, NW, Suite 100A	20007
Schutz	Carol L.	Columbia Process and Investigative Services 5406 Connecticut Ave. NW, Suite 108	20015
Sproul	Teresa	Georgetown University Investment Office 1000 Potomac Street, NW, Suite 301	20007
Stalter	Julie	Fidelity National Title Insurance Company 1620 L Street, NW, 4th Floor	20036
Stanley, Jr.	Ronnie L.	SunTrust Bank 2929 M Street, NW	20007
Staples	Keisha N.	Office of Lottery & Charitable Games 2235 Shannon Place, SE	20020

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Stephens	Renee E.	Park Place, Inc 920 14th Street, NW	20005
Stratton	Naomi C.	Amtrak Police Department 50 Massachusetts Avenue, NE	20002
Tall	Francine J.	Alvarez & Marsal Public Sector Services, LLC 1001 G Street, NW, Suite 1100 West	20001
Tarpley	Mona	IFC Asset Management Company, LLC 2121 Pennsylvania Avenue, NW	20433
Taylor	Cynthia	Fannie Mae 3900 Wisconsin Avenue, NW	20016
Thompson	Tracy E.	National Confectioners Association 1101 30th Street, NW, Suite 200	20007
Timmerman	Michelle M.	Advanced Title & Settlements, LLC 4200 Wisconsin Avenue, NW, Unit 106-194	20016
Toulson	Amy	Washington Gas 101 Constitution Avenue, NW	20080
Wagner	Nancy	K & L Gates, LLP 1601 K Street, NW	20006
White	Alethea S.	River Park Mutual Homes, Inc. 1301 Delaware Avenue, SW	20024
Whitted	Latreava	Dinsmore & Shohl, LLP 801 Pennsylvania Avenue, NW, Suite 610	20004
Wiggins	Valerie A.	Paul Hastings, LLP 875 15th Street, NW	20005

DEPARTMENT OF YOUTH REHABILITATION SERVICES**NOTICE OF FUNDING AVAILABILITY-AMENDED****Request for Proposals for FY18 Credible Messenger Initiative**

The District of Columbia, Department of Youth Rehabilitation Services is soliciting applications from qualified applicants to join the Department of Youth Rehabilitation Services (DYRS) Credible Messenger Initiative. The purpose of the Credible Messenger Initiative is to provide transformative mentoring and family engagement services to justice-involved youth and families in FY 2018 (October 1, 2017 to September 30, 2018).

Eligibility: Any public or private, community-based non-profit agency, organization or institution located in the District of Columbia is eligible to apply. For-profit organizations are eligible but may not include profit in their grant application. For-profit organizations may also participate as subcontractors to eligible agencies

The purpose of the Request for Proposals (RFP) is to announce funding availability for qualified applicants to partner with DYRS in the implementation and delivery of the Credible Messenger Initiative. Through the Credible Messenger Initiative, DYRS connects youth and families to the people in their neighborhoods and communities who are the most effective relationship builders and supporters of a youth's success, and the Credible Messengers serve in a variety of capacities to coach, guide, mentor, and advocate for youth and families in both group and individual settings. DYRS is seeking up to (6) providers to participate in the Credible Messenger for Fiscal Year 2018. In addition, providers will receive technical program support, as well as financial monitoring and payment for services from DYRS in partnership with the Administrative and Capacity Building Partner from the DYRS Community Programming Initiative.

All of DYRS' community-based programs strive to serve as a bridge between youth, families, and the community through outreach, engagement and other supportive services. Accordingly, the Agency implements community-based services with the following three objectives in mind:

1. Connect youth to services, supports, and resources that help them reach their goals and developmental milestones;
2. Engage youth in positive, developmentally appropriate, and structured activities that complement and enhance DYRS's methodologies for the care and supervision of young people; and
3. Invest directly in local organizational and human resources that are accessible and dedicated to strengthening young people and their families.

In furtherance of these objectives, the Credible Messenger Initiative is implemented with the following guiding principles:

- Connect young people to caring adults and resources in their home communities;
- Engage families and communities in efforts to support DYRS youth; and
- Invest in neighborhood-based resources where DYRS youth and families live.

Length of Awards: The Credible Messenger Initiative will span the duration of FY18 (October 1, 2017 to September 30, 2018). DYRS reserves the right to extend any grant agreement for two (2), single-year extensions, pending funding availability and the satisfactory delivery of the proposed programming and services.

Availability of Funding for Awards: The award allocation for each service provider selected to deliver community-based services under the Credible Messenger Initiative services is up to \$472,512.00.

Anticipated Number of Awards: It is anticipated that DYRS will select up to (6) grantees to serve as providers. Award numbers and amounts are subject to availability of funds and District appropriations.

The Request for Proposals (RFP) will be released on Monday, May 1, 2017. The application submission deadline will be Friday, June 9, 2017 at 5:00 pm (EST). The RFP must be submitted electronically. A link to the application and online submission system will be available on DYRS' website, <http://dyrs.dc.gov/page/doing-business-dyrs>.

The Department of Youth Rehabilitation Services will facilitate two optional Pre-Application Technical Assistance Workshops for grant applicants. These sessions are scheduled to occur on Wednesday, May 10 at 10:00 A.M., and on Wednesday, May 17 at 5:30 P.M at the D.C. Rise Center, located at 2730 Martin Luther King Jr Ave SE, Washington, DC 20032. In addition, all applicants must submit a Notice of Intent to Apply (NOIA) by May 26, 2017. A Notice of Intent to Apply template is available on DYRS' website, <http://dyrs.dc.gov/page/doing-business-dyrs>. All NOIA submissions must be sent to Charles Evans at CMRFPquestions@plcntu.org by 5:00PM (EST) on May 26, 2017.

For more information regarding the grant competition or questions about the RFP, please contact Charles Evans at CMRFPquestions@plcntu.org.

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

Application No. 11212-A¹ of Robert M. Holland, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the R-use requirements of Subtitle U § 203.1(j), to permit the operation of a parking lot in the R-2 Zone at premises 3831 McKinley Street N.W. (Square 1860, Lots 5, 6, 7, 17, and 18).

HEARING DATE: March 29 2017

DECISION DATE: March 29, 2017

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (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") 3G and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. The ANC submitted a timely report recommending approval of the application. The ANC report indicated that at a duly noticed public meeting on February 13, 2017, at which a quorum was present, the ANC voted 6-0 to support the application, including the Applicant's request for a term of 10 years. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report dated March 17, 2017, in which OP recommended approval of the application with conditions. (Exhibit 35.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with conditions.² (Exhibit 36.)

¹ Accessory use parking has been approved for this site 11 times. The accessory parking lot use associated with this property was established by Order No. 11212 with 10 conditions and was most recently approved in Order No. 18323 with six conditions.

² DDOT stated that it had no objection on the condition that the Applicant meet the landscaping requirements of the Zoning Regulations of 2016 and noted that, under the Zoning Regulations of 2016, Subtitle C § 715 requires that for parking lots with at least 10 spaces, a minimum of 10% of the total area devoted to parking, including aisles and driveways, shall be covered by landscaped areas planted with trees and shrubs. (Ex. 36.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the R-use requirements of Subtitle U § 203.1(j), to permit the operation of a parking lot in the R-2 Zone. The only parties to the case were the Applicant and the ANC. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle U § 203.1(j), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 37 AND 40 AND WITH THE FOLLOWING CONDITIONS:**

1. Approval shall be for a period of **TEN YEARS** beginning on the date upon which the order became final.
2. A parking attendant from Magruder's shall be present on the lot during the core hours of operation (10:00 a.m. - 6:00 p.m.) and shall assist in keeping the alley clear of vehicles and monitor the entry of cars from McKinley Street into the lot.
3. The parking lot, the retaining wall, and the adjacent landscaping shall be maintained, policed, and kept in prime condition.
4. Deliveries to the store, which occur from the lot, shall be limited to the hours between 7:00 a.m. and 9:00 p.m., Monday through Saturday and between 9:00 a.m. and 3:00 p.m. on Sunday. All vendors shall be instructed that horn blowing is not allowed at any time. Store personnel shall be signaled through alternative means provided by Magruder's.
5. The Applicant shall install and maintain professionally lettered traffic signage indicating the entrances and exits to the lot. The Applicant shall install appropriate signs to advise vehicle operators not to block the sidewalk. All crosswalk markings between the parking

lot entrances shall be visible and maintained/repainted as required. The Applicant shall, in coordination with DDOT, mark the sidewalk for pedestrian crossing at the rear entrance to the store where the alley is located.

VOTE: **3-0-2** (Frederick L. Hill, Carlton E. Hart, and Peter A. Shapiro, to APPROVE; Lesylleé M. White, not present, 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: April 6, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY

**BZA APPLICATION NO. 11212-A
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BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Application No. 19457 of Application of Realty Associates Fund XI LP, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the penthouse requirements of Subtitle C § 1504.1, to renovate and expand an existing penthouse in the D-6 Zone at premises 1411 K Street, N.W. (Square 217, Lot 807).

HEARING DATE: March 22, 2017
DECISION DATE: March 22, 2017

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") 2F and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. The ANC submitted a report dated March 21, 2017, recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 8, 2017, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibit 40.)

The Office of Planning ("OP") submitted a timely report dated March 10, 2017, recommending approval of the Applicant's proposal on the condition that the Applicant demonstrate that providing the second proposed rooftop egress stairway in a conforming location would be "unduly restrictive, prohibitively costly, or unreasonable" based on the layout of the building below. After hearing the Applicant's testimony at the public hearing, OP testified that it is satisfied that the Applicant meets the condition in the OP report regarding the second egress stairway and that OP recommends approval of the application. (Exhibit 38.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 36.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the penthouse requirements of Subtitle C § 1504.1. The only parties to the application were the Applicant and the ANC. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle C § 1504.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 13 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Anthony J. Hood to APPROVE; one Board seat vacant).

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

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

FINAL DATE OF ORDER: April 6, 2017

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

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AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19461 of James and Angela Catella, as amended¹, 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 § 5004.1, to permit the construction of a two-story accessory structure in the RF-1 Zone at premises 1126 Constitution Avenue N.E. (Square 987, Lot 73).

HEARING DATE: March 29, 2017

DECISION DATE: March 29, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original) and 38 (revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 9, 2017, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a timely report, dated March 17, 2017, in support of the application. (Exhibit 41.) The District Department of Transportation ("DDOT") submitted a timely report, dated March 17, 2017, expressing no objection to the approval of the application. (Exhibit 42.)

Letters in support of the application were submitted by the adjacent property owners at 1128 and 1124 Constitution Avenue, N.E. (Exhibits 28 and 32, respectively), as well as six letters of support from other property owners in the area (Exhibits 29-31, 33-34, and 44.) Mr. Gary M.

¹The Applicant amended the application by withdrawing its request for a special exception from the lot occupancy requirements of Subtitle E § 5003.1, and replacing that request for one for special exception relief from the lot occupancy requirements of Subtitle E § 304.1. (Exhibits 37 & 38.) The caption has been revised accordingly.

Peterson, chairperson of the Zoning Committee of the Capitol Hill Restoration Society (“CHRS”), testified that CHRS supported the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1 and the rear yard requirements of Subtitle E § 5004.1, to permit the construction of a two-story accessory structure in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle E §§ 5201, 304.1, and 5004.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED FULL PLANS AT EXHIBIT 7, AND REVISED SITE PLANS AT EXHIBIT 36.**

VOTE: **3-0-2** (Frederick L. Hill, Carlton E. Hart, and Peter A. Shapiro to APPROVE; Lesylleé M. White, not participating; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: April 6, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19463 of DC Department of General Services, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions from the penthouse uniform enclosure height requirement of Subtitle C § 1500.9, and the penthouse setback requirement of Subtitle C 1502.1(c)(2)(B), to permit the location of rooftop mechanical equipment on an existing public school in the RF-1 Zone at premises 420 12th Street S.E. (Square 1018, Lots 830 and 831).

HEARING DATE: March 29 2017

DECISION DATE: March 29, 2017

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report in support of the application. The ANC's report indicated that at a duly noticed, regularly scheduled public meeting on March 14, 2017, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a timely report dated March 17, 2017, in which OP recommended approval of the application and also recommended that the Applicant add special exception relief from Subtitle C § 1502.1(c)(2)(B) to its request. (Exhibit 32.) At the hearing, the Applicant accepted OP's recommendation and amended the application. OP testified that it supported the Applicant's amended application at the hearing.

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 34.)

¹ At the public hearing, the Applicant orally amended the application to add special exception relief from the penthouse setback requirement of Subtitle C § 1502.1(c)(2)(B), as recommended by the Office of Planning. The Board accepted the amendment.

Gary Peterson, Zoning Committee Chair for the Capitol Hill Restoration Society (“CHRS”), testified that CHRS supports the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions from the penthouse uniform enclosure height requirement of Subtitle C § 1500.9, and the penthouse setback requirement of Subtitle C 1502.1(c)(2)(B), to permit the location of rooftop mechanical equipment on an existing public school in the RF-1 Zone. The only parties to the case were the Applicant and the ANC. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle C §§ 1500.9 and 1502.1(c)(2)(B), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6.**

VOTE: **3-0-2** (Frederick L. Hill, Peter A. Shapiro, and Carlton E. Hart, to APPROVE; Lesylleé M. White, not present or participating, one Board seat vacant.)

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

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

FINAL DATE OF ORDER: April 6, 2017

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

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STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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

Application No. 19467 of Lori Steenhoek, as amended¹, 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 nonconforming structure requirements of Subtitle C § 202.2, to construct a third-story addition to an existing two-story, one-family dwelling in the RF-1 Zone at premises 638 Orleans Place N.E. (Square 855, Lot 260).

HEARING DATE: April 5, 2017

DECISION DATE: April 5, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 5 (original), 41 (1st revised), and 51 (2nd revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 8, 2017, at which a quorum was present, the ANC voted 6-0-0 to support the application.² (Exhibit 50.)

The Office of Planning ("OP") submitted a timely report, dated March 24, 2017, in support of the application, as amended. (Exhibit 46.) The District Department of Transportation ("DDOT") submitted a timely report, dated March 21, 2017, expressing no objection to the approval of the application. (Exhibit 42.)

¹ The Applicant amended its application by withdrawing its request for special exception under Subtitle E §§ 5201, 306.1 and Subtitle C § 202.2, and variances under Subtitle E §§ 301.1, 5201, and 304.1, and replacing that request first with one for a variance from Subtitle E § 304.1 (Exhibit 41), and subsequently, and finally, for special exception relief under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the nonconforming structure requirements of Subtitle C § 202.2. (Exhibit 51.) The caption has been revised accordingly.

² The ANC report noted that it considered the first revised plan which required variance relief. At the hearing, the Applicant testified that the final revision to the plans reduced the relief required to special exception.

Eight neighbors submitted letters in support of the application. (Exhibits 32-39.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a third-story addition to an existing two-story, one-family dwelling in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle E §§ 5201 and 304.1, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 45.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Robert E. Miller to APPROVE; one Board seat vacant).

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

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

FINAL DATE OF ORDER: April 12, 2017

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

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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.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 02-38I
(Waterfront 375 M Street, LLC and 425 M Street, LLC –
Second-Stage PUD &
Modification of Significance to Previously Approved First-Stage PUD @ Square 542)
April 10, 2017**

THIS CASE IS OF INTEREST TO ANC 6D

On April 5, 2017, the Office of Zoning received an application from Waterfront 375 M Street, LLC and 425 M Street, LLC (together, the “Applicant”) for approval of a second-stage planned unit development (“PUD”) and modification of significance to a previously approved first-stage PUD for the above-referenced property.

The property that is the subject of this application consists of Lots 825 and 826 in Square 542 in southwest Washington, D.C. (Ward 6), located at 375 M Street, S.W. (“East M”) and 425 M Street, S.W. (“West M”). The property is currently zoned, for the purposes of this project, C-3-C, through a previously approved PUD-related map amendment.

The Applicant proposes to modify the approved first-stage PUD and undertake a second-stage PUD for the East and West M buildings by converting the primary use of both buildings from office use to primarily residential use, with street-activating retail on the ground floor and neighborhood-serving office use on the second floor. Both buildings will include on-site parking and loading, consistent with that approved in the first-stage PUD, and both buildings will be designed to meet USGBC LEED v4 for Building Design and Construction Silver rating level (which is generally considered equivalent to USGBC LEED-Gold rating under LEED 2009 for New Construction).

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. 16-02**

Z.C. Case No. 16-02

DC Stadium, LLC

**(Consolidated Planned Unit Development @ Square 603S, Lot 800;
Square 605, Lots 7 & 802; Square 607, Lot 13; Square 661N, Lot 800;
Square 661, part of Lots 804 & 805; & Square 665, part of Lot 24)**

February 16, 2017

Pursuant to proper notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on November 28 and December 14, 2016 to consider an application by DC Stadium, LLC (“Applicant”) for consolidated review and approval of a planned unit development (“PUD”) (the “Application”). The Commission considered the Application pursuant to Chapter 24 of the District of Columbia Zoning Regulations (1958), Title 11 of the District of Columbia Municipal Regulations (“DCMR”).¹ The public hearing was conducted in accordance with the provisions of Subtitle X, Chapter 3 and Subtitle Z, Title 11 of the DCMR (2016). The Commission approves the Application, subject to the conditions below.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The project site consists of Square 603S, Lot 800; Square 605, Lots 7 and 802; Square 607, Lot 13; Square 661N, Lot 800; Square 661, part of Lots 804 and 805; Square 665, part of Lot 24; and closed portions of R Street, S Street, 1st Street, and Potomac Avenue in the Southwest quadrant of the District of Columbia (“Property”).
2. On January 19, 2016, the Applicant filed an application for consolidated review and approval of the Application to construct and operate a stadium that would be principally used by the DC United professional soccer team. (Exhibits [“Ex.”] 1, 1A-1H.) The Applicant requested development flexibility to provide no off-street parking facilities instead of the 1,450 required and to provide less than the loading facilities required. In addition, the Applicant sought special exception relief pursuant to 11 DCMR § 618 to establish the stadium use, which is neither permitted nor prohibited in the Mixed-Use Commercial Residential (“CR”) District in which the property is mapped.
3. On March 4, 2016, the Office of Planning (“OP”) filed a report recommending that the Application be set down for a public hearing. (Ex. 9.)
4. During its public meeting on March 14, 2016, the Commission voted to set down the Application for a public hearing. Notice of the public hearing was published in the *D.C. Register* on September 16, 2016 and was mailed to Advisory Neighborhood Commission

¹ Chapter 24 and all other provisions of Title 11 DCMR were repealed on September 6, 2016, and replaced with new text. However, because this Application was set down for hearing prior to that date, the Commission’s approval was based upon the standards set forth in Chapter 24.

- (“ANC”) 6D and to owners of property within 200 feet of the Property. (Ex. 13, 14; 3/14/16 Transcript (“Tr.”) at 52.)
5. The Application was further updated by pre-hearing submissions that the Applicant filed on August 23, 2016 and October 13, 2016. (Ex. 10, 10A, 10B, 22, 22A, 22B.)
 6. On October 24, 2016, the Applicant filed a request to continue the scheduled hearing to a later date to accommodate changes to the plans as part of an agreement with neighboring property owners, which the Commission granted. (Ex. 25.)
 7. The Applicant further updated the Application with additional information filed on November 15, 2016. (Ex. 37, 37A, 37B.)
 8. The Commission held a public hearing on the Application on November 28 and December 14, 2016. On behalf of the Applicant, the Commission accepted Jon Knight as an expert in architecture, Robert Schiesel as an expert in traffic engineering, David Schoenwolf as an expert in geotechnical engineering, and Anita Broughton as an expert in human health risk assessment and industrial hygiene. (Ex. 22A1, 22A2, 113, 114.) The Applicant offered testimony from these experts as well as from others.
 9. The Applicant filed additional information on December 8, 2016 in response to questions and comments that arose during the November 28th hearing. Such information included responses to transportation issues, letters of intent for off-site parking spaces, examples of parking and transit options at stadiums in other cities, a final benefits and amenities list, a construction management plan, and a signage and graphics plan. (Ex. 97, 97A-97F.)
 10. In addition to the Applicant, ANC 6D was automatically a party in this proceeding and submitted a resolution and report in opposition to the Application.²
 11. At the public hearing, the Commission also heard testimony from District agencies, ANC 6D, and members of the public, the substance of which will be discussed elsewhere in this Order.
 12. At the close of the public hearing, the Commission requested that the Applicant respond to some outstanding comments and questions from the Commission and the ANC and to work with the ANC to resolve some outstanding issues that arose during the course of the hearing. The Commission also asked OP and the District Department of Transportation (“DDOT”) to respond to the ANC’s testimony. (12/14/16 Tr. at 201.)
 13. The Applicant responded to the Commission’s comments and questions in a post-hearing filing that it submitted on January 23, 2017. The Applicant’s post-hearing submission included a preliminary transportation operations and parking plan, information about a possible water taxi, excerpts from a noise study for the stadium, a summary of the environmental and health protection measures being undertaken before and during

² The issues and concerns raised in this and the other ANC 6D reports are discussed in the portion of this Order entitled, “ANC 6D Reports and Testimony.”

- construction of the stadium, a rodent control plan, and summaries of meetings with the ANC. (Ex. 118, 118A-118E.)
14. OP, DDOT, the District Department of Energy and Environment (“DOEE”), and the Department of Health (“DOH”) filed responses to the ANC’s hearing testimony on January 23, 2017. (Ex. 121.)
 15. DDOT filed responses supplemental to the ANC’s hearing testimony on January 30, 2017. (Ex. 122.)
 16. ANC 6D filed a response to the Applicant’s post-hearing submission on January 30, 2017. (Ex. 123.)
 17. At a special public meeting on February 16, 2017, the Commission deliberated on the merits of the Application and the outstanding material contested issues, specifically addressed each of the remaining issues and concerns as expressed in the ANC’s January 30th filing, and it took final action to approve the Application by a vote of 5-0-0. (2/16/16 Tr. at 56.)
 18. At the time it took final action, the Commission expressed concerned over the manner in which the Applicant’s draft order proposed to articulate the Commission’s decision and provided guidance to the Office of the Attorney General as to the revisions needed.
 19. By letter dated February 21, 2017, the Applicant requested permission to submit a revised draft order. The Commission granted the request and a revised order was submitted on March 10th. The Office of the Attorney General reviewed and revised the order and submitted the revised order for the Commission’s review. A majority of the Zoning Commission members approved the issuance of this Order.

Overview of the Property

20. The Property contains approximately 429,084 square feet of land area in the Buzzard Point neighborhood of the southwest quadrant of Washington. The Property is generally bounded by R Street S.W. and Potomac Avenue, S.W. to the north, T Street, S.W. to the south, Half Street, S.W. and an unimproved parcel to the east, and 2nd Street, S.W. to the west. (Ex. 37B.)
21. The area of the former 1st Street (that has been closed) is encumbered by an easement benefitting Pepco. For the stretch of former 1st Street between R and T Streets, an area that ranges from 68 to 83 feet wide and is 18 feet high cannot be built upon. The easement also extends eastward onto part of former S Street (that also has been closed) that is within the Property boundary. (Ex. 37B.)
22. The Property is owned by the District of Columbia and is leased to the Applicant as part of the legislation that facilitated the creation of a new stadium for the DC United

- professional soccer team. The Property contains parking lots and other industrial uses that will be replaced. (Ex. 1.)
23. The surrounding area is a mix of uses. To the north across R Street and Potomac Avenue are a new Pepco substation (under construction) and a parking lot. Immediately beyond that is a major R-4 residential neighborhood. To the south across T Street is a parking lot slated for redevelopment. Across 2nd Street to the west is Fort McNair. Directly adjacent to the southeast is a Pepco facility, and to the east across Half Street is a concrete plant. Areas further to the south near the Anacostia River are slated for redevelopment. Nationals Park is located approximately one-third mile to the northeast. (Ex. 1, 37B.)
24. The Property is zoned CR and is included in the Capitol Gateway (“CG”) overlay district. Most properties immediately surrounding the Property are also zoned CG/CR. Properties located further to the south and east near the Anacostia River are zoned in the Waterfront (“W-2”) District and are also mapped in the CG overlay.
25. The Future Land Use Map (“FLUM”) of the Comprehensive Plan designates the Property for mixed-use High-Density Commercial/High-Density Residential use. The Generalized Policy Map (“GPM”) includes the Property in the Land Use Change Area category. (Ex. 1.)

The Project

26. The Applicant proposes to redevelop the Property as a new stadium and ancillary facilities for the professional DC United soccer team (“Project”). The Project will consist of the stadium with associated office and retail and the adjacent public open spaces. The Project will have a density of approximately 0.94 floor area ratio (“FAR”), or approximately 403,130 gross square feet, a maximum height of 110 feet, and a lot occupancy of approximately 50%. (Ex. 37B.)
27. The stadium will be a bowl with pitched seating stands surrounding the field. The stadium will contain approximately 19,000 seats, ground floor retail, and team offices. The ground-level retail space, containing approximately 14,000 square feet, will occupy the east side of the exterior of the stadium. A two-story building on the south side of the exterior of the stadium will contain team offices, approximately 3000 square feet of ground-level retail, player locker rooms, and a bike valet. The northeast corner of the stadium will include ticket windows and the main entry gate. The team store also will be located at the northeast side of the stadium facing R Street. Additional entry gates will be located at the northwest corner of the stadium and the east side of the stadium at S Street, S.W. The Project will not include any on-site parking but will include loading facilities under the east stands. (Ex 37B.)
28. The publicly accessible areas surrounding the stadium will include many improvements. The area to the northeast of the stadium along Potomac Avenue extending from Half Street will include a landscaped public park and an open space/entry plaza for walking

- and gathering. The Applicant expects to activate this area on both game and non-game days with events such as live performances. Adjacent to the northwest entry gate and along the retail on the east side of the stadium will be a plaza for gathering and queuing. An additional open space/plaza for gathering and queuing will be located along the north side of the stadium and adjacent to the northeast entry gate and ticket windows. The plazas/open spaces will include various improvements, such as team-branding sculptures, that will further activate the space and the fan experience. All of these open spaces will be contained within the boundaries of the Project. (Ex. 37B.)
29. Along the east side of the stadium, running from Potomac Avenue to T Street, will be a new 1st Street. This new 1st Street will be a private street open to the public. It will contain two traffic lanes, curbside parking, and sidewalks. The sidewalks between the street and the retail storefronts will be wide space to allow gathering and outdoor seating for the retail. The streetscape design elements for this street will mimic those of the public streets surrounding the Property. The new 1st Street will be closed to automobile traffic during soccer games and other large stadium events. (Ex. 37B.)
 30. Truck deliveries will access the stadium from the north via R Street and Potomac Avenue. A gate on the north side of the stadium perpendicular to R Street/Potomac Avenue corner will provide access to the loading facilities under the east side of the seating bowl. Trucks will head in and head out of the stadium's loading area from and to R Street. (Ex. 37B.)
 31. Pedestrian access to the stadium will be primarily via Potomac Avenue and the entry plaza at the northeast. However, secondary pedestrian access will be via 2nd Street from the north. It is expected that additional pedestrian access will occur via S Street from the east in the future with the construction of new infrastructure improvements along the waterfront. (Ex. 37B.)
 32. Bike parking will be accommodated at the stadium. The Project will provide at least 447 bicycle parking spaces in both the bike valet and elsewhere on the site with racks. This is in addition to bike racks that will be in the public space. (Ex. 97A; 11/29/16 Tr. at 23.)
 33. The public space surrounding the stadium but outside the Property's boundaries will include additional improvements to enhance and beautify the public space. In particular, along the west side of the stadium on 2nd Street, the public space will include two pocket parks. Another pocket park will be along the south side of the stadium on T Street. Additional tree boxes and other landscape elements will improve the public realm around the stadium. (Ex. 37B.)
 34. The stadium will be used for events all year. The stadium will host approximately 20 regular-season home soccer games annually. In addition, the Applicant expects that the stadium will host other events such as music performances and other sporting events. (11/28/16 Tr. at 19-20.)
 35. The Project will attain at least LEED-Gold certification. (Ex. 33.)

PUD Development Flexibility

36. The Applicant requested flexibility from the parking and loading requirements of the Zoning Regulations in order to accommodate the proposed design of the Project, given the relatively small size of the site and the Pepco Easement that severely impacts site development. Specifically, the Project will provide no parking spaces on site instead of the required 1,450 parking spaces required by § 2101.1; and will provide two service and delivery spaces instead of the 30- and 55-foot loading berths and 100- and 200-square foot-loading platforms required by § 2201.1. As will be discussed in greater detail below, neither form of flexibility will result in any adverse effects on neighborhood parking or the transportation network. The majority of patrons will arrive via public transit, and the Applicant has secured, or will secure, sufficient off-site parking spaces – approximately 3,750 – to accommodate demand. Further, the loading facilities provided will accommodate the demand for loading in the Project and ample space for truck maneuvering will be available under the seating bowl and off the public streets. (Ex. 1, 37B, 97B.)

PUD Design Flexibility

37. The Applicant also requested flexibility with respect to certain aspects of the design of the Project. These are identified in Condition A.6 below.

Special Exception Approval

38. The Applicant requested special exception approval for a stadium use. A stadium use is neither permitted nor prohibited in the CR Zone District. Pursuant to 11 DCMR § 618.1 through 618.3, such “miscellaneous” uses are permitted in a CR Zone District as a special exception if the “use is appropriate in furthering the objectives of the CR Districts,” will “not adversely affect the present character and future development of the neighborhood and “no dangerous or otherwise objectionable traffic conditions will result. An application of this standard to the proposed stadium use is discussed in the conclusions of law that follow these findings of fact.

Project Amenities and Public Benefits

39. As detailed in the Applicant’s testimony and written submissions, the proposed Project will provide the following project amenities and public benefits:
- a. Urban design, architecture, and landscaping. The Project exhibits the characteristics of modern urban design, architecture, and landscaping. The architectural style of the new stadium, contemporary-industrial, is borne out of its site context and the aspirations of becoming a transformational addition to the neighborhood. The design uses the steel support structure as a defining design element of the building with all other building elements becoming secondary in the design hierarchy. The stadium will be constructed using long-lasting durable materials meant to exhibit permanence and timelessness;

- b. Site planning and efficient land utilization, through the redevelopment of an industrial and underused site. The current industrial and parking uses on the Property are highly inefficient for a dense urban environment. The replacement of these uses with a prominent professional soccer stadium that will draw visitors from throughout the region to a central location that will allow for a better and more efficient use of this dense urban fabric; (Ex. 1, 37B, 42, 97F.)
- c. Effective and safe vehicular and pedestrian access and transportation management measures. Specific features include:
 - i. Transportation demand management (“TDM”) plan as set forth in the Applicant’s Comprehensive Transportation Review, including various means to encourage the use of public transport as the primary means of access to the stadium; (Ex. 37A, 43.)
 - ii. At least 447 bicycle parking spaces, including a bicycle valet and parking elsewhere on and adjacent to the site of the stadium as well as a new Capital Bikeshare Station and bottomless corral for overflow; (Ex. 42, 97A; 11/29/16 Tr. at 23.)
 - iii. The development of a transportation operations and parking plan (“TOPP”); and (Ex. 37A, 43, 97A, 118A.)
 - iv. Loading activities to occur primarily on non-game and non-event days and underneath the stadium seating bowl to minimize potential automobile and pedestrian conflicts; (Ex. 37A, 43.)
- d. Employment and training opportunities, including a First Source Agreement, a Certified Business Enterprise Agreement, and a Project Labor Agreement; (Ex. 1, 97D.)
- e. Environmental benefits, including a commitment to design the Project to achieve LEED-Gold certification. In addition, the Project will include reduced parking footprint and secure bicycle storage space to promote alternative transportation to and from the site; infiltration basins with sediment chambers located below the playing field to reduce the volume of stormwater runoff from the site; use of low or no-flow fixtures throughout to reduce water consumption; use of environmentally preferable building materials including those with high recycled content; and low- or no-VOC emissions; (Ex. 1, 42, 43.)
- f. Uses of special value through the implementation of a Community Benefits Agreement (Ex. 89), which include:
 - i. A soccer club program at Amidon-Bowen Elementary School and Jefferson Academy Middle School;

- ii. A program to encourage childhood literacy and healthy lifestyle in partnership with Amidon-Bowen Elementary and UNITY Health;
- iii. The provision of free game tickets or offerings of a similar value to students at Jefferson Academy Middle School;
- iv. Provide full scholarships to 25 low-income children aged 5-17 to attend a weeklong D.C. United summer day camp;
- v. Bi-annually, identify skilled and qualified residents of ANC 6D aged 8-18 for invitation to sports clinics to qualify for scholarships to the D.C. United Training Program;
- vi. Annually, purchase one full-page advertisement in each addition of a Southwest neighborhood newspaper, such as the "Southwester";
- vii. Provide a minimum of three community days for use of the Stadium for registered not-for-profits;
- viii. Collaborate with the Department of Employment Services to provide young adults aged 16-25 in ANC 6D with summer youth and seasonal jobs
- ix. Partner with the Near SE/SW Community Benefits Coordinating Council and other locally-involved organizations to engage ANC 6D residents for outreach for employment and training;
- x. Provide free meeting room space for use by non-profit organizations in ANC 6D, subject to availability;
- xi. Discuss opportunities for licensed food vendor space for residents in the Buzzard Point area that is consistent with the concessions partners' operations;
- xii. Use reasonable best efforts to ensure that selected food and beverage concessionaire provide at least eight stadium events for Near SE/SW Community Benefits Coordinating Council or a non-profit organization to operate a concession stand to support fundraising efforts to support specific Southwest community projects; and
- xiii. Contingent upon D.C. United identifying a sponsor to support a partnership with a healthcare provider, facilitate introductions between the Near SE/SW Community Benefits Coordinating Council, the District of Columbia, and other stakeholders regarding the establishment of a healthcare facility or services in the stadium area.

(Ex. 97D).

Compliance with the Comprehensive Plan

40. The PUD will advance the goals and policies in the Land Use; Transportation; Economic Development; Urban Design; Parks Recreation & Open Space; Arts and Culture; and Lower Anacostia Waterfront/Near Southwest Area Elements of the District of Columbia Comprehensive Plan (“Plan”).
41. The Land Use Element of the Plan includes the following policies advanced by the Project:
- **Policy LU-1.2.6: New Neighborhoods and the Urban Fabric** – On those large sites that are redeveloped as new neighborhoods (such as Reservation 13), integrate new development into the fabric of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings.
 - **Policy LU-1.3.1: Station Areas as Neighborhood Centers** – Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.
 - **Policy LU-1.3.2: Development Around Metrorail Stations** – Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.
 - **Policy LU-1.3.4: Design to Encourage Transit Use** – Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of

passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots.

- **Policy LU-1.3.6: Parking Near Metro Stations** – Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all day commuters.
- **Policy LU-1.4.1: Infill Development** – Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.
- **Policy LU-2.1.2: Neighborhood Revitalization** Facilitate orderly neighborhood revitalization and stabilization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need. Use social, economic, and physical indicators such as the poverty rate, the number of abandoned or substandard buildings, the crime rate, and the unemployment rate as key indicators of need.
- **Policy LU-3.1.2: Redevelopment of Obsolete Industrial Uses** Encourage the redevelopment of outmoded and non-productive industrial sites, such as vacant warehouses and open storage yards, with higher value production, distribution, and repair uses and other activities which support the core sectors of the District economy (federal government, hospitality, higher education, etc.).

The PUD will allow for the redevelopment of property previously identified by obsolete industrial uses and will revitalize the Buzzard Point neighborhood. Development of a Major League Soccer Stadium will facilitate revitalization of the under-utilized industrial area of Buzzard Point. In addition, the Project will concentrate development within a short walk of Metrorail stations and designed to encourage transit use while providing a creative parking solution for drivers. (Ex. 1, 1A, 9.)

42. The Project will advance the following policies of the Transportation Element of the Plan:

- **Policy T-1.1.4: Transit-Oriented Development** – Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.
- **Policy T-1.2.3: Discouraging Auto-Oriented Uses** – Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new

developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas.

- **Policy T-3.2.2: Employing Innovations in Parking** – Consider and implement new technologies to increase the efficiency, management, and ease of use of parking. These include consolidated meters, changeable parking meter fees by time of day or day of the week, shared-use parking, vertical/stacked parking, electronic ticketing of parking offenders and other innovations.

The PUD will result in improvements to the street network, bike and pedestrian facilities, and transit services in the Buzzard Point neighborhood. The stadium will incorporate a design and an operations plan that will encourage non-automobile transportation, and it will employ an innovative shared-parking scheme. (Ex. 1, 1A, 9.)

43. The Project will advance the following policies of the Economic Development Element:

- **Policy ED-1.1.4: Competitive Edge** – Maintain and enhance the District's competitive edge relative to the Metropolitan Washington region and United States markets in such industry sectors as government, professional services, education, health care and tourism. This will require continued government support and incentives for economic development programs, government participation in local economic development projects and initiatives, and strengthened capacity among local economic development organizations, community development corporations, and workforce development groups.
- **Policy ED-2.3.2: Visitor Attractions** – Provide new and enhanced visitor attractions and entertainment venues in the District, particularly attractions that complement the traditional museums and monuments and draw more international visitors and young adults to the city. New attractions should create a clear identity for the District as the region's major entertainment center.
- **Policy ED-3.1.5: Public-Private Partnerships** – Leverage the expenditure of public funds to produce private sector investments, including joint development on publicly owned land and redevelopment in areas considered to be high risks by investors. Support the involvement of local community development corporations in commercial development and revitalization efforts within these areas.
- **Policy ED-3.1.6: Revitalization Planning** – Link commercial revitalization strategies to capital budget priorities and larger neighborhood and transportation investment plans, including programs to improve transit to neighborhood centers.

The PUD will allow the development of a major league soccer stadium through a public-private partnership. This will result in significant investment toward revitalization of the Buzzard Point neighborhood and will help solidify the District's competitive edge in tourism in the region. Furthermore, the Applicant has entered into a First Source Agreement and a Certified Business Enterprise Agreement to provide jobs for District residents and for local and small businesses. (Ex. 1, 1A, 9, 42.)

44. The Urban Design Element of the Plan includes the following policies that the Project will advance:

- **Policy UD-1.3.1: DC as a Waterfront City** – Strengthen Washington’s civic identity as a waterfront city by promoting investment along the Anacostia River, creating new water-related parks, improving public access to and along the shoreline, and improving the physical and visual connections between the waterfront and adjacent neighborhoods.
- **Policy UD-1.3.6: “Activating” Waterfront Spaces** – Encourage design approaches, densities, and mixes of land uses that enliven waterfront sites. Architectural and public space design should be conducive to pedestrian activity, provide a sense of safety, create visual interest, and draw people to the water.
- **Policy UD-1.3.7: Neighborhood Connectivity** – Improve the physical connections between neighborhoods and nearby waterfronts. Where feasible, extend the existing city grid into large waterfront sites to better connect nearby developed areas to the shoreline.
- **Policy UD-2.2.1: Neighborhood Character and Identity** – Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.

The Project will: 1) bring a new high-profile professional soccer stadium to the neighborhood and city; 2) develop an underused and mostly vacant site; 3) promote the goal of infill development; 4) act as a major catalyst for redeveloping Buzzard Point and the Anacostia River waterfront pursuant to the Buzzard Point Vision Framework; and 5) contribute to the draw of a larger sports and entertainment district initiated by the Nationals Stadium by providing another large civic venue for year-round use. All of these facts will contribute to the policies in the Plan. (Ex. 1, 1A, 9, 42.)

45. The PUD will advance the following action from the Parks, Recreation, and Open Space Element of the Plan:

- **Action PROS-3.2.A: Anacostia River Park Improvements** - Work collaboratively with the federal government, the private sector, community and non-profit groups, and the Anacostia Waterfront Corporation to implement the open space improvement plans of the Anacostia Waterfront Initiative.

The PUD will include the creation of a new public park and other open space in the vicinity of the Anacostia Riverfront. (Ex. 1, 1A.)

46. The PUD will advance the following policy from the Arts and Culture Element of the Plan:

- **Policy AC-3.2.1: Promoting Cultural Amenities** – Promote the development of cultural amenities “beyond the Mall” in an effort to more fully capitalize on the

economic benefits of tourism for District residents, businesses, and neighborhoods.

The PUD will result in the development of a major destination beyond the National Mall that, in addition to hosting professional sporting events, could host other arts and cultural activities. (Ex. 1, 1A, 9, 42.)

47. The PUD will promote the following policies from the Lower Anacostia Waterfront – Near Southwest Area Element of the Plan:

- **Policy AW-1.1.6: Pedestrian Orientation of Waterfront Uses** – Provide a high level of pedestrian amenities along the shoreline, including informational and interpretive signs, benches and street furniture, and public art.
- **Policy AW-1.1.7: Multi-modal Waterfront Streets** – Design streets along the waterfront to be truly multi-modal, meeting the needs of pedestrians, bicyclists, and transit users as well as motor vehicles. Safe pedestrian crossings, including overpasses and underpasses, should be provided to improve waterfront access.
- **Policy AW-1.2.2: Waterfront Cultural and Commemorative Sites** – Encourage the siting of new museums, memorials, civic gathering places, and cultural attractions on or near the Anacostia River as a way to catalyze revitalization and meet the demand for additional commemorative works without further crowding the National Mall and monumental core of the city. Such facilities should make the most of their waterfront locations and create an integrated system of gracious, beautiful, and vibrant places.
- **Policy AW-1.2.3: Waterfront Sports and Recreation Destinations** – Develop new destinations for sports, recreation, and celebration on or near the Anacostia waterfront. Ensure that these destinations are served by adequate and efficient transportation systems and infrastructure.
- **Policy AW-2.2.7: Buzzard Point** – Support the long-term redevelopment of Buzzard Point with mixed medium- to high-density commercial and residential uses. Recognize the opportunity for innovative design and architecture in this area, and for the creation of a unique urban waterfront.

The Project will facilitate the development of a professional soccer stadium in the Buzzard Point neighborhood, particularly with greater attention to the relationship of the stadium to surrounding character and circulation patterns. It will create a destination that will encourage infrastructure and other development in Buzzard Point. Its design will have particular sensitivity to connecting the waterfront. (Ex. 1, 1A, 9, 37B, 42.)

48. The Project will advance policies embedded in the FLUM and the Generalized Policy Map (“GMP”) of the Plan. The Property’s use change from industrial, parking, and vacant to an active stadium and associated retail and public open spaces is consistent with the GMP’s goals of developing underutilized land with a high-quality environment. Further, the stadium is not inconsistent with the FLUM’s designation of the site as acceptable for High-Density Commercial and High-Density Residential mixed-use

development. The current absence of residential uses does not mean that the Project is inconsistent with the FLUM. The FLUM is intended to “provide generalized guides for development and conservation decisions.” (10-A DCMR § 226.1.) The FLUM is “not a zoning map” nor “parcel-specific.” (10-A DCMR § 226.1(a).) When policies in the Comprehensive Plan, the Buzzard Point Vision Framework Plan (“BPVFP”) policies, and the District legislation enabling the stadium are considered, the Project is not inconsistent with the FLUM. Moreover, the mix of uses encouraged by the FLUM will likely be achieved upon the development of Parcel B, the development parcel east of 1st Street, S.W. between the new public park and S Street, S.W. and as indicated in the record. (Ex. 37B.)

49. The Project will align with and advance the goals of the BPVFP. Though the BPVFP is not part of the Comprehensive Plan and is not intended to be a small area plan adopted by the D.C. Council, it is intended to inform development decisions for the next 10-15 years to accommodate the long-planned growth of Buzzard Point, including stadium design parameters. The stadium will advance the urban design concepts for a mixed-use neighborhood by promoting neighborhood connectivity, improved environmental conditions, public realm improvements, and limited stadium parking. (Ex. 1, 42, 121.)

ANC 6D Reports and Testimony

50. At a regularly scheduled and duly noted public meeting on October 17, 2016, with a quorum present, ANC 6D voted to oppose the proposed PUD. ANC 6D submitted a resolution stating that, while it supports the concept of a stadium, it believes that there is an insufficient transportation plan for Buzzard Point as a whole and an insufficient operations plan for the stadium. ANC 6D also expressed concerns about vehicular, bicycle, and pedestrian routing; access to Buzzard Point; parking adequacy; transit availability and distance to the stadium; and conflicting events at both the stadium and Nationals Stadium. The resolution further expressed the ANC’s concerns about the implementation of best management practices for site clean-up and remediation. The ANC recommended the adoption of additional plans and practices to protect the health of nearby residents during site remediation and stadium construction. (Ex. 29.)
51. On November 21, 2016, ANC 6D filed a second report in opposition to the Application. The report reiterated the ANC’s general support for a stadium predicated on an unambiguous transportation plan, enhancement of the neighborhood to the north, and a strong contribution to the well-being of adjacent communities.
52. ANC 6D chairman, Andy Litsky, testified in opposition at the public hearing. In particular, the testimony focused on the ANC’s concerns about transportation planning for Buzzard Point and the stadium’s operations plan. The testimony also focused on the ANC’s concerns about environmental issues, particularly with regard to protection of the health of nearby residents during site excavation and site remediation. (12/14/16 Tr. at 4-37; Ex. 29.) As noted, the Commission requested that the Applicant and relevant District Agencies respond to the issues raised by Chairman Litsky.

53. The ANC submitted a third and final report on January 30, 2017 in response to additional materials that the Applicant filed after the hearing. The ANC included responses as follows: (Ex. 123.)
- a. Regarding transportation, the ANC stated that the Applicant's preliminary TOPP responds to some of its concerns about an operations plan for the stadium. The ANC concurred with the Applicant's proposal in the preliminary TOPP to assume the cost of traffic control officers ("TCOs") during high attendance stadium events. The ANC also requested that the Applicant pay the cost of parking ticket officers during stadium events. The ANC requested a requirement from the Commission that an agreement between DC United and the Nationals be in place regarding avoiding overlapping events at both stadiums. The ANC also requested a requirement for all letters of intent for all of the off-site parking spaces that the Applicant intends to use. The ANC expressed its continued concern regarding the routing of traffic and that traffic to the stadium will traverse residential streets, so it requested coordination between DDOT and the Applicant to prevent stadium traffic on nearby residential streets. Further, the ANC requested a requirement that it be formally involved in the development of the final TOPP;
 - b. Regarding environmental/health issues, the ANC commended the Applicant on the progress that has been made on these matters, including a monetary contribution for air purifiers. The ANC argued that the Applicant's analysis in its air quality reports should take into account pre-existing conditions, not just site-specific activities. The ANC also argued that the District should do more to limit dust pollutants generated by other sites in Buzzard Point, including DOEE conducting its own air monitoring. The ANC requested that the Applicant's reports include PM2.5 data. The ANC also argued that the four on-site dust monitors may not be sufficient and that they should operate continuously, not just when the activity is occurring on the site. The ANC also requested that the excavated soil be adequately covered to prevent dust from blowing to nearby residents and that "more attention" be paid to rodent control; and
 - c. The ANC stated their objection to digital signage on the exterior of the stadium.

Agency Reports and Testimony

54. By report dated November 18, 2016, OP recommended approval of the PUD subject to conditions and the provision of additional information, such as providing more information about lighting and a color and materials board. The Applicant agreed to the conditions and addressed the outstanding items with additional information at the public hearing and in two submissions. OP concluded that the PUD is not inconsistent with the Comprehensive Plan, including the FLUM and GPM, and would further the objectives of the Land Use, Economic Development, Transportation, Urban Design, Parks, Recreation and Open Space, Arts and Culture, and Lower Anacostia Waterfront – Near Southwest Area elements. Also, OP concluded that the stadium and ancillary features, such as the realigned 1st Street and street-level retail, would align with the goals of the BPVFP. OP

evaluated the PUD under the standards set forth in Chapter 24 of the Zoning Regulations and concluded that the Project satisfies the standards. OP concluded that the Project will offer benefits and amenities with respect to urban design, site planning, effective and safe vehicular and pedestrian access, employment and training opportunities, and uses of special value embodied in the Applicant's Community Benefits Agreement. (Ex. 42; 11/28/16 Tr. at 178-80.)

55. At the public hearing, OP testified in support of the Application, including the Applicant's requested flexibility from the parking and loading requirements. The testimony noted the improved design that included more ground-floor retail, a realigned private 1st Street, and a public park. The testimony also noted areas where more information is required, all of which is described in OP's final report. (11/28/16 Tr. at 178-80.)
56. By supplemental report dated January 23, 2017, OP responded to the ANC's planning concerns as follows: (Ex. 121.)
 - a. Regarding the ANC's concern that the stadium should have a positive impact on the adjacent community, OP concluded that "development of a new soccer stadium at Buzzard Point would serve to accelerate redevelopment, promote economic development in the Buzzard Point and Capitol Riverfront neighborhoods, and enhance economic vitality in the District." OP also referenced findings in the D.C. Council legislation for the stadium that the development of the stadium will result in improvements and infrastructure investments in the Buzzard Point and Southwest neighborhoods. OP further reiterated that the proposed stadium is consistent with Comprehensive Plan policies and maps;
 - b. The ANC stated its concerns that the BPVFP is still in draft form and that there was not adequate public involvement in its development. OP responded that most of the draft content that was shared with the community continues to be included in the Plan. Further, OP stated that the "vision for the neighborhood and the guiding principles are still relevant to the review of projects in Buzzard Point," so even as a draft, the BPVFP is relevant to the review of the stadium. OP held numerous meetings with Buzzard Point property owners, the Capitol Riverfront BID, ANC officials, Fort McNair representatives, the National Park Service, local community leaders, and several District government agencies over the last two years regarding the BPVFP. Stakeholders, including the public, were provided numerous opportunities to provide input through these meetings;
 - c. The ANC disagreed with a statement in the BPVFP that said, "Revitalization is consistent with the aspirations with the aspirations (*sic*) and needs of nearby residents and the city as a whole with a focus on roads and public spaces." OP stated that this statement was taken out of context and was intended as an aspirational and not declarative statement. Further, "OP recognizes that each stakeholder may not fully embrace the vision, but this framework document aims

to establish expectations and a shared plan for stakeholders, including property owners and nearby residents.” Accordingly, the BPVFP is intended to provide general guidance on the development of Buzzard Point;

- d. The ANC expressed its concerns that the BPVFP identifies Half Street as the “transportation spine” of Buzzard Point that would not be able to accommodate traffic. However, OP stated: “The Buzzard Point Streetscape Guidelines designate Half Street as the central place of Buzzard Point and the primary pedestrian link to neighborhoods to the north and south. The Guidelines contemplate Half Street accommodating ground floor retail with pedestrian-scale street furnishings, as well as low impact development streetscape elements to reduce stormwater runoff but does not call it out as a ‘transportation spine’”;
 - e. The ANC expressed concerns about the impacts of the anticipated development of 6000 new housing units in Buzzard Point. However, considerable redevelopment of Buzzard Point has been contemplated and planned for since 2005, including this number of housing units. This number is only an estimate, though. Regarding potential impacts, the CG Overlay was established “to ensure an appropriate mixture of residential and commercial uses and suitable height, bulk, and design of buildings,” so the impacts of future project will be evaluated;
 - f. The ANC stated its concern with and opposition to potential loss of existing housing north of Potomac Avenue to accommodate the stadium or to provide transportation access to Buzzard Point. OP stated that no loss of housing was required for the stadium, and no additional property assemblage, on the District’s part, is anticipated to facilitate the stadium; and
 - g. The ANC stated its desire that the Zoning Commission should include in the order a condition that no digital signage shall be installed on the stadium. OP agreed with this condition.
57. By report dated November 18, 2016, DDOT expressed no objection to the Project, subject to the Applicant agreeing to certain conditions. DDOT cited the numerous transportation studies for the Buzzard Point neighborhood and that infrastructure conditions in the neighborhood are expected to improve. DDOT concurred with the Applicant’s comprehensive transportation review (“CTR”) mode split and trip generation assumptions. DDOT concluded that the CTR appropriately reviewed the stadium’s impacts and trip distribution methodologies. DDOT agreed that the walking distances to the stadium from the Metrorail stations are reasonable for patrons. DDOT found that the stadium will create periods of concentrated automobile demand but that daily demand generated by the stadium will be minimal. DDOT also found that Metrorail is expected to carry the majority of stadium patrons and has the capacity to accommodate them. DDOT found that the Applicant’s proposed TOPP, TDM plan, and other proffers will help alleviate strain on the transportation network. DDOT agreed that the TOPP will evolve over time. Further, DDOT stated that mitigations to be implemented by the

District will improve transportation facilities and will help accommodate the stadium. (Ex. 43; 11/28/16 Tr. at 180-84.)

58. At the public hearing, DDOT testified in support of the Application. The testimony described the study and transportation planning of the Buzzard Point neighborhood and the multiple traffic studies concerning the proposed stadium. The DDOT representative also testified that the proposed stadium is expected to have significantly fewer impacts on the transportation network than Nationals Stadium. DDOT's representative further testified that the Applicant's proposed traffic operations and parking plan and transportation demand management plan will mitigate traffic impacts and will address transportation concerns expressed by the ANC and others. DDOT's representative stated that the absence of a streetcar to Buzzard Point will not affect transportation access and demand for the stadium and that DDOT will work with the Applicant to provide sufficient Capital Bikeshare facilities. DDOT's representative described the planned South Capitol Street construction (the Oval) and the measures to ensure existing capacity is maintained and that pedestrians will be able to safely cross the street. (11/28/16 Tr. at 180-84.)
59. The Applicant agreed to all of DDOT's conditions and promised to work with DDOT to finalize the particulars of those conditions. Such conditions to which the Applicant agreed include, but are not limited to, coordination with the Nationals to avoid conflicting events, funding a Capital Bikeshare station, coordination with DDOT in the further development of the TOPP and curbside management, and developing strategies to encourage patrons using Metrorail to use the Navy Yard station. (Ex. 43; 11/28/16 Tr. at 48.)
60. By supplemental report dated January 23, 2017, DDOT responded to the ANC's transportation concerns. The report was attached to the OP report of the same date and included the following responses: (Ex. 121.)
 - a. The ANC argued that a clearly defined transportation plan for Buzzard Point is necessary as a precondition to approving the stadium. However, DDOT stated that Buzzard Point has been the subject of multiple extensive studies and plans. "Several DDOT studies have concurred that the DC United Stadium will be manageable and compatible with the long term build out of the SE/SW area as long as there are not simultaneous weeknight high attendance events at [both the DC United and Nationals stadiums] that overlap with the PM peak travel period." Further, DDOT's M Street SE/SW Transportation Study was completed in response to the community's desire to understand the potential impacts of entertainment and event uses in the area. Supplemental stadium-specific studies have subsequently been performed with recommendations for infrastructure improvements that will be implemented;
 - b. The ANC argued that the stadium's operations plans are not defined but must be before the stadium may be approved. DDOT understands the importance of developing a successful transportation operations and parking plan, having done

so for the Convention Center, Verizon Center, and Nationals Stadium. It is committed to doing so for the DC United Stadium too. Importantly, however, “TOPPs respond to on-the-ground conditions and are therefore assembled in preparation for seasonal operations in order to reflect the most current conditions of roadways and other transportation elements. This is doubly important in a dynamic area such as Buzzard Point where ... [projects] are expected to dramatically change both physical transportation infrastructure and multi-modal transportation operations in the vicinity.” Thus, DDOT concurs with the Applicant that it is premature to fully develop a TOPP at this time, but DDOT requested several preliminary TOPP commitments to which the Applicant agreed. Further, DDOT and the Applicant will coordinate on the development of the final TOPP, which DDOT must approve, and dates for the components;

- c. The ANC argued that additional transit service to Buzzard Point is necessary for stadium operations. DDOT agrees that enhanced transit service is important to transit operations but that it will be part of the final TOPP. Further, DDOT is committed to adding bus service; however, the factors required to expand service are presently unknown but will be explored in the future. Despite the ANC’s concerns that bus service cannot be expanded, “DDOT regularly coordinates with WMATA to enhance Metrobus routes to respond to changes in demand... and has held preliminary discussions with WMATA about service enhancements to the Metrobus 74 line and the appropriate timelines for these discussions”;
- d. The ANC argued that the DDOT studies for Buzzard Point and the stadium are predicated on streetcar service, which is no longer planned. However, DDOT’s studies always assumed that the great majority of the transit demand for the stadium would be met by Metrorail. Streetcar service, if any, would be a comparatively small supplement. Further, “DDOT finds that in the absence of a streetcar, the assumed 40% transit mode split... is achievable...”;
- e. The ANC argued that there will be insufficient pedestrian and bicyclist access to the stadium. However, the District will install high-quality pedestrian facilities and two cycle tracks surrounding the stadium site, and the cycle tracks will be located to avoid conflicts. Further, DDOT expects that traffic control officers will be located around the stadium during events to effectively manage pedestrians and other transportation modes;
- f. The ANC argued that transportation improvements to service the stadium and Buzzard Point may remove existing housing north of Potomac Avenue. However, DDOT stated, “There are no current transportation improvements related to the DC United Stadium or planned transportation projects in the vicinity that are anticipated to remove existing housing”;
- g. The ANC expressed concern that broader transportation access and circulations in Buzzard Point are not addressed in the CTR or DDOT’s initial report. However, DDOT’s M Street SE/SW Transportation Study recommended infrastructure

changes to improve traffic conditions in Buzzard Point, provide better connections to the regional network, and support planned development in Buzzard Point. These recommendations will be implemented as Buzzard Point develops, and DDOT is committed to working with ANC 6D and the community to ensure their success. Further, DDOT will monitor all Buzzard Point projects to ensure that they are coordinated. DDOT will require traffic control plans for construction projects to mitigate impacts on the neighborhoods surrounding Buzzard Point, and any project in Buzzard Point seeking discretionary zoning relief will be subject to more detailed study of traffic impacts and possibly to conditions that will minimize the project's traffic impacts; and

- h. The ANC expressed concerns about Half Street becoming the “transportation spine” of Buzzard Point that will adversely affect residential uses north of the stadium. However, that condition is not part of DDOT’s plans. “DDOT does not envision creating a new vehicular traffic spine on Half Street between M Street and Buzzard Point. No changes to Half Street between M Street and P Street, including direction of travel, are planned as part of the stadium project or buildout of Buzzard Point.”
61. Through a second supplemental report dated January 30, 2017, DDOT indicated that it had reviewed the preliminary TOPP and found it to be a strong basis for the TOPP to be developed prior to the opening of the stadium and that the preliminary TOPP covered the required subject areas DDOT also noted that its approval of the final TOPP is required. (Ex. 122.)
62. By report dated November 18, 2016, DOEE recommended approval of the Project, with conditions. DOEE recommended that the Applicant explore on-site renewable energy generation, additional methods of storm water retention, and impacts of climate change. DOEE commended the improved design for the plaza, public park, and pocket parks. DOEE acknowledged the development of the Applicant’s Dust and Odor Control Plan. (Ex. 40; 11/28/16 Tr. at 185-87.)
63. At the public hearing, DOEE testified in support of the Application. DOEE’s representative reiterated the points in DOEE’s final report. In addition, DOEE’s representative testified that DOEE is working closely with the Applicant to remediate the site pursuant to a plan that DOEE approved. DOEE’s representative also testified that air quality inspections of the concrete plant close to the stadium site are conducted regularly. DOEE’s representative further testified that the stadium’s design satisfies the heightened stormwater management requirements for the location and that the proposed public park and trees are positive additions to the design. (11/28/16 Tr. at 185-87.)
64. By supplemental report dated January 23, 2017, DOEE responded to the ANC’s environmental concerns as follows: (Ex. 121.)
 - a. The ANC argued that there has been little effort for preparing community residents with the impact of excavating and remediating the stadium site may

have on the residents' health. However, DOEE indicated that it has worked closely with the Applicant to develop, review, and approve a Voluntary Cleanup Program. Also, DOEE directed the Applicant to submit a Cleanup Action Plan that includes a health and safety plan for workers, a Human Health Risk Assessment, a Dust and Odor Control Plan, and a Soil Erosion and Sediment Control Plan. These various plans will ensure that the stadium site is cleaned in a manner that will protect the health of nearby residents. DOEE and other District agencies met regularly with neighbors and community representatives regarding these plans, and reports on the cleanup activities are publicly available. DOEE has also readily provided information in response to inquiries; (Ex. 118D.)

- b. The ANC argued that DOEE should have provided guidance to the Commission regarding the environmental conditions at the stadium site. However, "DOEE reviews [PUD] applications for environmental impacts and to ensure they are consistent with the Comprehensive Plan," and DOEE uses the PUD process to identify opportunities for increasing environmental and sustainable design benefits. Aside from the PUD process, the environmental regulatory review process ensures that all development projects in the District satisfy the requirements for hazardous material remediation and stormwater management. In this case, the Applicant appropriately engaged in and followed the regulatory review process; and
 - c. The ANC argued that DOEE should have prepared a report that assesses how the Applicant will operate in coordination with the District and the community to safely clean up the stadium site and achieve greater economic development. However, such report is not necessary because all development projects are required to comply with the applicable regulatory requirements for contaminated sites, and that includes working with the District and the community. The Applicant followed these protocols in developing the Voluntary Cleanup Program for the stadium site. Other development sites in Buzzard Points will be evaluated on a site-specific basis.
65. DOH filed a report on January 23, 2017 in response to the general concerns about the health of nearby residents with respect to the development of the stadium expressed during the public hearing. DOH undertook the Buzzard Point Community Health and Safety Study (CHSS) in response to nearby residents' concerns about health risks associated with the redevelopment of Buzzard Point. The CHASS made five recommendations. DOH is committed to health surveillance and monitoring of Buzzard Point and promoting community collaborations. Also, DOH has been in frequent communication with ANC 6D regarding the CHASS. (Ex. 121.)
66. The Deputy Mayor for Planning and Economic Development testified in support on behalf of the Mayor. The Deputy Mayor indicated that the stadium will allow the removal and clean-up of industrial land, promote economic development and new jobs, and provide benefits to the community and District. He also stated that DOEE has increased its enforcement against other properties in the area that generate dust and that

the District will construct new infrastructure, including roadway improvements, around the stadium

Letters and Testimony in Support

67. Witnesses in support testified that the stadium will bring new jobs to the neighborhood and District and that it will have overall positive impacts including economic improvements from the stadium's catalytic effect of neighborhood revitalization. (11/28/16 Tr. at 7-11; 12/14/16 Tr. at 38-39, 103-110.)
68. The Commission received many letters in support of the Application. Support letters were from nearby residents, neighboring property owners, and members of the D.C. Council. In particular, Pepco, a neighboring property owner, and the Capital Riverfront Business Improvement District wrote in support of the Application. Also, Councilmembers David Grosso, Jack Evans, and Charles Allen wrote in support, noting the high-quality design and site plan, the catalytic effect of the stadium, and community contributions of DC United. Many nearby residents also submitted letters in support of the Application, citing the importance of the stadium to the neighborhood and the high-quality design. (Ex. 36, 41, 51-72, 74-77, 80, 87, 98, 99.)

Testimony and Letters in Opposition

69. Testimony in opposition focused almost exclusively on transportation and environmental issues. In addition to those issues, testimony in opposition raised concerns over displacement of residents and gentrification; environmental justice and civil rights; environmental impact study and compliance with environmental law; impacts on community services; and rodent control. (12/14/16 Tr. at 58, 68-69, 87-88, 97.)
70. With respect to transportation issues, testimony in opposition was presented by Marjorie Lightman, ANC 6D Commissioner, and two neighborhood residents. Their testimony asserted that neither a comprehensive transportation plan for Buzzard Point (prepared by the District) nor a detailed operations plan for the stadium existed. In addition, opponents testified about concerns over traffic, parking, and transit congestion. Additional testimony expressed concern about the potential problems when events are held at both the Nationals Park and the proposed stadium at overlapping times. (12/14/16 Tr. at 53-54, 56-59, 60-63.)
71. With respect to environment and public health issues, testimony in opposition was presented by Kari Fulton of Empower D.C.; Michael Johnson of Irons and Sevens Fire; Elgloria Harrison of the University of the District of Columbia; Rhonda Hamilton, ANC Commissioner for Single Member District ("SMD") 6D06; Chris Otten of D.C. for Reasonable Development; Mike Ewall of Energy Justice Institute; Dr. Sacoby Wilson of the University of Maryland; India Fuller of the Near Buzzard Point Resident Advisory Committee; and several District residents testifying in their individual capacity. The testimony concerned the vulnerable residential population closest to the Property and expressed concern whether care is being taken to safeguard residents' respiratory health

since the Property contains contaminants. In particular, testimony expressed concern about ensuring the safety of nearby residents during site remediation, site excavation, and construction of the stadium, particularly with respect to fugitive dust control and rodent control.

72. Testimony was provided that advocated for the adoption of the best practices from CHASS and the New Jersey Institute of Technology Report (“NJITR”) and a plan for site remediation and exposure limitation, including resident health monitoring and enforcement against other dust sources. In addition, testimony advocated for assessing the cumulative impacts of the stadium and for a baseline assessment of the health conditions of nearby residents, acknowledging other contributing/polluting facilities in the neighborhood. Additional testimony contended that the stadium is not consistent with the Comprehensive Plan’s policies in the Environmental Protection Element concerning environmental hazards since impacts of such hazards would not be assessed. (11/28/16 Tr. at 92-98; 12/14/16 Tr. at 51-53, 63-102.)
73. The Commission received several letters in opposition to the Application. The letters stated concerns with adequate transportation infrastructure in Buzzard Point, traffic congestion on 4th Street, S.W., the absence of a transportation plan for Buzzard Point, and displacement of nearby residents resulting from the stadium. (Ex. 73, 78.)

Testimony Neither in Support or Opposition

74. Two persons testified neither in support nor opposition to the Application. A representative of Casey Trees testified to recommend that the Commission adopt, and the Applicant implement, additional measures to increase tree canopy and coverage on the Property. Further, a representative of the Southwest Community Benefits Coordinating Council testified in support of the stadium plan and its benefits, although she also testified regarding the need for adequate transportation planning and facilities as well as adequate health protections for nearby residents. (12/14/16 Tr. at 111-19.)

Contested Issues

75. The following are the Commission’s response to the issues and concerns raised by ANC 6D in its reports and testimony, as well as those issues and concerns raised by the members of the public during the course of this proceeding.

Transportation

Vehicular, bicycle, and pedestrian routing and access, and use of local streets.

76. The ANC and other neighborhood residents expressed concerns about emergency vehicle access to and from the Buzzard Point neighborhood; increased congestion on 4th Street, S.W. and the necessity of a plan to alleviate it; the use of Half Street, S.W. as a primary traffic route; and the use of residential streets by stadium patrons. For the reasons stated in Findings of Fact 77 through 81, the Commission finds that the Applicant and DDOT

have sufficiently studied these issues and have established plans to adequately mitigate them and to provide sufficient services and accommodations where necessary.

77. Based upon the conclusions reached by Applicant's studies regarding traffic impacts and its plans for mitigating such impacts, the Commission finds that traffic congestion in the neighborhood will be acceptable because of the stadium. The Commission is persuaded by the Applicant's and DDOT's testimony that traffic can be adequately routed so that it will not create substantially more congestion on nearby residential streets and that traffic operations during events will be controlled differently because of the TOPP. The Commission acknowledges the ANC's concerns about additional congestion blocking 4th Street, S.W. and other residential streets thereby creating a safety hazard, but the Commission believes that the Applicant has addressed this concern. The Commission finds that that the Applicant has sufficiently planned for congestion and will adopt adequate measures to limit congestion and control traffic away from residential streets during stadium events.
78. The Applicant's traffic expert submitted a detailed comprehensive transportation review that concluded that the Project would not have a detrimental impact on the surrounding transportation network. In particular, the CTR found that the stadium's design would minimize any adverse impact. The CTR found that the stadium's design takes advantage of existing surrounding transportation facilities, is oriented to accommodate anticipated circulation routes, has on-site pedestrian facilities scaled to match projections of future pedestrian approaches and departure routes, and has ample bicycle parking near major existing and planned bicycle routes. (Ex. 37A, 97A.)
79. The transportation network in and out of Buzzard Point is sufficient to accommodate the stadium, and residential streets will not be primary routes. Fourth Street, S.W. is not expected to be the primary route for driving patrons to access the stadium, and there will be other primary routes and modes to the stadium. The Applicant's studies and other studies of Buzzard Point identify South Capitol Street and the planned Oval as the primary route to and from Buzzard Point, based on where most of the patrons are driving from. The TOPP will include measures to route traffic away from residential streets so that Half, 1st, 2nd, and 4th Streets, S.W. are not primary routes. The Applicant will coordinate with DDOT to prevent routing of stadium traffic through nearby residential neighborhoods, and it will implement measures – such as paying for traffic control officers, wayfinding, and information dissemination – as part of its TOPP to avoid unacceptable congestion on nearby residential streets, particularly 4th Street, S.W. This plan will allow for emergency vehicles to be able to access areas of the southwest neighborhood south of M Street without great concern. In addition, the Applicant will work with a water taxi company to provide service to Buzzard Point that will provide stadium patrons with another transportation option. (Ex. 97A, 118A, 118B; 12/14/16 Tr. at 158-59; 2/16/17 Tr. at 34-39.)
80. Most of the vehicular traffic accessing the stadium is expected via the future South Capitol Street Oval, which will mean using Half Street, S.W. primarily south of Potomac Avenue, and the Applicant's studies accounted for that expectation. The Applicant's

studies did not demonstrate preferential routing of vehicular traffic using Half Street north of Potomac Avenue, so use of Half Street in this manner would not impact the neighborhoods to the north. Further, because parking lots will be dispersed, much of the stadium patron traffic will not drive to Buzzard Point in any event. Thus, Half Street will be an important vehicular connection to Buzzard Point but not one that will cause adverse traffic conditions in the nearby residential neighborhoods north of Potomac Avenue. (Ex. 97A; 11/28/16 Tr. at 167-69.)

81. The traffic congestion at intersections that were studied in the CTR are not anticipated to get worse with the opening of the stadium with the identified mitigation measures, including the TDM plan and the operational strategies outlined in the preliminary TOPP. Event-based traffic operates differently than average day traffic in order to mitigate additional congestion at intersections. Such event-based operations will be part of the TOPP and will include measures such as manual control of intersections to direct movements as efficiently as possible. (Ex. 37A, 97A; 11/28/16 Tr. at 217.)

Adequate bicycle facilities, access, and routing.

82. The ANC argued that the Project's support for bicycles, including the valet and other facilities, is insufficient. The ANC also argued that the Project will not include adequate bicycle access and routing. The Commission finds that the stadium will include adequate bicycle infrastructure and facilities to accommodate anticipated demand from stadium patrons. The Commission credits the testimony of the Applicant and DDOT that sufficient bicycle parking, Capital Bikeshare, and bicycle routes will exist. Bicycle facilities, including cycle tracks and parking, will be sufficient to accommodate the stadium's staff and patrons. The bicycle facilities have been carefully planned to accommodate different cyclists. The Project will provide at least 447 bike parking spaces in and around the stadium. Ample bike parking will be provided where it is most likely to be used, namely racks at the northeast side of the stadium and along 2nd Street, but valet will be offered for different cyclists who want their bicycles more protected. Bikeshare will be accommodated through a new station and a corral that the Applicant will fund. Bicyclists to the stadium will have access to a network of multi-use trails, protected bicycle facilities, and streets that facilitate cycling. Additional bicycle tracks and trails will be installed in the future as parts of different projects. All existing and planned routes and facilities will accommodate bicyclists arriving and departing the stadium. (Ex. 97A; 12/14/16 Tr. at 160-62.)

Accommodating transportation to/from the stadium before and during construction of the South Capitol Street improvements (the Oval).

83. The ANC stated its concern about adequate planning and accommodations for automobiles and pedestrians before and during the South Capitol Street at Potomac Avenue, S.W. (the South Capital Oval) improvements. The ANC argued that the Applicant and DDOT did not adequately plan for these conditions. The Commission is not persuaded by the ANC that the plans are insufficient, and it finds DDOT and the Applicant have provided reasonable plans and a process for accommodating such

changes and conditions. The Applicant devised a plan for accommodating stadium patrons before, during, and after construction of the planned improvements on South Capitol Street. The Applicant's CTR analyzed conditions in the short term (without Oval) and long term (with Oval), and the Commission is persuaded by DDOT's testimony that traffic conditions generally will improve with the Oval. Circulation diagrams in the record show how pedestrians and automobiles will arrive and depart the stadium via South Capitol Street before and after the construction of the Oval. Furthermore, during construction of the Oval, a DDOT-approved traffic control plan is required, which must include the ability to accommodate patrons to and from the stadium. (Ex. 37A, 118A; 12/14/16 Tr. at 164-65; 2/16/17 Tr. at 34.)

Off-site parking sufficiency and usability, and binding agreements for off-site parking.

84. The ANC expressed concern that the off-site parking spaces on which the Applicant will rely will not be available and committed to when the stadium opens, that the spaces will not be secured for long-term, and that the spaces will be lost to development. The ANC also expressed concern that the spaces would be too far away to be used by stadium patrons. The Commission finds that the location and number of off-site automobile parking spaces will adequately accommodate stadium patrons, staff, players, and media. The Commission further finds that the Applicant has provided evidence that the parking spaces will be available and that for the long-term operation of the stadium, an adequate number parking will be available to satisfy expected demand. Furthermore, the Commission finds that the off-site spaces are within a distance close enough to be used by stadium patrons. The Commission believes that the Applicant's parking plan has enough certainty to conclude that there will not be unacceptable parking conditions in the neighborhood.
85. The Applicant's evidence showed that the supply of off-street parking in off-site lots will be sufficient to accommodate the expected stadium patrons' demand for parking: the Applicant will secure approximately 3,750 off-site spaces, which is commensurate with anticipated demand. The neighborhood has an overall availability of more than 7,000 spaces, so as neighborhood conditions change, the Applicant will be able to adjust off-site parking space availability. The Applicant produced letters of intent from many of the parking lot operators for more than 1,800 spaces. Most importantly, prior to the issuance of a certificate of occupancy, the Applicant must produce evidence of commitments for at least 3,750 off-site parking spaces. (Ex. 97A, 97B; 11/28/16 Tr. at 41; 2/16/17 Tr. at 30-31.)
86. In addition, the locations of the off-site parking lots will be within a reasonable distance to the stadium such so that they will be used by patrons. Based on experience at other stadiums (comparable in other cities) and Applicant's transportation expert's testimony, the off-site parking lots will be within a reasonable and feasible walking distance of the stadium for patrons. The average walking time from a parking lot to the stadium will be approximately 7.5 minutes, but patrons are willing to walk further distances to sporting events, in general, so further lots will be used. Data from similarly situated stadiums in

other cities, such as Portland, demonstrate the viability of this situation. (Ex. 97A, 97B; 11/28/16 Tr. at 41.)

87. Off-site parking for players, staff, and the media will also be provided. Players will be shuttled to and from games from their practice facility, where they will park their cars. On game days, staff will park in one of the off-site lots with which the Applicant has an agreement but is less desirable for patrons (likely further away). On non-game days, staff will be given monthly passes to park at one of the nearby public parking lots. For media, parking will be reserved in one of the closer lots with which the Applicant has an agreement. (Ex. 97A.)

Stadium operations plan.

88. The ANC argued that the Applicant should develop and provide a complete transportation and operations plan for the stadium as a precursor to the Commission approving the Application since, the ANC argued, the impacts of the stadium cannot otherwise be evaluated. In addition, the ANC requested that the Applicant pay the cost of parking enforcement during stadium events. The Commission finds the TOPP is sufficient for it to understand how various populations (drivers, bicyclists, persons with disabilities, for-hire vehicles, etc.) will be accommodated and to assess the stadium's impact. The Commission finds that the Applicant's preliminary TOPP provides more detail than is typical for such plans at this stage, so it provides the Commission and the community a clear basis on which to make a determination. The Commission recognizes the ANC's desire for a more detailed TOPP and understands the importance of as much detail as possible about the stadium's operations, but it agrees with the Applicant and DDOT that a completely developed TOPP is not necessary or feasible at this time. In addition, the Commission agrees with the Applicant and DDOT that the TOPP will need to evolve through the stadium's life and will do so with community and ANC consultation. Finally, the Commission believes that the District will have a strong incentive to enforce parking restrictions during stadium events such that it is not necessary for the Applicant to pay for parking enforcement officers. (2/16/17 Tr. at 23.)
89. The Applicant prepared the preliminary TOPP in response to the ANC's concerns. The Commission agrees with DDOT that the preliminary TOPP is reasonable and provides a strong basis for the TOPP to be developed prior to the opening of the stadium and that the preliminary TOPP covered the required subject areas. (Ex. 122.) The Applicant's TOPP is based on Federal Highway Administration ("FHWA") standards, the TOPP for Nationals Stadium, and requests from DDOT. The preliminary TOPP includes pedestrian, bicycle, and transit measures, such as wayfinding and incentives; travel scenarios; parking measures, such as wayfinding and inventories; neighborhood protections, such as barriers and parking enforcement; curbside management for disabled transit and for-hire vehicles; traffic operations, such as signal timing, traffic control officers, and signage; and an operations summary. The Commission credits the Applicant's and DDOT's testimony that the strategies may be developed beforehand, but the operations will be subject to ongoing change. (Ex. 97A, 118A, 122; 12/14/16 Tr. at 156-57.)

90. Pursuant to Condition C.8 of this Order and prior to the issuance of a certificate of occupancy, the Applicant must provide evidence to the Zoning Administrator, that it has, in consultation with DDOT and other relevant district agencies, the ANC, and other stakeholders, adopted a final TOPP substantially similar to the preliminary TOPP included in the Record. (Ex. 118A.) This timeline is significantly earlier than FHWA guidelines and sufficiently early that it will allow time for it to be reviewed by all stakeholders and optimized. Proof of the completion of a final TOPP must be provided to the Zoning Administrator prior to the issuance of a certificate of occupancy for the Project. Once the stadium is open, the TOPP will be updated in coordination with DDOT, the ANC, and other relevant District agencies and stakeholders as conditions at and around the stadium change. Updates will occur mid-season after the first several games and then will occur annually thereafter, or sooner if necessary. Drafting a final TOPP any sooner than the Applicant has proposed is impractical because conditions are likely to change. (Ex. 97A, 118A; 12/14/16 Tr. at 156-57.) These requirements have been made conditions of this Order.

Transit adequacy and distance, including accommodations for persons with disabilities.

91. The ANC and others argued that the transit system, particularly Metrorail, cannot accommodate the demand from the stadium's patrons. The ANC also argued that the Metrorail station (Navy Yard), with a walking distance of 0.7 mile, is so far from the stadium site that patrons will be deterred from using it and suggested that a shuttle is necessary. The Commission concludes otherwise.
92. The CTR and the Applicant's transportation expert concluded that Metrorail will be the dominant mode of transit access to the stadium. The estimated transit ridership for a "sell-out" crowd at the stadium can be accommodated only on Metrorail since it has far greater capacity than other modes, such as buses. Indeed, Metrorail does have the capacity to accommodate a "sell-out" crowd of transit riders traveling to the stadium. (Ex. 37A; 11/28/16 Tr. at 44.)
93. Metrorail will be within a reasonable walking distance of the stadium, and patrons will be willing to walk it. Walking from the Metrorail station to the stadium will be the only viable means for most people because of limited bus capacity; however, as noted by DDOT, although the 0.7-mile walking distance is relatively long, it is not unreasonable for the vast majority of patrons, and is comparable in distance to the majority of off-site parking locations. (Ex. 121.) The Applicant's transportation expert reviewed other cities with similar "entertainment districts" with two or more large event spaces, such as Seattle. In that comparable situation, patrons were able and willing to walk approximately 0.6 mile to the stadium. This demonstrates that the distance in this case between the Navy Yard Metrorail station and the stadium entrance is sufficiently close for patrons to walk. Therefore, a shuttle service is unnecessary.
94. In any event, a shuttle service would be infeasible given the anticipated volume of Metrorail riders walking from the Metrorail station to the stadium. Further, a shuttle is

not practical for the movement of most patrons for a successful operations plan. (Ex. 97A, 118A; 11/28/16 Tr. at 44-46, 194-95.)

95. Access to the stadium for persons with disabilities from parking lots and the Metrorail station are included in the preliminary TOPP. Individuals with disabilities will have the use of a designated parking lot and a shuttle for their use that will run between the Navy Yard and Anacostia Metrorail stations, the designated parking lot, and the stadium. In addition, the curbside management component of the TOPP will meet accessibility standards. (Ex. 97A, 118A.)

Contemporaneous scheduling of events at DC United Stadium and Nationals Stadium.

96. The ANC and other opponents argued that the transportation infrastructure cannot accommodate contemporaneous events at both the DC United Stadium and Nationals Stadium, and they requested that such contemporaneous events be prohibited. Based on the testimony and evidence in the record, the Commission finds that simultaneous events at the DC United Stadium and Nationals Stadium are for the most part avoidable but can be accommodated if necessary. The Applicant committed to working with DMPED and the Nationals to schedule events at both stadiums, to the greatest extent possible, that do not conflict. In the rare instance that games or events conflict, then the Applicant will work with DMPED, DDOT, the Nationals, and the ANC to develop an operations plan to minimize the impacts on the neighborhood and city services, which is possible based on empirical evidence from other cities. Regular season game schedules for both professional baseball and soccer are prepared far enough in advance that it is feasible to avoid conflicting game schedules at both stadiums. The only real potential for conflict is post-season games (playoffs). However, based on the past three season schedules of the two teams, it is unlikely that games will ever conflict, even in the post-season. Thus, the potential for conflicting schedules is nominal and can be accommodated in the rare instance that it occurs. (Ex. 97, 97C, 118.)

Curbside management.

97. The ANC argued that the Project should include a specific plan now for curbside management for loading, pick-ups, and drop-off, particularly for for-hire vehicles. The Commission finds that the Applicant provided sufficient detail about curbside management in the preliminary TOPP and agrees with the Applicant that curbside loading, drop-off, pick-up can be effectively managed with the implementation of the final TOPP. Therefore, the Commission finds that a specific plan at this point is unnecessary. The CTR includes a study of available curbside inventory, routing diagrams, and a general concept of how the curbside will be used. The CTR found that the loading facilities under the seating bowl will accommodate the loading demand. Most loading will occur on non-game and non-event days, and all truck maneuvers in and out of loading facilities will occur on private space below the stadium seating bowl, so it will have little effect on curbside management. Further, the stadium will include sufficient curbside space to accommodate patron pick-up and drop-off, including from taxis and other for-hire car services. There will be sufficient curbside space for the

stadium's patron's use, including accommodating the expected demand from taxis and other for-hire car services. A complete plan for curbside management will be included in the final TOPP as conditions and transportation modes are better known. (Ex. 19A, 37A, 97A, 118A; 11/28/16 Tr. at 47; 12/14/16 Tr. at 153, 159-60.)

Transportation studies and plans for Buzzard Point and evaluation of the stadium in a larger context.

98. The ANC and others argued that the stadium's transportation impacts must be evaluated in the larger context of the redevelopment plans for all of Buzzard Point rather than on its own. The ANC also argued that no comprehensive Buzzard Point transportation study and plan has been prepared but is necessary since, the ANC argued, the Applicant's and DDOT's cited studies are inadequate. The Commission finds that the District and the Applicant have undertaken a sufficient amount of transportation study and planning for the Buzzard Point neighborhood to assess the impacts of the stadium. In making this finding, the Commission credits the testimony of the Applicant and DDOT, particularly with regard to DDOT's continued evaluation of future projects in Buzzard Point. Such existing studies and plans provide a background and framework on which the key findings of the CTR may be reasonably based and on which the TOPP may be reasonably developed. Multiple transportation studies for the Buzzard Point area, including the concept of a stadium, have been conducted by different parties. In addition to the Applicant's CTR and DC United Environmental Mitigation Study (Transportation section), DDOT has conducted at least three studies for the larger Buzzard Point area, including the Anacostia Waterfront Framework Plan, Southeast/Southwest Study, and the Buzzard Point Framework Plan Transportation Study. These studies consider the various travel modes, demand, general travel patterns, and other factors affecting the transportation network to and from Buzzard Point, such that the impacts of the stadium can be adequately understood. (Ex. 19A, 19E, 19F, 37A, 43, 97A; 11/28/16 Tr. at 180-81, 204-05; 12/14/16 Tr. at 151-54.)

Faulty assumptions in transportation studies.

99. The ANC argued that the DDOT studies on which the CTR and other transportation analyses were based included faulty assumptions about the necessity of a streetcar, Metrobus line, and/or Circulator line serving Buzzard Point. The ANC argued that none of these transit options are likely in the future, so, the ANC argued, the studies of the stadium's transportation impacts are not valid. The Commission recognizes the ANC's concern, but is not persuaded and finds that the Applicant's and DDOT's studies are valid. The Commission credits DDOT's testimony that enhanced transit service is important but that it is a consideration that will be explored in the future. Also, the Applicant provided sufficient explanation why the CTR is not predicated on such transit extensions. While some of the Buzzard Point studies cited a streetcar, Metrobus, or Circulator line extension as components of a transportation plan for the stadium, that these modes are not necessary for a viable plan. The CTR and DC United Environmental Mitigation Study ("EMS") state that the primary means of transit use for stadium access is Metrorail and walking from the station. The streetcar, bus, and Circulator were

considered to be secondary means, at best, due to their much lower capacity. None of the analysis of transit capacity and pedestrian accommodations contained in the EMS assumed that streetcar or bus service was available on game days, in order to demonstrate that sufficient capacity existed within the Metrorail and pedestrian system to accommodate the expected demand generated by the stadium. Furthermore, a streetcar or bus is not a prerequisite to the successful transportation operations plan for the stadium. (Ex. 19E, 19F, 37A; 11/28/16 Tr. at 183, 207-08; 12/14/16 Tr. at 155-56.)

Environment/Health Impacts on Nearby Residents

Preparation of nearby residents for potential harmful effects from removal of contaminants from stadium site and during construction of the stadium.

100. The ANC and other opponents argued that the excavation and removal of contaminants from the stadium site in order to clean it has the potential to harm residents without adequately informing them about this risk. The ANC and others also argued that DOEE should do more to explain the health risks of the site clean-up and stadium construction as well as the process for protecting nearby residents' health. The ANC further argued that DOEE should inform the Commission how the Applicant will work with the District to clean-up the stadium site and achieve economic development.
101. Commission finds that the Applicant has followed all applicable regulations and will implement processes to ensure that site clean-up will be executed in a manner to protect the health of nearby residents. Further, the Commission finds that the Applicant and DOEE adequately prepared nearby residents for the potential harmful effects of cleaning the stadium site and informed the Commission and the community how the clean-up and remediation process will work. In coordination with DOEE, the Applicant prepared plans, as memorialized in multiple documents, to clean the site of contaminants and to protect the health of nearby residents during excavation and remediation of the site and during construction of the stadium. Furthermore, the Commission credits DOEE's analysis that the environmental regulatory review process is the proper process for safe site excavation and remediation; DOEE coordinated with the Applicant through this regulatory process, which the Applicant has complied with. (Ex. 120A, 121; 12/14/16 Tr. at 123-29; 2/16/17 Tr. at 8-10.)
102. As part of the plans that the Applicant prepared, the Applicant's environmental consultants prepared a Human Health Risk Assessment ("HHRA") that was reviewed and approved by DOEE. The HHRA evaluated the site conditions and the risks from contaminants to various people at or near the Property. The HHRA identified what must be cleaned on the Property and what measures need to be taken to best protect the health of nearby residents during site remediation and clean-up of the soil.
103. DOEE met regularly with neighbors and community representatives regarding the site remediation plans and health protection measures being developed with the Applicant.

104. The Applicant presented the HHRA and other plans to the community at several public meetings, and the information was consistent throughout. Following the public hearing, the Applicant also met with representatives of the ANC regarding the Applicant's plans for environmental protection and agreed to provide supplemental information, which it did in its post-hearing submission. (Ex. 118, 118D, 118E, 120A; 12/14/16 Tr. at 137-38.)

Stadium site clean-up and remediation procedures to protect nearby resident health.

105. The ANC and other opponents argued that the stadium site should be cleaned-up and remediated in a manner that will limit the exposure of nearby residents to contaminants on the site. The Commission agrees and finds that the Applicant's clean-up plan will adequately protect nearby residents from harmful exposure. The Applicant will implement a Voluntary Clean-up Action Plan ("VCAP") prepared by the District. The VCAP will be implemented prior to construction of the stadium to remediate the Property of the identified harmful chemicals and contaminants. The stadium site will pose much less of a health risk to nearby residents after it is cleaned than in its current condition. The VCAP was reviewed and approved by DOEE and is consistent with industry standards for such site remediation. (Ex. 118D; 12/14/16 Tr. at 133, 140.) As a condition of this Order, the Applicant must provide the Zoning Administrator with a Certificate of Completion of VCAP for the Property issued by DOEE. If the agency has not issued a certificate by the date that the Project is eligible to receive a certificate of occupancy, the Applicant must demonstrate to the Zoning Administrator that it has completed an approved Action Plan and indicated the date that it requested a certification of completion.

Dust control and monitoring and protection of nearby residents from fugitive dust.

106. The ANC and other opponents argued that dust control and monitoring should be more expansive and should account for more conditions than proposed, pursuant to Finding of Fact No. 52(b) above. The Commission finds that the Applicant's plans for dust control and monitoring will sufficiently monitor and limit fugitive dust to protect the health of nearby residents. The Applicant will implement a dust and odor control plan ("DOCP"), approved by DOEE, to adequately protect the health of nearby residents during the excavation and remediation of the soil on the Property, particularly with respect to respiratory health. The DOCP will ensure that during site excavation and remediation, dangerous levels of contaminated particulates are controlled and do not drift in the air to nearby residents. The DOCP will include such measures as real-time dust monitors placed on the perimeter of Property to ensure that excessive dust is not leaving the Property during activity on the site, including excavation and stockpiling of soil. The dust monitors will alert on-site workers if acceptable levels are exceeded, and the on-site workers quickly will make adjustments to activity or site conditions to reduce dust levels. The Applicant also will thoroughly cover the stockpiles of soil prior to removal to control wind-blown dust. In addition, the Applicant will monitor and mitigate dust leaving the site from trucks. The Applicant will submit regular dust monitoring reports to DOEE. The measures that will be implemented as part of the DOCP will meet industry standards

- for dust control and elimination. (Ex. 115, 118D, 121; 12/14/16 Tr. at 129-35, 138-39, 148-49.)
107. Regarding the ANC's concern that the dust monitoring should account for pre-existing conditions in the neighborhood, the Commission finds that the Applicant's dust monitoring and control plans will address the dust issues that pertain to the stadium site. The Commission agrees with the testimony and analysis of the Applicant and DOEE that the DOCP will adequately monitor and prevent dust generated on the stadium site, which is the extent of what the Applicant can do since the Applicant cannot control dust generation from other sites. (2/16/17 Tr. at 7-8.)
108. Regarding the ANC's request for weekly PM_{2.5} air monitoring reports, DOEE stated that it will install an additional air monitor in the residential neighborhood near the stadium site. This monitor will provide that data as requested, so the Commission finds that the issue has been adequately resolved. (2/16/17 Tr. at 12-15.)
109. Regarding the ANC's argument that only four on-site monitors is insufficient, DOEE committed to install an air monitor in the nearby residential neighborhood, which will result in sufficient monitoring for the site and the neighborhood to protect the public's health. Accordingly, the Commission finds that this concern has been adequately addressed. (2/16/17 Tr. at 15-17.)
110. Regarding the ANC's request that the dust and soil on the stadium site be covered daily after work is complete, the Commission finds that the Applicant has a strategy to prevent excessive dust leaving the site and to react if dust is excessive. This strategy will sufficiently limit dust generation, including after work hours, so the Commission finds that Applicant has adequately addressed this issue. (2/16/17 Tr. at 17-18.)
111. The Applicant committed to providing the required air filters for nearby residents at a minimum cost of \$50,000. Prior to the issuance of a building permit for the stadium, the funds must be provided to BreatheDC, which will procure and distribute the air filters. (Ex. 118; 2/16/17 Tr. at 6 and Condition C.13.)

Rodent control.

112. The ANC argued that the Applicant should do more to control rodents/vermin on the Property. However, the Commission finds that the Applicant's rodent/vermin control plan will be satisfactory to control the problem, and rodent/vermin activity on the site is limited in any event. (Ex. 118E; 2/16/17 Tr. at 18-19.)

Stormwater, runoff, and erosion/sediment control plan.

113. One of the opponents argued that the Applicant does not have a plan to adequately protect against contaminated water runoff from site. However, the Commission finds that the Applicant does have such a plan and that it addresses this concern. The Commission credits the testimony of DOEE that it worked closely with the Applicant to

develop a Soil Erosion and Sediment Control Plan. The Applicant will implement this plan, which will ensure that excess stormwater and any use of water on the site will not create hazardous or dangerous conditions from contaminants on the Property entering water sources. Further, the civil drawings include a site utility plan for storm drains and the underground infiltration system to capture stormwater runoff and an erosion and sediment control plan specifically to deal with the issue of preventing runoff of contaminated water/soil into surrounding areas and waterways. (Ex. 1A10, Sheets 2.02, 2.04, 2.05.) This will ensure that excess stormwater and any use of water on the site will not create hazardous or dangerous conditions from contaminants on the Property entering water sources. (Ex. 1A10, 121; 12/14/16 Tr. at 131, 147-48.)

Guidelines and recommendations from CHASS and NJITR.

114. The ANC and other opponents argued that the Applicant should adopt and follow the best practices from the CHASS and NJITR to protect the health of nearby residents. The Commission recognizes the importance of following best practices and understands the ANC's and opponents' concerns, but the Commission finds that the Applicant's plans for excavation and remediation will sufficiently protect the health of nearby residents commensurate with these recommendations. The Applicant's environmental expert reviewed the CHASS and the NJITR. To the extent that they are reasonable, feasible, and related to the Project, the Applicant will implement the best practices and recommendations from the CHASS and the NJITR during site excavation and remediation. Accordingly, the HHRA, VCAP, and DOCP will sufficiently include the key recommendations of the CHASS and the NJITR to protect the health of nearby residents. (12/14/16 Tr. at 139-40.)

Stadium noise mitigation.

115. The Commission finds that the Applicant will be able to sufficiently mitigate noise concerns through its commitment to work with the District. The Applicant produced a sound study that recognized that the District's noise regulations do not contemplate an open air stadium. Accordingly, the Applicant will work with DMPED to create a sound plan to address noise concerns and mitigate noise generation from the stadium. (Ex. 118, 118C.) Further, Condition C.13 of this Order requires that prior to the issuance of a certificate of occupancy, the Applicant shall provide evidence to the Zoning Administrator, that it has, in consultation with DMPED, other relevant District agencies, the ANC, and other stakeholders adopted a final sound plan concerning noise generation at the stadium.

Digital Signage

116. The ANC stated their objection to digital signage on the exterior of the stadium. OP concurred with this condition and so does the Commission.

Miscellaneous*Buzzard Point Vision Framework Plan.*

117. The ANC expressed concerns that the BPVFP is in draft form and not adequate in its public involvement, that a particular statement in the BPVFP is not correct, and that the BPVFP identifies Half Street as a “transportation spine.” The Commission acknowledges these concerns about the BPVFP, but nevertheless finds that it is a useful guidance document for this PUD. Despite its status, the BPVFP’s guiding principles are relevant. Also, the Commission finds that the community was adequately involved in its development. Further, the Commission finds that the characterization of Half Street as a “transportation spine” is not accurate for the intended use of that street. The Commission credits the testimony of OP and DDOT in making these conclusions, as described in Findings of Fact No. 55(d) and 59(h) above.

Loss of housing north of the stadium site.

118. The ANC and others argued that the development of the stadium and associated infrastructure would result in the loss of housing north of the project site. However, the Commission finds that there is no basis to support this claim. The Commission credits the testimony of OP and DDOT, as described above in Findings of Fact No. 55(f) and 59(f), in making this finding.

Compliance with the Environmental Protection Element of the Comprehensive Plan.

119. An opponent cited two paragraphs from the Environmental Protection Element (617.1 and 617.2) and alleged the necessity of a comprehensive report regarding the environmental impact of the PUD. (Ex. 101A.) The Commission acknowledges this allegation but finds that further study of the site is not warranted. The Applicant’s HHRA thoroughly assessed the site conditions and what must be cleaned to protect health and the environment, including air and water.³

Transparency of site clean-up and monitoring process.

120. An opponent stated that the Commission “cannot consider the planning review in this case to be one of high enforcement, or transparency, or creatively seeking mitigation conditions [sic]” and cited policies E-3.4.2 and E-3.4.4 and Action E.4.C of the Comprehensive Plan. (Ex. 101A.) However, the Commission disagrees with this conclusion. As described in the Findings of Fact above, the Applicant prepared studies and plans regarding clean up and monitoring that were reviewed and approved by DOEE and were presented to the ANC and the community. Furthermore, as described in the

³ The opponent cites a list of Comprehensive Plan directives and policies, but he does not make any allegations or offer explanation as to why the Project would be inconsistent with these particular directives and policies. Accordingly, these policies and directives are not material contested issues about which the Commission can make a finding or conclusion. (See Ex. 101A.).

Findings of Fact, the Applicant will continue to file remediation and monitoring reports with DOEE, the ANC, and the community consistent with applicable laws and requirements. The Commission is not persuaded that the environmental decisions have not been transparent, are not monitored, and that applicable laws are not being enforced. Accordingly, the Commission finds that the Project will not be inconsistent with these policies.

Impacts on public services.

121. One opponent argued that the impact of the PUD on public services has not been evaluated and that they are not adequate to serve the stadium. The Commission recognizes opponent testimony regarding the adequacy of public systems serving the Project, but is not persuaded.⁴ The Applicant provided data concerning water usage. (Ex. 1.) OP solicited comments from the various public services, including MPD, FEMS, DC Water, and DPW and incorporated such comments into OP's report in assessing the overall impacts of the Project. "OP has worked with the Applicant and other District agencies to obtain additional information and to address concerns noted by the Zoning Commission, including regular meetings with the development team...and others... In general, at the interagency meeting, DC Water indicated that they were working with the design team to complete necessary calculations and complete permit review. MPD indicated that they would work closely with DC United and DDOT as the TOPP is developed." (Ex. 42, p. 21.) Therefore, the Commission finds that the public service agencies adequately assessed the Project's impacts and that there is no basis to believe that such impacts would not be acceptable.

Jobs and small businesses.

122. One opponent argued that jobs from the stadium should be provided to neighborhood residents and that small businesses should be helped. The Commission acknowledges opponent testimony regarding jobs and small business, but it does not agree that these are issues that would result in adverse conditions.⁵ While the exact types and numbers of jobs from the stadium are not yet be known, the Applicant entered into multiple agreements with the District for the filling of the new jobs. These agreements include processes for finding suitable candidates and allocating jobs for District and neighborhood residents.

Overall impacts on neighborhood, land values, and loss of affordable housing.

123. The ANC and other opponents argued that the stadium should have positive effects on the community and expressed concern about the disruptive land values and loss of affordable housing resulting from the stadium. The Commission acknowledges ANC and opponent testimony regarding these concerns, but it is not persuaded that the Project will have such

⁴ *Id.*

⁵ *Id.*

negative impacts.⁶ Indeed, the Commission finds that the Project will have, on balance, positive impacts on the neighborhood and the District. The Commission credits OP testimony and analysis that the stadium will enhance Buzzard Point in many respects. With respect to land values and housing, OP solicited comments from DHCD and incorporated such comments into OP's report if applicable in assessing the overall impacts of the Project. Furthermore, "OP has worked with the Applicant and other District agencies to obtain additional information and to address concerns noted by the Zoning Commission, including regular meetings with the development team, DMPED, DDOT, DOEE, and others." (emphasis added). (Ex. 42, 121.) Therefore, the Commission finds that land values and affordable housing were appropriately assessed with the respect to the Project's overall impacts and that the stadium is likely to have a positive impact on the community and the District. The Commission credits the testimony of OP, as described in Finding of Fact No. 55(a) above, in making this finding.

Compliance with PUD Standards

124. In evaluating a PUD application, the Commission must "judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects." The Commission finds that the development incentives for the height and flexibility are appropriate and fully justified by the public benefits and project amenities proffered by the Applicant. The Commission finds that the Applicant has satisfied its burden of proof under the Zoning Regulations regarding the requested flexibility from the Zoning Regulations and satisfaction of the PUD standards and guidelines as set forth in the Applicant's evidence and testimony and the OP, DDOT, and DOEE reports.
125. The Commission credits the testimony of the Applicant and its experts as well as OP, DDOT, and DOEE and finds that the architecture, site planning, transportation planning and management, environmentally sustainable features, employment opportunities, and uses of special value of the Project all constitute acceptable project amenities and public benefits.
126. Based on the Applicant's testimony and OP's reports, the Commission finds that the Project is acceptable in all proffered categories of public benefits and project amenities, and is appropriate in public benefits and project amenities relating to urban design and architecture, site planning, effective and safe vehicular and pedestrian access, employment opportunities, and uses of special value to the neighborhood and the District as a whole.
127. The Commission credits the testimony of the Applicant regarding the community-based planning effort that guided the development of the Project, and finds that the process resulted in amenities that reflect community preferences and priorities. The Commission credits the testimony of OP that the PUD provides significant and sufficient public benefits and project amenities. (Ex. 42; 11/28/16 Tr. at 49-53.)

⁶ *Id.*

128. The Commission finds that the character, scale, uses, and design of the Project are appropriate, and finds that the Project is consistent with the intent and purposes of the PUD process to encourage high quality developments that provide public benefits.
129. The Commission credits the testimony of OP that the Project will provide benefits and amenities of value to the community and the District commensurate with the flexibility and additional height sought through the PUD.
130. For the reasons detailed in this Order, the Commission credits the testimony of the Applicant's traffic consultant and DDOT and finds that the traffic, parking, and other transportation impacts of the Project on the surrounding area will not be unacceptable and are capable of being mitigated through the measures proposed by the Applicant and DDOT and are acceptable given the quality of the public benefits of the PUD.
131. For the reasons detailed in this Order, the Commission credits the testimony of the Applicant's consultants and finds that the environmental and health impacts of the Project on the surrounding area will not be unacceptable and are capable of being mitigated through the multiple clean-up, remediation, mitigation, monitoring, and containment measures planned by the Applicant (and approved by DOEE) and are acceptable given the quality of the public benefits of the PUD.
132. The Commission credits the testimony of OP and the Applicant that the Project is not inconsistent with the Plan and promotes multiple policies and goals in the citywide and area elements of the Plan as well as policies in the BPVFP.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process provides a means for creating a "well-planned development." The objectives of the PUD process are to promote "sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities." (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process, the Commission has the authority to consider this Application as a consolidated PUD. (11 DCMR § 2402.5.) The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking, loading, yards, and courts.
3. In deciding a PUD application, the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.

4. The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.
5. The Commission must also find that the proposed PUD is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.
6. The proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1.
7. Proper notice of the proposed PUD was provided in accordance with the requirements of the Zoning Regulations.
8. The development of the Project will implement the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a building type with more attractive and efficient overall planning and design not achievable under matter-of-right standards. Here, the height, character, scale, uses, and design of the proposed PUD are appropriate, and the proposed construction of a new professional soccer stadium that will improve obsolete industrial land in a transit-oriented and redevelopment-targeted location is compatible with the citywide and area plans of the District of Columbia.
9. The Commission finds that the Project advances the goals and policies in the citywide and area elements of the Comprehensive Plan, including:
 - a. Land Use Element policies promoting redevelopment around Metrorail stations, design to encourage transit use, parking near Metrorail stations, infill development, neighborhood revitalization, and redevelopment of obsolete industrial land;
 - b. Transportation Element policies promoting transit-oriented development, discouraging automobile-oriented uses, and innovative parking solutions;
 - c. Economic Development Element policies promoting maintenance of the District's competitive edge with regard to tourism; creating visitor attraction; public-private partnerships, revitalization planning; and job creation;
 - d. Urban Design Element policies promoting investment along the Anacostia River, protecting important views, enhancing river views, activating waterfront land, improving connections between the waterfront and neighborhoods, and strengthening neighborhood character and identity;
 - e. Parks, Recreation, and Open Space and Arts and Culture Elements related to Anacostia Riverfront improvements and promoting cultural amenities; and

- f. Lower Anacostia Waterfront Near Southwest Area Element policies promoting new waterfront neighborhoods, pedestrian-oriented waterfront uses, multi-modal waterfront streets, and waterfront cultural sites.
10. The Commission concludes that approval of the PUD is not inconsistent with the Comprehensive Plan and will advance policies in the BPVFP, including:
 - a. The Commission agrees with the OP and the Applicant that the Project will advance many polices of the Plan and the BPVFP as discussed above in the Findings of Fact;
 - b. The Commission finds that the Project is not inconsistent with the Environmental Protection Element of the Plan. The multitude of environmental monitoring and safeguard measures that the Applicant will implement will ensure that the environment as well as the health and safety of nearby residents are adequately protected; and
 - c. The Commission agrees with the determination of OP and finds that the Project is not inconsistent with the Property's High-Density Commercial/High-Density Residential mixed use designation on the FLUM and with the Property's designation as a Land Use Change Area on the GPM.
11. The PUD will be within the applicable height and bulk standards of the Zoning Regulations. The proposed height and density will not cause an adverse effect on nearby properties, are consistent with the height and density of surrounding and nearby properties, and will create a more appropriate and efficient utilization of a prominent, transit-oriented site.
12. As noted, the Applicant requested special exception approval for a stadium use. A stadium use in neither permitted nor prohibited in the CR Zone District. Pursuant to 11 DCMR § 618.1 through 618.3, such "miscellaneous" uses are permitted in a CR Zone District as a special exception if the "use is appropriate in furthering the objectives of the CR Districts," will "not adversely affect the present character and future development of the neighborhood," and "no dangerous or otherwise objectionable traffic conditions will result.
13. Pursuant to 11 DCMR §§ 2405.7 and 2405.8, the Commission may approve any use that is permitted as a special exception and that would otherwise require the approval of the Board of Zoning Adjustment, and, in doing so, is not required to apply the special exception standards normally applied by the Board.
14. The Applicant has not requested flexibility to use different standards and has demonstrated that the applicable standards are met.
15. Based upon the Findings of Facts stated above, and the record as a whole, the Commission finds:

- a. That the stadium use is acceptable in furthering the objectives of the CR Zone District by generally encouraging a diversity of new uses in the Buzzard Point neighborhood, and, in particular, by establishing new recreational and retail uses at the Property; (Ex. 1, 37B; 2/16/17 Tr. at 45-47.)
 - b. Pursuant to 11 DCMR § 618.2, the stadium will not adversely affect the present character and future development of the neighborhood. As described herein, the stadium will be a catalyst to improve the existing character of the Buzzard Point neighborhood and will provide an active and inviting use to a largely industrial neighborhood and will enhance services available to the residential neighborhood to the north;
 - c. Pursuant to 11 DCMR § 618.3, the stadium will not result in dangerous or otherwise objectionable traffic conditions. As described herein, the Applicant's preliminary transportation operations and parking plan and transportation demand management plan will sufficiently mitigate any adverse traffic conditions resulting from the establishment of the stadium;
 - d. Pursuant to 11 DCMR § 618.4, the Commission has thoroughly evaluated the design and appearance of the stadium, and as designed, it will protect neighboring and adjacent property; and
 - e. Pursuant to 11 DCMR §§ 618.5 & 618.6, as described herein, OP, DDOT, and other agencies have reviewed and evaluated the Application.
16. The Project will provide appropriate features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right development on the Property would provide. The Commission finds that the urban design, site planning, efficient and safe traffic circulation, environmental sustainability, and uses of special value all are significant public benefits. The impact of the Project will be acceptable given the quality of the public benefits of the Project.
 17. Based on the Applicant's expert testimony, preliminary TOPP, TDM plan, DDOT's reports and testimony, and the Findings of Fact described above, the Commission finds that the Project will not have adverse impacts on vehicular, bicycle, or pedestrian traffic; roadways and sidewalks; public transit infrastructure; neighborhood parking; or other transportation-related facilities and conditions. The Commission finds that the Applicant will sufficiently mitigate potentially adverse traffic and transportation impacts resulting from the Project so that traffic and other transportation-related conditions resulting from the Project will not be unacceptable.
 18. The Commission finds that the Applicant and the Project will address any adverse health impacts to nearby residents or workers due to site remediation, site excavation, or construction. Based on the Applicant's expert testimony, various plans for site assessment and remediation, DOEE's reports and testimony, and the Findings of Fact described above, the Commission finds that the Applicant will sufficiently protect the

environment and the health of nearby residents during site excavation, remediation, and construction so that environmental and health conditions will not be unacceptably harmed.

19. The Commission finds that the Project will not have adverse impacts on quality of life for nearby or District residents. The Commission acknowledges the testimony of one opponent that nearby residents will be threatened by the Project and have been overlooked in its planning, but the Commission disagrees.⁷ The public benefits of the Project as well as its many transportation impact mitigation strategies and site clean-up and monitoring strategies will ensure the quality of life does not decline for nearby residents, and the economic impact of the Project likely will help nearby residents. Furthermore, the planning for the Project involved extensive public outreach and involvement, and the community will continue to be involved.
20. The PUD will promote orderly development of the Property in conformance with the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
21. The flexibility request to provide no on-site parking and to provide less than the required loading facilities is not only a reasonable trade-off for the benefits that will result from this stadium use, but are absolutely necessary for the use to be established. As noted the site is relatively small and encumbered by an easement that further restricts the use. To provide any parking on site, and the full loading facilities required is impracticable, and as demonstrated by the Applicant, unnecessary.
22. The Commission is required under D.C. Official Code § 6-623.04 to give great weight to OP recommendations. OP recommended approval with conditions to which the Applicant agreed. Accordingly, the Commission concludes that approval of the consolidated PUD should be granted in accordance with OP's recommendation.
23. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the written issues and concerns of the affected ANC. The Commission accorded the issues and concerns raised by ANC 6D the "great weight" to which they are entitled, and in so doing fully credited the unique vantage point that ANC 6D holds with respect to the impact of the proposed Application on the ANC's constituents. ANC 6D expressed many issues and concerns with respect to this Application, and in Findings of Fact Nos. 76 through 118 the Commission identified each issue concern expressed by ANC 6D and indicated why it did or did not find the ANC's advice persuasive. In doing so, the Commission gave ANC 6D its statutorily mandated great weight.
24. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

⁷ The opponent cites "relevant" Comprehensive Plan policies to support his position, but he does not make any allegations or offer explanation as to why the Project would be inconsistent with these particular policies. Accordingly, these policies are not material contested issues about which the Commission can make a finding or conclusion. (Ex. 88.)

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission of the District of Columbia **ORDERS APPROVAL** of the Application for a consolidated PUD for the Property including the approval of a stadium use (“Project”). This approval is subject to the following guidelines, conditions, and standards of this Order:

A. Project Development

1. The Project shall be developed in accordance with the plans marked as Exhibit 37B, as modified by the plans marked as Exhibit 97F of the record (including the signage plan marked as Sheets 22-34 of Exhibit 97F), and as modified by guidelines, conditions, and standards herein (collectively, the “Plans”). The Project shall include the secure bicycle storage space to promote alternative transportation to and from the site in accordance with Exhibit 97A, Figure 5; infiltration basins with sediment chambers located below the playing field to reduce the volume of stormwater runoff from the site; use of low- or no-flow fixtures throughout to reduce water consumption; use of environmentally preferable building materials including those with high recycled content; and low- or no-VOC emissions.
2. In accordance with the Plans, the Project shall be a stadium and ancillary facilities. The Project shall have a total of approximately 403,130 square feet of gross floor area (0.94 FAR), a lot occupancy of approximately 50%, and a maximum building height of 110 feet.
3. The stadium’s principal use shall be the hosting of professional athletic team events, but also may be used to host events customarily held in such facilities including, but not limited to, performances, amateur sporting events, municipal functions, and public or private ceremonies.
4. The Project shall include no exterior digital signs.
5. The Applicant is granted the flexibility to provide no parking spaces on-site instead of the 1,450 parking spaces required by § 2101.1; and provide two service and two delivery spaces instead of the 30- and 55-foot loading berths and 100- and 200-square-foot loading platforms required by § 2201.1.
6. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways,

mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;

- b. To vary final selection of the exterior material color ranges of the materials types proposed based on availability at the time of construction;
- c. To vary the final selection of landscaping materials utilized, based on availability and suitability at the time of construction;
- d. To vary the final streetscape design and materials for improvements in the public space in response to direction received from District public space permitting authorities such as DDOT and the Public Space Committee;
- e. To make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings, trim, louvers, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building uses or systems; in addition, these minor refinements will not deviate from the overall appearance as depicted on the drawings, especially, but not limited to, height, scale, design, or architectural intent.
- f. To make minor adjustments to the final designs of the public park and plazas/open spaces;
- g. To make minor adjustments to the final designs of the 1st Street retail frontages in response to the requirements of specific retailers; and
- h. To make minor adjustments to the final designs of all signs on the stadium consistent with the locations, sizes, materials, and other standards described in the signage guidelines included as Exhibit 97F in the record, except that, pursuant to Condition A.4, under no circumstances may the Project include exterior digital signs.

B. Public Benefits

1. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide evidence it has established the following programs that shall remain in place until at least December 1, 2044:
 - a. A soccer club at Amidon-Bowen Elementary School and Jefferson Academy Middle School;

- b. A program to encourage childhood literacy and healthy lifestyle in partnership with Amidon-Bowen Elementary School and UNITY Health;
- c. The provision of free game tickets or offerings of a similar value to students at Jefferson Academy Middle School;
- d. The provision of full scholarships to 25 low-income children aged 5-17 to attend a weeklong DC United summer day camp;
- e. On a biannual basis, identified skilled and qualified residents of ANC 6D aged 8-18 for invitation to sports clinics to qualify for scholarships to the D.C. United Training Program;
- f. On an annual basis, purchased one full-page advertisement in each edition of a Southwest neighborhood newspaper, such as the "Southwester";
- g. Provided a minimum of three community days for use of the Stadium for registered not-for-profits;
- h. Collaborated with the Department of Employment Services to provide young adults aged 16-25 in ANC 6D with summer youth and seasonal jobs;
- i. Partnered with the Near SE/SW Community Benefits Coordinating Council and other locally-involved organizations to engage ANC 6D residents for outreach for employment and training;
- j. Provided free meeting room space for use by non-profit organizations in ANC 6D, subject to availability;
- k. Discussed opportunities for licensed food vendor space for residents in the Buzzard Point area that is consistent with the concessions partners' operations;
- l. Used reasonable best efforts to ensure that selected food and beverage concessionaire(s) provide at least eight stadium events for the Near SE/SW Community Benefits Coordinating Council or a non-profit organization to operate a concession stand to support fundraising efforts to support Southwest community projects; and
- m. Contingent upon the Applicant identifying a sponsor to support a partnership with a healthcare provider, facilitate introductions between the Near SE/SW Community Benefits Coordinating Council, the District of Columbia and other stakeholders regarding the establishment of a healthcare facility or services in the stadium area.

2. **Prior to issuance of a Certificate of Occupancy**, the Applicant shall:
 - a. Demonstrate to the Zoning Administrator that it has registered the Project with the USGBC to commence the LEED certification process; and
 - b. Furnish a copy of its LEED certification application submitted to the USGBC to the Zoning Administrator. The application shall indicate that the building has been designed to include at least the minimum number of points necessary to achieve LEED-Gold certification.

3. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall develop the public parks and plazas, and the new First Street, as follows:
 - a. The area to the northeast of the stadium along Potomac Avenue extending from Half Street shall include a landscaped public park and an open space/entry plaza for walking and gathering, in accordance with Sheets 2.04 and 2.08-2.12 of the Plans;
 - b. The area along the north side of the stadium and adjacent to the northwest entry gate and ticket windows shall include an open space for gathering and queuing, in accordance with Sheets 2.13-2.14 of the Plans;
 - c. Two pocket parks along the west side of the stadium on 2nd Street, and another pocket park along the south side of the stadium on T Street, in accordance with Sheets 2.18-2.20 of the Plans, and subject to DDOT approval; and
 - d. A new 1st Street along the east side of the stadium, running from Potomac Avenue to T Street. This new 1st Street shall be a private street open to the public, except when it is closed for an event. It shall contain two traffic lanes, curbside parking, and sidewalks. The sidewalks between the street and the retail storefronts shall be wide space to allow gathering and outdoor seating for the retail. The streetscape design elements for this street will mimic those of the public streets surrounding the Property, and shall be in accordance with Sheets 2.03-2.04 of the Plans.

4. **Prior to the issuance of a building permit for the Project**, the Applicant shall provide evidence of the following to the Zoning Administrator:
 - a. An executed First Source Agreement;
 - b. An executed Certified Business Enterprise Agreement; and
 - c. An executed Project Labor Agreement.

C. Mitigation

1. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide the Zoning Administrator with a Certificate of Completion of a Voluntary Cleanup Action Plan for the Property issued by the District of Columbia Department of Energy and Environment. If the agency has not issued a certificate by the date that the Project is eligible to receive a certificate of occupancy, the Applicant shall demonstrate to the Zoning Administrator that it has completed an approved Action Plan and indicated the date that it requested a certification of completion.
2. **During the excavation and remediation of the soil on the Property**, the Applicant shall implement and comply with the dust and odor control plan set forth in Exhibit No. 115 of the record.
3. **Prior to issuance of a Certificate of Occupancy**, the Applicant shall demonstrate to the Zoning Administrator that it has undertaken the following actions with respect to implementation of the transportation demand management (“TDM”) plan as described on pages 32-33 of Exhibit 37A1 of the Record, and for the life of the Project, the Applicant shall continue to implement these actions:
 - a. TDM Communication with Community – the Applicant will implement a TDM communication program with the ANC and DDOT to advise and seek input on all TDM strategies;
 - b. General TDM Strategies:
 - i. The Applicant shall coordinate with the Nationals to avoid scheduling overlapping events. Events that occur on the same day will be separated by enough time to not place an excessive strain on the transportation and parking network. To the greatest extent possible, the Applicant shall avoid having any regular season games overlap between DC United and the Washington Nationals;
 - ii. The Applicant shall have message boards (e.g. television monitors) in the stadium that display real-time transit schedules, promotions for alternative travel modes, and/or post-game specials at local establishments. DCU will commit to having monitors, placed near each of the exit and entry gates;
 - iii. The Applicant shall provide incentives for patrons to use non-automobile modes, such as offering season ticket holders DC United-branded SmarTrip cards with preloaded fares or DC United-branded cycling apparel. The Applicant shall offer a non-auto incentive equal or exceeding any discounts for parking (i.e. if

the Applicant offers discounted parking for season ticket holders, an equal or higher subsidy will be provided for season ticket holders that do not arrive to games via automobile); and

- iv. The Applicant shall publicize transit availability and encourage use. Information will be disseminated via the team website, mobile application and social media platforms. The Applicant shall also explore providing transit information as supplemental information on tickets;
- c. Bicycle TDM Strategies:
- i. The Applicant shall monitor the amount of available bike parking and add more racks or more space to the valet as needed to accommodate demand and the Applicant shall have temporary bike racks available to use during game days to accommodate additional demand as necessary;
 - ii. The Applicant shall market and encourage cycling to games, with activities like “Bike-to-Game” days with raffles and prizes. DCU commits to holding two “Bike-to-Game” days each season (or similar events) to promote cycling; and
 - iii. The Applicant shall coordinate with WABA, Capital Bikeshare, and other cycling organizations to promote cycling;
- d. Pedestrian TDM Strategies:
- i. The Applicant shall assist the District with their installation of permanent and temporary pedestrian-oriented wayfinding signage on roadways near the Stadium; and
 - ii. The Applicant shall advertise primary pedestrian routing to and from the stadium supporting the physical signage through their website, mobile application and social media platforms; and
- e. Vehicular TDM Strategies:
- i. The Applicant shall advertise primary vehicular routing to and from the stadium, alerting motorists to preferred driving routes that minimize congestion and avoid neighborhood streets;
 - ii. The Applicant shall notify motorists of any major traffic closures and incidents as information is available;

- iii. The Applicant shall use programs that pre-allocate parking for season ticket holders to reduce the amount of circulation looking for parking;
 - iv. The Applicant shall help spread out vehicular demand arriving at the stadium on weeknight events, which would overlap with the evening commuter rush hour, to help to reduce the stadium's overall traffic impact;
 - v. The Applicant shall commit to holding an event (e.g. pre-concerts, stadium happy hours, tailgate parties etc.) every non-holiday weeknight game starting a minimum of two hours before start time;
 - vi. The Applicant shall investigate partnerships with parking applications to allow ticket holders to reserve a parking space in a garage thus reducing the amount of circulation looking for parking; and
 - vii. The Applicant shall reach out to Uber, Lyft, the Taxi Commission and any other hired vehicle services and coordinating routing and pick-up/drop-off locations.
4. **During the life of the Project**, the Applicant shall operate a free bicycle valet service.
5. **Prior to issuance of a Certificate of Occupancy**, the Applicant shall demonstrate to the Zoning Administrator that it has provided or can accommodate a minimum of 447 bicycle parking spaces on its property (including the valet spaces) and on the surrounding public space on 2nd Street, T Street, and R Street adjacent to the stadium, and Potomac Avenue between 1st Street and Half Street, S.W.
6. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide evidence to the Zoning Administrator that it has paid the cost of installing a new Capital Bikeshare station in the vicinity of the Project, and has coordinated with DDOT to arrange for the installation of a bottomless corral for overflow on event days. The exact station location, number of stalls, and number of bikes shall be determined by DDOT.
7. **For the life of the Project**, the Applicant shall schedule loading activities to occur primarily on non-game and non-event days and underneath the stadium seating bowl to minimize potential automobile and pedestrian conflicts.
8. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide evidence to the Zoning Administrator, that is has, in consultation with DDOT and

other relevant District agencies, the ANC, and other stakeholders adopted a final TOPP substantially similar to the preliminary TOPP included as Exhibit 118A in the record.

9. **During the life of the Project**, the Applicant shall abide by the terms of the final TOPP. The Applicant shall be permitted to modify the final TOPP in consultation with DDOT, other relevant agencies, the ANC, and the stakeholders in response to changing conditions and information.
10. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide evidence to the Zoning Administrator, that it has, in consultation with DMPED, other relevant District agencies, the ANC, and other stakeholders adopted a final sound plan concerning noise generation at the stadium.
11. **Prior to the issuance of a Certificate of Occupancy**, the Applicant shall provide evidence to the Zoning Administrator that it has commitments, in the form of signed letters of intent, to use at least 3,750 off-street parking spaces.
12. **Prior to issuance of a Building Permit**, the Applicant shall demonstrate to the Zoning Administrator that it has contributed \$50,000 to Breathe DC for the purchase and distribution of air purifiers to nearby residents, and shall provide proof to the Zoning Administrator that the air purifiers are being provided.

D. Miscellaneous

1. The Applicant (or another party) shall be required to apply to the Commission for approval of a modification⁸ for the final design of the separate retail building located at the northeast corner of 1st and T Streets, S.W. prior to receiving a building permit for that building.
2. The Applicant (or another party, as applicable) shall be required to apply to the Commission for design review and approval for the development of the ancillary Parcel B, the development parcel east of 1st Street, S.W. between the new public park and S Street, S.W. and as indicated in Exhibit 37B in the record.
3. No building permit shall be issued for this project until the owner of the Property has recorded a covenant among the land records of the District of Columbia between the owners and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the owner of the Property and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Commission.

⁸ The Commission shall determine at the time the application is received whether the application is a modification of consequence or modification of significance.

4. The Application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction must commence no later than three years after the effective date of this Order.
5. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
6. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On February 16, 2017, upon the motion of Vice Chairman Miller, as seconded by Chairman Hood, the Zoning Commission took **FINAL ACTION** to **APPROVE** the Application at its special public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

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 April 21, 2017, except that the Department of Consumer and Regulatory Affairs may issue building permits necessary for the Project upon receipt of a signed version of this order as issued by the Office of Zoning.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FILING**

**Z.C. Case No. 17-08
(Providence Place I, LP – Consolidated PUD and
Related Map Amendment @ Square 5194
April 12, 2017**

THIS CASE IS OF INTEREST TO ANC 7C

On April 7, 2017, the Office of Zoning received an application from Providence Place I, LP (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 part of Lot 824 at Square 5194 in northeast Washington, D.C. (Ward 7), on property located at 601 50th Street, N.E. The property is currently zoned RA-1. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the RA-2 zone.

The Applicant proposes to redevelop the property with approximately 100 residential units, comprised of units with one bedroom, two bedrooms, three bedrooms, and four bedrooms – all of which will be affordable units for households with incomes not exceeding 60% of the area median income (“AMI”). Thirty-five of the units will be replacement units for the Lincoln Heights/Richardson Dwellings, which are properties controlled by the DC Housing Authority. The building will have a maximum height of approximately 31 feet, 10 inches, a density of approximately 1.88 floor area ratio (“FAR”), and 48 below-grade parking spaces.

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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