

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council reconvenes a public oversight roundtable on the “District’s Crime Prevention Strategies for Summer 2017”
- D.C. Council schedules a public hearing on Bill 22-382, Union Market Tax Increment Financing Act of 2017
- D.C. Commission on the Arts and Humanities Services announces funding availability for the FY 2018 Budget Enhancement Grants and the FY 2018 Fall Grants Programs
- Office of the State Superintendent of Education announces funding availability for the FY 2018 DC Early Literacy Intervention Grants
- Office of Tax and Revenue proposes requirements for obtaining a resale certificate for purchases on tangible personal property or taxable services

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

RM 520 – 441 4th ST, ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

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**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING TO CONSIDER

**BILL 22-0038, THE “LOBBYIST ACTIVITY REPORTING TRANSPARENCY
AMENDMENT ACT OF 2017”**

**BILL 22-0136, THE “COMPREHENSIVE CODE OF CONDUCT OF THE DISTRICT
OF COLUMBIA ESTABLISHMENT AND BEGA AMENDMENT ACT OF 2017”**

AND

B22-0344, “LOBBYING DISCLOSURE AMENDMENT ACT OF 2017”

**Thursday, November 2, 2017, 9:30 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, November 2, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public hearing to consider Bill 22-0038, the “Lobbyist Activity Reporting Transparency Amendment Act of 2017”, Bill 22-0136, the “Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2017”, and Bill 22-0344, the “Lobbying Disclosure Amendment Act of 2017”. The hearing will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m.

The stated purpose of Bill 22-0038, the “Lobbyist Activity Reporting Transparency Amendment Act of 2017”, is to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to require lobbyists to file monthly activity reports with the Director of Government Ethics.

The stated purpose of Bill 22-0136, the “Comprehensive Code of Conduct of the District of Columbia Establishment and BEGA Amendment Act of 2017”, is to amend the Board of Ethics and Government Accountability and Comprehensive Ethics Reform Amendment Act of 2011 to establish the Comprehensive Code of Conduct of the District of Columbia.

The stated purpose of Bill 22-0344, the “Lobbying Disclosure Amendment Act of 2017”, is to amend the Board of Ethics and Government Accountability and Comprehensive Ethics Reform Amendment Act of 2011 to update the definition of lobbying to require disclosure of all communications with an official in the legislative or executive branch with the purpose of influencing contracts, reprogrammings, or other procurement actions taken by the District government.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us or at (202) 727-8275, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, October 30**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on November 16.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION,
COMMITTEE ON HEALTH, &
COMMITTEE ON FINANCE AND REVENUE
NOTICE OF JOINT PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION

AND

COUNCILMEMBER VINCENT C. GRAY
COMMITTEE ON HEALTH

AND

COUNCILMEMBER JACK EVANS
COMMITTEE ON FINANCE AND REVENUE

ANNOUNCE A JOINT PUBLIC HEARING

on

B22-203, the Infant and Toddler Developmental Health Services Act of 2017
B22-355, the Bolstering Early Growth Investment Amendment Act of 2017

on

Wednesday, September 27, 2017
10:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember David Grosso, Councilmember Vincent C. Gray, and Councilmember Jack Evans announce the scheduling of a joint public hearing on B22-203, the Infant and Toddler Developmental Health Services Act of 2017, and B22-355, the Bolstering Early Growth Investment Amendment Act of 2017. The hearing will be held at 10:00 a.m. on Wednesday, September 27, 2017 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of B22-203 is to require the Deputy Mayor for Health and Human Services to expand and coordinate health care for infants and toddlers under the age of 3 in the District of Columbia. Chairman Phil Mendelson referred this legislation sequentially to the Committee on Education until December 1, 2017, for Title II only, and then to the Committee on Health.

The stated purpose of B22-355 is to increase the child care subsidy payment rates for providers to align with the cost of care for infants and toddlers and to permit the Mayor to provide property tax, sales tax, license fee, and other financial incentives to qualified child development facilities. Chairman Phil Mendelson referred this legislation to the Committee on

Education and Committee on Finance and Revenue. Bill 22-355 pertains to the same general topic of early childhood care and development, so the Committee on Education will receive testimony from the public and government witnesses on this legislation during this joint hearing.

The Committee invites the public to testify or submit written testimony. Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00pm Monday, September 25. Persons wishing to testify are encouraged to bring 10 copies of their written testimony.

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 by email to Ashley Strange, astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, October 11, 2017.

This is a revised hearing notice to add the Committee on Finance and Revenue to the hearing.

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

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

REVISED/ABBREVIATED

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

ANNOUNCES A PUBLIC HEARING ON:

Bill 22-382, "Union Market Tax Increment Financing Act of 2017"

Tuesday, September 19, 2017

1:30 p.m.

Room 500 - John A. Wilson Building

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Tuesday, September 19, 2017 at 1:30 p.m. in the Council Chamber, Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-382, "Union Market Tax Increment Financing Act of 2017" would authorize the issuance of tax increment financing bonds to support certain infrastructure and site costs for a portion of the land located within the Union Market District. Bill 22-382 proposes tax increment financing (TIF) in the aggregate amount of \$82.4 million to support these necessary components of the project. Of this total sum, \$46.4 million will be issued as a TIF note to support needed infrastructure, including wet and dry utilities, streetscaping, and related design and development costs. \$36 million will be issued as a TIF bond to fund necessary retail parking pools in the TIF area. Union Market is located at 1309 5th Street, NE.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 1:30 p.m. on Monday, September 18, 2017. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004. This notice is being revised/abbreviated to change the date and time of the hearing.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
RECONVENED NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE TO CONSIDER

THE DISTRICT'S CRIME PREVENTION STRATEGIES FOR SUMMER 2017

**Wednesday, October 11, 2017, 9:30 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, October 11, 2017, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will reconvene the Committee's June 26, 2017, public oversight roundtable on Crime Prevention Strategies for Summer 2017. The roundtable will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m., and will review District agencies' summer crime prevention strategies, preparedness, and community engagement, including by agencies outside the traditional public safety cluster. *Please note that the Committee heard public testimony at its June 26 roundtable, and only government witnesses will testify when the roundtable is reconvened on October 11.*

For public witnesses who wish to submit written testimony, it will be made part of the official record. Copies of written statements should be submitted either to the Committee at judiciary@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on October 25.**

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
AND
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
REVISED NOTICE OF PUBLIC ROUNDTABLE
 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER KENYAN R. McDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

AND

COUNCILMEMBER MARY CHEH, CHAIRPERSON
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

ANNOUNCE A JOINT PUBLIC ROUNDTABLE ON

PR22-0359 - THE “FRANKLIN SCHOOL SURPLUS DECLARATION AND APPROVAL RESOLUTION OF 2017”;

PR22-0360 - THE “FRANKLIN SCHOOL DISPOSITION APPROVAL RESOLUTION OF 2017”;

PR22-0411 - THE “GRIMKE SCHOOL SURPLUS DECLARATION AND APPROVAL RESOLUTION OF 2017”; AND,

PR22-0412 - THE “GRIMKE SCHOOL DISPOSITION APPROVAL RESOLUTION OF 2017”;

Wednesday, September 20, 2017, 11:30 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Wednesday, September 20, 2017, Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, and Councilmember Mary Cheh, Chairperson of the Committee on Transportation and the Environment will hold a joint public roundtable on Proposed Resolutions 22-0359, the “Franklin School Surplus Declaration and

Approval Resolution of 2017”, PR22-0360, the “Franklin School Disposition Approval Resolution of 2017”, PR22-0411, the “Grimke School Surplus Declaration and Approval Resolution of 2017”, and PR22-0412, the “Grimke School Disposition Approval Resolution of 2017” . The hearing will be held in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, at 11:30 a.m.

The purpose of the Revised Notice is to add, the “Grimke School Surplus Declaration and Approval Resolution of 2017”, and PR22-0412, the “Grimke School Disposition Approval Resolution of 2017” to the Committee’s roundtable agenda.

The stated purpose of PR22-0359 is to declare District owned real property at 925 13th Street, NW, known as the historic Franklin School as no longer required for public purposes.

The stated purpose of PR22-0360 is to approve the disposition of District owned real property at 925 13th Street, NW, known as the historic Franklin School for use as a museum (Planet Word) of interactive exhibits and galleries open to the public. The museum will provide arts and music programming including speakers, readings, and plays. Secondary uses will include a restaurant and retail shop.

The stated purpose of PR22-0411 is to declare two District owned real property parcels at 1923 Vermont Avenue, NW (the historic Grimke Elementary School) and 912 U Street, NW (an unimproved surface parking lot) as no longer required for public purposes.

The stated purpose of PR22-0412 is to approve the disposition of the District owned real property at 1923 Vermont Avenue, NW and 912 U Street, NW, for use as a new commercial and cultural center of the U Street corridor to include the continued use of the site as the African American Civil War Museum, and a new mixed development with affordable and market rate housing units, and ground floor retail.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact Brandon Wallace at (202) 727-3888, or via e-mail at bwallace@dccouncil.us, and provide their name, telephone number, organizational affiliation, and title (if any) **by close of business, September 18, 2017.** Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes (time limits are subject to change by the Chairpersons). Witness should bring **15, single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically to bwallace@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on October 5, 2017.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/8/2017

Notice is hereby given that:

License Number: ABRA-101103

License Class/Type: B Retail - Grocery

Applicant: BT Corporation Inc.

Trade Name: Brookland Supermarket & Deli

ANC: 5E01

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

2815 7TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
10/23/2017

A HEARING WILL BE HELD ON:
11/06/2017

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/8/2017

Notice is hereby given that:

License Number: ABRA-072566

License Class/Type: B Retail - Grocery

Applicant: Ming Wei Zhang

Trade Name: China Cafe Carryout

ANC: 7C01

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

612 DIVISION AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
10/23/2017

A HEARING WILL BE HELD ON:
11/06/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11:30 am - midnight	11:30 am - 10 pm
Monday:	11:30 am - midnight	11:30 am - 10 pm
Tuesday:	11:30 am - midnight	11:30 am - 10 pm
Wednesday:	11:30 am - midnight	11:30 am - 10 pm
Thursday:	11:30 am - midnight	11:30 am - 10 pm
Friday:	11:30 am - midnight	11:30 am - 10 pm
Saturday:	11:30 am - midnight	11:30 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/8/2017

Notice is hereby given that:

License Number: ABRA-083128

License Class/Type: B Retail - Grocery

Applicant: Ramos Market, inc.

Trade Name: International Progreso Market

ANC: 1D04

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

3158 MOUNT PLEASANT ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
10/23/2017

A HEARING WILL BE HELD ON:
11/06/2017

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/8/2017

Notice is hereby given that:

License Number: ABRA-103723

License Class/Type: B Retail - Grocery

Applicant: Miku, LLC

Trade Name: J & D Market

ANC: 8A01

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

2201 MINNESOTA AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
10/23/2017

A HEARING WILL BE HELD ON:
11/06/2017

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/8/2017

Notice is hereby given that:

License Number: ABRA-014153

License Class/Type: B Retail - Grocery

Applicant: Oasis Inc.

Trade Name: Oasis

ANC: 2B02

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

2024 P ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
10/23/2017

A HEARING WILL BE HELD ON:
11/06/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 12 am	9 am - 12 am
Monday:	7 am - 12 am	9 am - 12 am
Tuesday:	7 am - 12 am	9 am - 12 am
Wednesday:	7 am - 12 am	9 am - 12 am
Thursday:	7 am - 12 am	9 am - 12 am
Friday:	7 am - 12 am	9 am - 12 am
Saturday:	8 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 8, 2017
Protest Petition Deadline: October 23, 2017
Roll Call Hearing Date: November 6, 2017
Protest Hearing Date: January 10, 2018

License No.: ABRA-107578
Licensee: Cantina Calle N, LLC
Trade Name: Republic Cantina
License Class: Retailer's Class "C" Restaurant
Address: 57 N Street, N.W., #114
Contact: Andrew Kline: 202-686-7600

WARD 5

ANC 5E

SMD 5E05

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 November 6, 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 January 10, 2018 at 4:30 p.m.

NATURE OF OPERATION

New Restaurant, serving tacos and other Tex-Mex food. Total Occupancy Load is 100, with seating for 60. Requesting a Sidewalk Café with 40 seats and Summer Garden with 10 seats, along with an Entertainment Endorsement.

HOURS OF OPERATION INDOORS AND FOR SIDEWALK CAFÉ AND SUMMER GARDEN

Sunday 7 am – 9 pm, Monday through Thursday 7 am – 11 pm, Friday and Saturday 7 am – 12 am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INDOORS AND FOR SIDEWALK CAFÉ AND SUMMER GARDEN

Sunday 8 am – 9 pm, Monday through Thursday 8 am – 11 pm, Friday and Saturday 8 am – 12 am

HOURS OF LIVE ENTERTAINMENT INDOORS AND FOR SIDEWALK CAFÉ AND SUMMER GARDEN

Sunday 7 am – 9 pm, Monday through Thursday 7 am – 11 pm, Friday and Saturday 7 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

****Posting Date:** August 25, 2017
****Petition Date:** October 10, 2017
****Hearing Date:** October 23, 2017
****Protest Hearing:** December 13, 2017

License No.: ABRA-106995
Licensee: 1313 Ventures, LLC
****Trade Name:** TBD
License Class: Retailer's Class "C" Tavern
Address: 1313-1317 14th Street, N.W.
Contact: Ben Sislen: 202-436-4595

WARD 2

ANC 2F

SMD 2F03

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 **October 23, 2017 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date. The **Protest Hearing date** is scheduled on ****December 13, 2017 at 1:30 p.m.**

NATURE OF OPERATION

New tavern, serving beer, wine and cocktails. Request for Entertainment Endorsement to include dancing and cover charge. Establishment also includes a small stage. Total Occupancy Load is 399 with seating for 200.

****HOURS OF OPERATION AND LIVE ENTERTAINMENT**

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

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

Sunday through Saturday 8 am to 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

****Placard Posting Date:** September 8, 2017
****Protest Petition Deadline:** October 23, 2017
****Roll Call Hearing Date:** November 6, 2017
****Protest Hearing Date:** January 10, 2018

License No.: ABRA-106995
Licensee: 1313 Ventures, LLC
****Trade Name:** The Crown and Crow
License Class: Retailer’s Class “C” Tavern
Address: 1313-1317 14th Street, N.W.
Contact: Ben Sislen: 202-436-4595

WARD 2

ANC 2F

SMD 2F03

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 **November 6, 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 ****January 10, 2018 at 1:30 p.m.**

NATURE OF OPERATION

New tavern, serving beer, wine and cocktails. Request for Entertainment Endorsement to include dancing and cover charge. Establishment also includes a small stage. Total Occupancy Load is 399 with seating for 200.

****HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES/SERVICE /CONSUMPTION, AND LIVE ENTERTAINMENT**

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

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

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

Case No. 17-14: St. Paul's College
3015 4th Street NE
Square 3648, Lots 1068 and 1069
Affected Advisory Neighborhood Commission: 5E

Case No. 17-19: Equitable Life Insurance Company Headquarters
3900 Wisconsin Avenue NW
Square 1823, part of Lot 801
Affected Advisory Neighborhood Commission: 3C

At the same hearing, the Board will consider an application to designate the following properties as a historic district in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the proposed district to the National Register of Historic Places:

Case No. 16-19: Kingman Park Historic District
Including all properties within a boundary formed by East Capitol Street, 19th Street Maryland Avenue and M Street NE and the Anacostia River. Including all lots in Squares 1118, 1119, 1120, 1125, 1126, 1127, 1128, 1134, 1139, 4458, 4459, 4460, 4461, 4462, 4463, 4464, 4477, 4478, 4480, 4481, 4483, 4483E, 4484, 4486, 4495, 4506, 4514, 4515, 4516, 4517, 4518, 4522, 4523, 4525, 4526, 4527, 4528, 4549, 4550, 4558, 4559; all lots in Parcels 149 and 160; Parcel 162, Lot 10; and Reservations 343F and 343G.
Affected Advisory Neighborhood Commissions: 5D, 6A and 7D

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

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

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

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

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

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

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

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

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

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

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following property a historic landmark in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the property to the National Register of Historic Places:

Case No. 17-20: West Heating Plant
1051/1055 29th Street NW
Square 1193 (all lots)
Affected Advisory Neighborhood Commission: 2E

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

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

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

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

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

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

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, OCTOBER 25, 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 THREE

19599 **Application of Georgetown Day School**, pursuant to 11 DCMR Subtitle X, ANC 3E Chapter 9, for a special exception under Subtitle U § 203.1(1), to construct a new private school in the R-2, R-3, and MU-4 Zones at premises 4200 Davenport Street N.W. (Squares 1672 and 1673, Lots 4, 14, 804, 812, 815, 824, and 822).

WARD THREE

19600 **Application of Team Washington, Inc. d/b/a Domino's Pizza**, pursuant to 11 ANC 3B DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 513.1(c), and pursuant to Subtitle X, Chapter 10, for a variance from the use conditions of Subtitle U § 513.1(c)(1), to establish a fast food and food delivery establishment in the MU-27 and R-13 zones at premises 2330 Wisconsin Avenue N.W. (Square 1300, Lot 815).

WARD SIX

19601 **Application of 443 Ridge, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for ANC 6E a special exception under Subtitle E § 5201 from the rear yard requirements of Subtitle E § 205.4, to permit a rear addition to an existing one-family dwelling in the RF-1 Zone at premises 443 Ridge Street N.W. (Square 513, Lot 908).

WARD TWO

19602 **Application of Max Salas**, pursuant to 11 DCMR Subtitle X, Chapter 10, for ANC 2B variances from the floor area ratio requirements of Subtitle F § 602.1, and from the lot occupancy requirements of Subtitle F § 604.1 to construct a rear, three-story egress stair in an existing one-family dwelling in the RA-8 at premises 1610 Riggs Place N.W. (Square 178, Lot 30).

BZA PUBLIC HEARING NOTICE

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WARD TWO

19608 **Application of Jonathan Meyer and Phillip Lawrence**, pursuant to 11 DCMR
ANC 2F Subtitle X, Chapter 10, for variances from the minimum court requirements of
 Subtitle F § 202.1 and from the nonconforming structure requirements of Subtitle
 C § 202.2, to construct a side addition to an existing one-family dwelling and
 convert it to a nine-unit apartment house in the RA-2 Zone at premises 1310
 Vermont Avenue N.W. (Square 242, Lots 86 and 59).

WARD SIX

19609 **Application of Massachusetts Avenue Properties LLC**, pursuant to 11 DCMR
ANC 6C § 3103.2, for variances from the rear yard requirements of § 774.1, from the
 height requirements of § 1203.1, and from the off-street parking requirements of §
 2101.1, to construct a new three-story office building in the CAP/CHC/C-2-A
 Zone at premises 226 Massachusetts Avenue, N.E. (Square 755, Lot 850).

WARD TWO

19610 **Application of Granite LLC**, pursuant to 11 DCMR Subtitle X, , Chapter 10, for
ANC 2B a variance from the penthouse regulations of Subtitle C § 1500.3(d), to permit the
 second floor of the existing two-story penthouse to be used as habitable space in
 the D-6 Zone at premises 730 15th Street N.W. (Square 221, Lot 800 & 809).

WARD ONE

19613 **Appeal of B Monroe Ventures, LLC**, pursuant to 11 DCMR Subtitle Y § 302,
ANC 1D from the determination made on July 28, 2017 by the Zoning Administrator,
 Department of Consumer and Regulatory Affairs, that, per Subtitle E § 307.3, a
 side yard would be required to construct two flats on the existing vacant lots in
 the RF-1 Zone at premises 1844 Monroe Street N.W. (Square 2614, Lot 38).

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.

BZA PUBLIC HEARING NOTICE

OCTOBER 25, 2017

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

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

Do you need assistance to participate?

Amharic

ለሙከራ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም 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

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Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

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

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

**FREDERICK L. HILL, CHAIRPERSON
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**

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

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

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 02-38I (Waterfront 375 M Street, LLC and 425 M Street, LLC – Second-Stage PUD & Modification of Significance to First-Stage PUD @ Square 542)

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 a modification of significance to a previously approved first-stage PUD for the above-referenced property. The Office of Planning submitted a report to the Zoning Commission, dated June 2, 2017. At its June 12, 2017, public meeting, the Zoning Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on August 15, 2017.

The property that is the subject of this application consists of Lot 825 (“West M”) and Lot 826 (“East M”) in Square 542, which have approximately 46,768 square feet and 61,065 square feet of land area, respectively. The subject property is currently zoned C-3-C (MU-9 under the 2016 Zoning Regulations) for the purposes of this project, through a previously approved PUD-related Zoning Map amendment. The property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 6D.

The Applicant proposes to modify the approved first-stage PUD and undertake a second-stage PUD for the East M and West M sites by converting the primary use of both buildings from office use to residential use, with retail on the ground floor and neighborhood-serving office use on the second floor. The approximate density, building height, lot occupancy, and setbacks will not change as a result of this application. The East M and West M sites will collectively contain approximately 604 total residential units and approximately 78,880 square feet of commercial space (an average of almost 40,000 square feet per building). Both buildings will also include on-site parking and loading.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR Subtitle Z § 404.1.

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

Except for the affected ANCs, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status **shall file with the Commission, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning's website at:** <http://dcoz.dc.gov/services/app.shtm>. This form may also be obtained from the Office of Zoning at the address stated below.

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in Subtitle Z § 406.3 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in Subtitle Z § 406.2 (a) through (i).

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

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

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

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

Written statements, in lieu of oral testimony, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <http://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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

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Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 70 (Social Work) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations.

The purpose of this rulemaking is to amend the social work regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3508. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 14, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 70, SOCIAL WORK, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7008, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

7008 CONTINUING EDUCATION REQUIREMENTS

- 7008.1 Except as provided in § 7008.2, this section applies to applicants for the renewal, reactivation, or reinstatement of a license.
- 7008.2 This section does not apply to applicants for an initial license or to applicants for the first renewal after the initial grant of a license regardless of the licensure type or level.
- 7008.3 Continuing education credits (CEUs) may be granted only for programs or activities approved by the Board pursuant to § 7009.
- 7008.4 Except as provided in § 7008.2, beginning with the licensure term starting on August 1, 2015, all applicants for renewal of a license shall have completed forty (40) hours of approved continuing education credit during the two (2)-year period preceding the date the license expires, which shall include:

- (a) No more than twelve (12) hours of independent home studies, distance learning continuing education activities, or internet courses; and
- (b) For applicants seeking renewal of a license expiring on July 31, 2017, at least six (6) hours of continuing education credits in live, in-person face-to-face ethics, professional conduct, or boundary course(s) in which the participant and presenter are physically present in the same room and at least three (3) hours of continuing education credits in Human Immunodeficiency Virus (HIV) training; or
- (c) For applicants seeking renewal of a license expiring on July 31, 2019 and thereafter, at least six (6) hours of continuing education credits in live, in-person, face-to-face ethics, professional conduct, or boundary course(s) in which the participant and presenter are physical present in the same room and at least two (2) hours of LGBTQ continuing education.

7008.5 The Board may periodically conduct a random audit of licensees to determine compliance with the continuing education requirement.

7008.6 A licensee who is selected to participate in the Board's continuing education audit shall, within thirty (30) days after being deemed served notice of the selection, submit proof pursuant to § 7008.12 of having completed the required approved continuing education credits during the two (2)-year period immediately preceding the date the license expires.

7008.7 To qualify for a license, an applicant in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11 (2016 Repl.)) for five (5) years or less who applies for reactivation shall submit proof of completing forty (40) hours of approved continuing education credit during the two (2) years immediately preceding the application, which shall include:

- (a) At least six (6) hours of continuing education credits in live, face- to-face ethics, professional conduct, or boundary course(s);
- (b) At least two (2) hours of LGBTQ continuing education; and
- (c) No more than twelve (12) continuing education hours in independent home studies, distance learning continuing education activities, or internet courses.

7008.8 To qualify for a license, an applicant in inactive status within the meaning of § 511 of the Act (D.C. Official Code § 3-1205.11 (2016 Repl.)) for more than five (5) years who applies for reactivation shall submit proof of completing, during the two (2) years immediately preceding the application, forty (40) hours of continuing education as required in § 7008.7 and may be required to practice, for

a period of twelve (12) months, under the supervision of a board-approved supervisor who shall submit quarterly competency reports to the Board.

- 7008.9 Notwithstanding §§ 7008.7 or 7008.8, an applicant for reactivation of a license who has maintained a valid and active social work license in good standing in another jurisdiction of the United States shall be presumed to possess current competency and may qualify for the reactivation of his or her license.
- 7008.10 To qualify for the reinstatement of a license, an applicant whose license has expired for less than five (5) years, shall submit proof of having completed, during the two (2)-year period immediately preceding the application, forty (40) hours of approved continuing education, which shall include:
- (a) At least six (6) hours of continuing education credits in live, face- to-face ethics, professional conduct, or boundary course(s);
 - (b) At least two (2) hours of LGBTQ continuing education; and
 - (c) No more than twelve (12) continuing education hours in independent home studies, distance learning continuing education activities, or internet courses.
- 7008.11 An applicant whose license has expired for five (5) or more years shall not be eligible for reinstatement of licensure. The applicant shall be required to apply for a new license and shall meet the requirements as they exist at the time that the applicant applies for licensure.
- 7008.12 Proof of completion of the required continuing education credits may be established by submitting the following information with respect to each program for which continuing education credit is claimed:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 7008.13 Proof of completion of continuing education course work which was audited under § 7010.3 may be established by a verification of registration from the office of the registrar of the institution at which the course was audited.

Section 7099, DEFINITIONS, is amended as follows:

Subsection 7099.1 is amended as follows:

The following definition is added before the definition of “Applicant”:

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

The following definition is added before the definition of “Mandatory D.C. Social Work Laws and Regulations Review Course”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

LOTTERY AND CHARITABLE GAMES CONTROL BOARD**NOTICE OF PROPOSED RULEMAKING**

The Interim Executive Director of the Office of Lottery and Charitable Games, pursuant to the authority set forth in Section 424a of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790, Pub. L. 93-198; D.C. Official Code § 1-204.24(a) (2016 Repl.)), as amended by the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. No. 109-356, § 201; D.C. Official Code §§ 1-204.24a(c)(6) (2016 Repl.)); Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code §§ 3-1306(a) and 3-1321 (2016 Repl.)); and Office of the Chief Financial Officer Financial Management Control Order No. 15-11, issued April 14, 2015 (appointing Tracey Cohen Interim Executive Director), hereby gives notice of the intent to amend Chapters 6 (Claims and Prize Payments), 9 (Description of On-Line Games) and 99 (Definitions) of Title 30 (Lottery and Charitable Games) of the District of Columbia Municipal Regulations (DCMR).

The purposes of the proposed amendments are to implement the changes to the MEGA MILLIONS® game pursuant to the Multi-State Lottery Association (“MUSL”) MEGA MILLIONS® Game Group Agreement and to make administrative edits to Title 30. The MEGA MILLIONS® game changes take place on October 31, 2017.

The Office of Lottery and Charitable Games hereby gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 6, CLAIMS AND PRIZE PAYMENTS, of Title 30 DCMR, LOTTERY AND CHARITABLE GAMES, is amended as follows:**Section 606, ANNUITIZED PRIZES, is amended to read as follows:****606 ANNUITIZED PRIZES**

- 606.1 Unless annuitized payments are authorized by this title, prizes shall be paid in a single cash payment.
- 606.2 The Agency may elect to fund annuitized prize payments directly, through purchase of annuities or by other means.
- 606.3 Except as otherwise provide in Chapters 6 or 9 of this title, annuitized prizes shall be paid annually in thirty (30) payments with the initial payment being made in cash or check, to be followed by twenty-nine (29) payments funded by the annuity. All annuitized prizes shall be paid annually in thirty (30) graduated payments (increasing each year) by a rate as determined by the Executive

Director. Prize payments may be rounded down to the nearest one thousand dollars (\$ 1,000).

- 606.4 In the event of a MEGA MILLIONS® prize winner selects the cash value option, the prize winner's share shall be paid in a single payment upon completion of internal validation procedures. The cash value option shall be determined by the Mega Millions Lotteries.
- 606.5 The MEGA MILLIONS® annuitized prize shall be paid in thirty (30) graduated annual installments upon completion of internal validation procedures. The initial payment shall be paid upon completion of internal validation procedures. The subsequent twenty-nine (29) payments shall be paid graduated annually to coincide with the month of the Federal auction date at which the bonds were purchased to fund the annuity with graduated annual installments defined in the Mega Millions Lotteries' Finance and Operations Procedures. Payments shall escalate by a factor of five percent (5%) annually, and annual payments shall be rounded down to the nearest even one thousand dollar (\$1,000.00) increment. All such payments shall be made be within seven (7) days of the anniversary of the annual auction date.
- 606.6 If individual shares of the cash held to fund an annuity is less than two hundred fifty-thousand dollars (\$250,000.00) the Mega Millions Product Group, in its sole discretion, may elect to pay the winners their share of the cash held in the Grand Prize Pool.

Subsections 606.7 - 606.10 are reserved.

Chapter 9, DESCRIPTION OF ON-LINE GAMES, is amended as follows:

Sections 917, DESCRIPTION OF THE MEGA MILLIONS® GAME, and 918, MEGA MILLIONS® FIXED PRIZE STRUCTURE AND PROBABILITY, are amended as follows:

917 DESCRIPTION OF THE MEGA MILLIONS® GAME

- 917.1 MEGA MILLIONS® is a five (5) out of seventy (70) plus one (1) out of twenty – five (25) online lottery game, drawn on the day(s) time(s) and location(s) as determined by the MEGA MILLIONS® Lotteries, and which pays the Grand Prize, at the election of the player made in accordance with these rules or by a default election made in accordance with these rules, either on a graduated annuitized annual pari-mutuel basis or as a cash value option using a rate determined by the Mega Millions Finance Committee on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a single payment basis.

- 917.2 To play MEGA MILLIONS®, a player shall select or Quick Pick five (5) different numbers, between one (1) and seventy (70) and one additional number between one (1) out of twenty-five (25) for input into a terminal. The additional number may be the same as one of the first five numbers selected by the player or terminal.
- 917.3 The price of each MEGA MILLIONS® game ticket shall be one (1) play for two dollars (\$2.00). A player may purchase up to five (5) plays on one (1) ticket. Multiple draws are available for up to ten (10) consecutive draws beginning with the current draw. From time to time, the Executive Director may authorize the sale of MEGA MILLIONS® tickets at a discount for promotional purposes. Additionally, MEGA MILLIONS® Promotions MEGAPLIER® and Just the Jackpot™ are offered as follows:
- (a) MEGAPLIER® ticket, a multiplier feature, is available for an additional one dollar (\$1.00) per play.
 - (b) Just the Jackpot™ ticket, a Just the Jackpot™ play only allow player chances to win the Grand Prize but none of the other set prizes, is available for three dollars (\$3.00) for two (2) Just the Jackpot™ plays.
 - (c) Each play and the respective prize payouts are listed in Section 918 and 919 of this chapter.
- 917.4 MEGA MILLIONS® tickets may be purchased in the District of Columbia only at a licensed location from the D.C. Lottery Agent. No MEGA MILLIONS® ticket purchased outside of the District of Columbia may be presented to a D.C. Lottery Agent for payment within the District of Columbia.
- 917.5 MEGA MILLIONS® drawings shall be held at the time(s) and location set out in the MUSL MEGA MILLIONS Game Group Agreement. During the drawing event, five (5) numbers shall be drawn from the first set of seventy (70) numbers, and one (1) number shall be drawn from the second set of twenty-five (25) numbers, which shall constitute the winning numbers.
- 917.6 In a single drawing, a player may win in only one (1) prize category per single MEGA MILLIONS® play in connection with MEGA MILLIONS® winning numbers, and shall be entitled only to the highest prize.
- 917.7 For purpose of prize calculation with respect to any MEGA MILLIONS® pari-mutuel prize, the calculation shall be rounded down so that prizes shall be paid in multiples of one dollar.
- 917.8 With respect to the MEGA MILLIONS® Grand Prize, the prize amount paid shall be the advertised Grand Prize amount. However, the advertised Grand Prize

amount is subject to change based on sales forecasts and/or actual sales. Additionally, this prize amount may be rounded up to the next highest affordable multiple of one million dollars, at the discretion of the party lotteries.

- 917.9 If, in any MEGA MILLIONS® drawing there are no MEGA MILLIONS® or Just the Jackpot™ plays that qualify for the Grand Prize category, the portion of the prize fund allocated to such Grand Prize category shall remain in the Grand Prize category and be added to the amount allocated for the Grand Prize category in the next consecutive MEGA MILLIONS® drawing.
- 917.10 Subject to the laws and rules governing each party lottery, the number of prize categories and the allocation of the prize fund among the prize categories may be changed at the discretion of the directors, for promotional purposes. Such change shall be announced by public notice.
- 917.11 A subscription sales program may be offered, at the discretion of the Executive Director.
- 917.12 MEGA MILLIONS® tickets shall show the player's selection of numbers or Quick Pick numbers, election of the multiplier feature, MEGAPLIER®, or Just the Jackpot™, boards played, drawing date, jackpot payment option, and validation and reference numbers.
- 917.13 It shall be the exclusive responsibility of the player to verify the accuracy of the player's selection(s) and other data printed on the ticket. A ticket is a bearer instrument until signed. Neither a party lottery nor its sales agents shall be responsible for lost or stolen tickets.
- 917.14 In purchasing a ticket issued for MEGA MILLIONS®, the player agrees to comply with and be bound by all applicable statutes, administrative rules and regulations, and procedures of the party lottery of the Jurisdiction in which the MEGA MILLIONS® ticket is issued, and by directives and determinations of the Executive Director of that party lottery. Additionally, the player shall be bound to all applicable provisions in the MEGA MILLIONS Finance and Operations Procedures. The player agrees, as its sole and exclusive remedy that claims arising out of a MEGA MILLIONS® ticket can only be pursued against the party lottery of ticket purchase. Litigation, if any, shall only be maintained within the state in which the MEGA MILLIONS® ticket was purchased and only against the party lottery that issued the ticket. Nothing in this rule shall be construed as a waiver of any defense or claim the D.C. Lottery may have in the event a player pursues litigation against the D.C. Lottery, its officers, or employees.
- 917.15 A ticket subject to the validations requirements of this title shall be the only proof of a wager.

- 917.16 Each drawing shall determine, at random, the six (6) winning numbers in accordance with the MEGA MILLIONS® drawing procedures. Any numbers drawn are not declared winning numbers until the drawing is certified by the commission in accordance with the drawing procedures. The winning numbers shall be used in determining all MEGA MILLIONS® winners for that drawing.
- 917.17 For winning MEGA MILLIONS® tickets for which no claim or redemption is made within the specified claim period for each respective party lottery, the corresponding prize monies shall be returned to the other party lotteries in accordance with procedures for the reconciliation of prize liability pursuant to the MUSL MEGA MILLIONS Game Group Agreement and as may be agreed to from time to time by the directors of the party lotteries.
- 917.18 The Executive Director shall announce each incentive or bonus program prior to its commencement. The announcement shall specify the beginning and ending time, if applicable, of the incentive or bonus program and the value for the award(s).
- 917.19 The Prize Pool shall consist of up to fifty-five percent (55%) of each drawing period's sales, inclusive of any specific statutorily-mandated tax of a Party Lottery to be included in the price of a lottery MEGA MILLIONS® play and inclusive of contributions to the prize pool accounts and prize reserve accounts, but may be higher or lower based upon the number of winners at each prize level, as well as the funding required to meet a guaranteed Annuity Grand Prize as may be required by Subsection 917.20.
- 917.20 The prize money allocated from the current MEGA MILLIONS® prize pool for the Grand Prize, plus any previous portions of prize money allocated to the Grand Prize category in which no matching MEGA MILLIONS® plays or Just the Jackpot™ plays were sold will be divided equally among all Grand Prize winning MEGA MILLIONS® plays and Just the Jackpot™ plays in all participating Lotteries.
- 917.21 The annuity Grand Prize amount will be paid in thirty (30) graduated annual installments. Grand Prizes won shall be funded by the Selling Lotteries in accordance with the formula set by the MEGA MILLIONS® lotteries. MEGA MILLIONS® lotteries may set a minimum guaranteed annuity Grand Prize amount that shall be advertised by the selling lotteries as the starting guaranteed annuity Grand Prize amount.
- 917.22 The MEGA MILLIONS® Product Group shall set the contribution rates to the prize pool and prize reserve accounts for the MEGA MILLIONS® Prize Reserve Account, the Grand Prize Pool, and the Set-Aside Pool.

918 MEGA MILLIONS® FIXED PRIZE STRUCTURE AND PROBABILITY DISTRIBUTION

918.1 Except as otherwise provided in these rules, all other prizes awarded shall be paid as single payment prizes.

918.2 The Grand Prize payout shall be determined on a pari-mutuel basis. Provided the prize pools are fully funded, the fixed prize payments for MEGA MILLIONS® based on a two dollar (\$2.00) play are as follows:

<u>Number of Matches Per MEGA MILLIONS® Play</u>	<u>Prize</u>
All five (5) of the first set and Mega Ball	Grand Prize
All five (5) of the first set and no Mega Ball	\$ 1,000,000.00
Any four (4) of the first set plus the Mega Ball	\$ 10,000.00
Any four (4) of the first set and no Mega Ball	\$ 500.00
Any three (3) of the first set plus the Mega Ball	\$ 200.00
Any three (3) of the first set and no Mega ball	\$10.00
Any two (2) of the first set plus the Mega Ball	\$ 10.00
Any one (1) of the first set plus the Mega Ball	\$ 4.00
None of the first set plus the Mega Ball	\$ 2.00

918.3 The Grand Prize amount shall be divided equally by the number of MEGA MILLION® and Just the Jackpot™ plays winning the Grand Prize.

918.4 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in MEGA MILLIONS®

Mega Millions® Probability Distribution

PROBABILITY DISTRIBUTION

<u>Number of Matches Per Mega Millions Play</u>	<u>Winners</u>	<u>Probability</u>	<u>Probable Set Prize Amount</u>
All five (5) of first set plus the Mega Ball	1	1: 302,575,350	GRAND PRIZE*
All five (5) of the first set and no Mega Ball	24	1:12,607,306	\$1,000,000.00*
Any four (4) of the first set plus the Mega Ball	325	1: 931,001	\$10,000.00
Any four (4) of the first set and no Mega Ball	7,800	1:38,792	\$500.00
Any three (3) of the first set plus the Mega Ball	20,800	1:14,547	\$200.00*
Any two (2) of the first set plus the Mega Ball	499,200	1: 606	\$10.00
Any three (3) of the first set plus no Mega Ball	436,800	1: 693	\$10.00
Any one (1) of the first set plus the Mega Ball	3,385,200	1: 89	\$4.00
None of the first set plus the Mega Ball	8,259,888	1: 37	\$2.00
Overall Odds	12,610,038	1:24.0	

Section 919, [RESERVED], is amended to read as follows:

919 PROMOTIONS THE MEGA MILLIONS® MEGAPLIER® AND JUST THE JACKPOT™

919.1 The Executive Director may offer the MEGA MILLIONS® MEGAPLIER® Promotion. The MEGAPLIER® is a limited extension of the MEGA MILLIONS® game and is conducted in accordance with the MEGA MILLIONS® game rules and other lottery rules applicable to the MEGA MILLIONS® game except as may be amended herein. The promotion will begin at a time announced

by the lottery and will continue until discontinued by the lottery. The Promotion will offer to the owners of a qualifying MEGAPLIER® play a chance to multiply or increase the amount of any of the set prizes (the prizes normally paying two dollars (\$2.00) to one million dollars (\$1,000,000.00)) won in a drawing held during the Promotion. The Grand Prize is not a set prize and will not be multiplied or increased by means of the MEGAPLIER® Promotion or the Just the Jackpot promotion.

919.2 A qualifying MEGAPLIER® play is any single MEGA MILLIONS® play for which the player pays an extra one dollar (\$1.00) for the MEGAPLIER® option and that is recorded on the Party Lottery’s computer gaming system as a qualifying MEGAPLIER® play. The purchase of Just the Jackpot™ plays do not qualify to purchase a MEGAPLIER® play.

919.3 Except as provided in these rules, a qualifying MEGAPLIER® play that wins one of the set prizes will be multiplied by the number drawn, either two, three, four, or five (2, 3, 4, or 5), in a separate random MEGAPLIER® drawing announced in a manner approved by the Product Group.

919.4 Except as provided in these rules, all prizes awarded shall be paid as lump sum set prizes. Instead of the MEGA MILLIONS® set prize amounts, qualifying MEGAPLIER® plays will pay the amounts shown below when matched with the MEGAPLIER® number drawn:

Prize Levels	Standard	With MEGAPLIER® Purchase			
Prize Levels with MEGAPLIER® Purchase & Multiplier.					
	Standard	2x	3X	4X	5X
Match 5+0	\$1,000,000.00	\$2,000,000.00	\$3,000,000.00	\$4,000,000.00	\$5,000,000.00
Match 4+1	\$10,000.00	\$20,000.00	\$30,000.00	\$40,000.00	\$50,000.00
Match 4+0	\$500.00	\$1,000.00	\$1,500.00	\$2,000.00	\$2,500.00
Match 3+1	\$200.00	\$400.00	\$600.00	\$800.00	\$1,000.00
Match 3+0	\$10.00	\$20.00	\$30.00	\$40.00	\$50.00
Match 2+1	\$10.00	\$20.00	\$30.00	\$40.00	\$50.00
Match 1+1	\$4.00	\$8.00	\$12.00	\$16.00	\$20.00
Match 0+1	\$2.00	\$4.00	\$6.00	\$8.00	\$10.00

The MEGAPLIER® Promotion and multiplier numbers do not apply to the Mega Millions Grand Prize.

919.5 In certain rare instances, the MEGA MILLIONS® set prize amount may be less than the amount shown. In such case, the MEGAPLIER® prizes will be a multiple of the changed MEGA MILLIONS® prize amount announced after the draw. For example, if the Match 4+1 Mega Millions set prize amount of ten thousand dollars (\$10,000.00) becomes two thousand dollars (\$2,000.00) under the rules of

the MEGA MILLIONS® game, then a MEGAPLIER® player winning that prize amount with a 4X multiplier would win eight thousand dollars (\$8,000): two thousand dollars multiplied by four (\$2,000.00 x 4).

919.6 The following table sets forth the probability of the various MEGAPLIER® numbers being drawn during a single MEGA MILLIONS® drawing. The MEGA MILLIONS® Products Group may elect to run limited promotions that may increase the multiplier numbers features.

<u>MEGAPLIER®</u>		<u>Probability of Prize Increase</u>
5X	- Prize Won Times 5	1 in 15
4X	- Prize Won Times 4	3 in 15
3X	- Prize Won Times 3	6 in 15
2X	- Prize Won Times 2	5 in 15

MEGAPLIER® Promotion and Multiplier numbers do not apply to the MEGA MILLIONS® Grand Prize.

919.7 The Executive Director may offer the MEGA MILLIONS® Just the Jackpot™ Promotion which is a limited extension of the MEGA MILLIONS® game and is conducted in accordance with the MEGA MILLIONS® game rules and other lottery rules applicable to the MEGA MILLIONS® game except as may be amended herein, and any other lottery rules applicable to this Promotion. All rules applicable to the MEGA MILLIONS® Game are applicable to the Just the Jackpot™ Promotion (“JJ”) unless otherwise indicated.

919.8 The Promotion will begin at a time announced by the party lottery and will continue until discontinued by the lottery.

- (a) The Promotion will offer to players a chance to purchase two (2) Just the Jackpot™ plays (“JJ play(s)”) for three dollars (\$3.00); each JJ play purchased will qualify the player for a chance to win the Grand Prize, and no other prize levels.
- (b) A JJ play must match exactly all of the MEGA MILLIONS® Grand Prize winning numbers in order to win the MEGA MILLIONS® Grand Prize. A JJ Play is not eligible to win non-Grand Prizes / non-Jackpot prizes in the Just the Jackpot™ Promotion.

919.9 Just the Jackpot™ winning tickets will be paid the MEGA MILLIONS® Grand Prize, at the election of the player made in accordance with these rules or by a default election made in accordance with these rules, either on a graduated annuitized annual pari-mutuel basis or as a cash value option using a rate determined by the Mega Millions Finance Committee on a pari-mutuel basis. All provisions of these rules regarding payment of the MEGA MILLIONS® Grand

Prize are applicable to Just the Jackpot™ winning ticket(s). The Grand Prize amount shall be divided equally by the number of MM tickets / plays and JJ tickets / plays winning the Grand Prize.

- 919.10 The winning numbers for Just the Jackpot™ Promotion shall be the winning numbers for the Grand Prize drawn in the MEGA MILLIONS® drawing.
- 919.11 To play Just the Jackpot™, a player shall select (or Quick Pick) two (2) sets of five (5) different numbers, from one (1) through seventy (70) and one (1) additional number from one (1) through twenty-five (25). The additional number may be the same as one of the first five numbers selected by the player. Each set of numbers shall constitute a single lettered selection, or single “Play” as that term is defined by the MUSL Board. The two (2) sets of numbers selected or Plays cost three dollar (\$3.00) JJ Plays purchase may be the same between the Plays. The two (2) Plays for each three dollar (\$3.00) JJ Plays purchase shall be for the same drawing, although a lottery may sell multi-draw JJ Plays as well.
- 919.12 The purchase price of JJ Plays shall be three dollars (\$3.00) for two (2) single lettered selection of JJ Plays, including any specific statutorily-mandated tax of a party lottery to be included in the price of lottery JJ Plays. JJ Plays must be printed on separate tickets from MEGA MILLIONS® plays and must clearly indicate the plays are for the Just the Jackpot™ Promotion. Each JJ Play is played separately in determining matches to winning numbers and prize amounts.
- 919.13 The Grand Prize will not be multiplied or increased by means of the **MEGAPLIER®** Promotion.
- 919.14 The prize pool for JJ Plays shall consist of up to fifty-five percent (55%) of each drawing period's sales, inclusive of any specific statutorily-mandated tax of a Party Lottery to be included in the price of a lottery's JJ Play, and inclusive of contributions to the prize pool accounts and prize reserve accounts, but may be higher or lower based on the funding required to meet a guaranteed annuity Grand Prize as may be required by Subsection 917.20 of this chapter.
- 919.15 The Mega Millions Grand Prize payout shall be determined on a pari-mutuel basis. All prize payouts are made with the following expected prize payout percentages, which does not include any additional amount contributed to or held in prize reserves:

<u>Number of Matches Per JJ Play</u>	<u>Prize Payment</u>	<u>JJ Prize Pool Percentage Allocated to Prize</u>	<u>JJ Sales Percentage Allocated to Prize</u>
All five (5) of first set plus one (1) of second set.	Grand Prize	100%*	50.2012%
All other matching combinations	No Prize	0%	0%

* JJ Prize Pool percentage allocated to the Grand Prize shall be combined with MEGA MILLIONS® Prize Pool percentage allocated to the Grand Prize.

- (a) The Grand Prize amount shall be divided equally by the number of MEGA MILLIONS® tickets / plays and JJ tickets /plays winning MEGA MILLIONS® Grand Prize.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9900, DEFINITIONS, Subsection 9900.1, is amended by adding the following:

Just The Jackpot - A Mega Millions Promotion game feature by which a player, for a wager of three dollars (\$3.00) for two plays , will qualify the player for two (2) chances to win the MEGA MILLIONS® Grand Prize if that Just the Jackpot™ (“JJ”) ticket matches exactly all of the MEGA MILLIONS® Grand Prize winning numbers for that drawing. Just The Jackpot does not qualify for any other prize levels.

Just the Jackpot™ Plays - “JJ Plays” shall refer to a \$3.00 wager which includes two (2) JJ Plays as part of the Just the Jackpot™ promotion game feature.

MEGAPLIER - A MEGA MILLIONS® Promotion game feature by which a player, for an additional wager of \$1 per play, can increase the guaranteed prize amount or pari-mutuel prize amount, as applicable, excluding the Grand / Jackpot Prize by a factor of two, three, four and five times depending upon the multiplier number that is drawn prior to the MEGA MILLIONS® drawing.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Antar Johnson, Senior Counsel, Office of Lottery and Charitable Games, 2235 Shannon Place S.E., Washington, D.C. 20020, or e-mailed to antar.johnson@dc.gov, or filed online at www.dcregs.gov. Additional copies of this proposed rule may be obtained at the address stated above.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-2023 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 4 (Sales and Use Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR), by amending Section 414.

The newly amended regulations provide updated guidance regarding resale certificates. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with District resale exemption requirements.

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

Chapter 4, SALES AND USE TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 414, PURCHASES FOR RESALE, is amended to read as follows:

414 PURCHASES FOR RESALE

- 414.1 The burden of proving that a sale of tangible personal property or taxable services is not a sale at retail is upon the vendor, unless the vendor timely takes in good faith a certificate from the purchaser that the property is purchased for resale.
- 414.2 As of November 1, 2017, for the purposes of determining sales for resale, the Deputy Chief Financial Officer shall only recognize certificates of resale on forms or copies of forms authorized by the District of Columbia Office of Tax and Revenue. Authorized resale certificates must be obtained through an annual process from the Office of Tax and Revenue at its website mytax.dc.gov.
- 414.3 As of November 1, 2017, an authorized resale certificate shall include an expiration date and shall be valid until the expiration date stated on the certificate.
- 414.4 A certificate of resale is only valid if it contains the purchaser's District of Columbia Sales and Use Tax Registration Number.
- 414.5 A purchase is for resale in the following circumstances:

- (a) The person purchases tangible personal property or taxable services for the purpose of resale or rental in the same form;
 - (b) The person purchases tangible personal property or taxable services to incorporate as an attachment to, or as a material part of other tangible personal property to be produced for sale or rental by manufacturing, assembling, processing, or refining; or
 - (c) The person purchases taxable services to use or incorporate in the same form as a material part of other services to be provided for sale or rental.
- 414.6 A vendor shall refuse to accept a resale certificate for property and taxable services which he knows or should know is not for resale. Vendors are expected to exercise reasonable judgment in accepting resale certificates in good faith and will not be protected from paying sales tax on the items purchased with resale certificates that are not for resale if they fail to do so.
- 414.7 If all of a person's purchases of tangible personal property or taxable services from a vendor are for resale (fall within any of the circumstances described in Subsection 414.4), the vendor may accept a blanket certificate of resale from the person.
- 414.8 Each certificate of resale shall be maintained by the vendor and shall be authority for the vendor not to add reimbursement for the sales tax to the sales price of the property or service.
- 414.9 Certificates of resale which are canceled in accordance with the provisions of the Act and this chapter are void as of the date of cancellation.
- 414.10 If a person purchases tangible personal property or services for purposes other than those enumerated in the certificate of resale, the person cannot use a certificate of resale to exempt the purchase from the tax. The purchaser must reimburse the vendor for the sales tax or file a return and pay use tax on the purchase.
- 414.11 Any vendor who purchases tangible personal property or services under a certificate of resale, who then gives away such tangible personal property or services for no consideration, will be considered to be the consumer or user of the tangible personal property or services. As such, the retailer must reimburse the vendor for the sales tax or file a return and pay the tax as a consumer or user under the use tax, as the case may be.

Comments on this proposed rulemaking should be submitted to Jessica Brown, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Jessica Brown may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 442-6462; or, email at jessica.brown@dc.gov. Copies of this rule and related information may be obtained by contacting Jessica Brown as stated herein.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-2023 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 4 (Sales and Use Taxes), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR), by amending Section 497.

The newly amended regulations provide updated guidance regarding administration, collection, and enforcement of the prepaid wireless E911 charge. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with the collection and remittance of the District's prepaid wireless E911 charge.

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

Chapter 4, SALES AND USE TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 497, [RESERVED] is amended to read as follows:

497 PREPAID WIRELESS E911 CHARGE COLLECTION AND REMITTANCE

- 497.1 These regulations are established to govern the collection, remittance, and other administrative provisions under the authority granted to The Office of Tax and Revenue under
- 497.2 Under the authority of D.C. Official Code § 34-1803.02(a)(1), the District shall collect the prepaid wireless E911 charge of two percent (2.0%) of the sales price per transaction for the sale of prepaid wireless communications services, as defined in D.C. Official Code § 34-1801(6B).
- 497.3 The same provisions of Title 47 of the District of Columbia Official Code that are applicable to the gross sales tax shall govern the administration, collection, and enforcement of the charge set forth in D.C. Official Code § 34-1803.02(a)(1).

Comments on this proposed rulemaking should be submitted to Andrew Reiter, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Andrew Reiter may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 727-7696; or, email at Andrew.Reiter@dc.gov. Copies of this rule and related information may be obtained by contacting Andrew Reiter as stated herein.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-193
August 30, 2017

SUBJECT: Appointment – Commission on African-American 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.), and in accordance with the Commission on African American Affairs Establishment Act of 2012, effective March 14, 2012, D.C. Law 19-106, D.C. Official Code § 3-1441 *et seq.* (2016 Repl.), which established the Commission on African-American 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. **SPENCER GOPAUL**, pursuant to the Commission on African-American Affairs Spencer Gopaul Confirmation Resolution of 2017, effective May 29, 2017, PR22-0194, is appointed as a public voting member of the Commission on African-American Affairs, replacing Raymond Massenburg, for a term ending April 19, 2020.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 29, 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 2017-194
August 30, 2017

SUBJECT: Reappointment — Board of Veterinary Medicine


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 221 of the Omnibus Health Regulation Amendment Act of 2014, effective March 26, 2014, D.C. Law 20-96; D.C. Official Code § 3-1202.21 (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.), it is hereby **ORDERED** that:

1. **LEANNE LIPTON**, pursuant to the Board of Veterinary Medicine Leanne Lipton Confirmation Resolution of 2017, effective June 17, 2017, PR 22-0259, is reappointed as a licensed veterinarian member of the Board of Veterinary Medicine, for a term to end April 16, 2020.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 17, 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 2017-195
August 30, 2017

SUBJECT: Appointment and Reappointments — Commission on the Arts and Humanities

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 Commission on the Arts and Humanities Act, effective October 21, 1975, D.C. Law 1-22; D.C. Official Code § 39-203 (2013 Repl. and 2017 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. **STACIE LEE BANKS**, pursuant to the Commission on the Arts and Humanities Stacie Lee Banks Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0181, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2020.
2. **SUSAN CLAMPITT**, pursuant to the Commission on the Arts and Humanities Susan Clampitt Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0180, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2020.
3. **DARRIN GLYMPH**, pursuant to the Commission on the Arts and Humanities Darrin Glymph Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0178, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2018.
4. **MILES GRAY**, pursuant to the Commission on the Arts and Humanities Miles Gray Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0182, is appointed as a member of the Commission on the Arts and Humanities, replacing Kim Alfonso, for a term to end June 30, 2020.
5. **KAY KENDALL**, pursuant to the Commission on the Arts and Humanities Kay Kendall Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0179, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2018.

- 6. **MARY ANN MILLER**, pursuant to the Commission on the Arts and Humanities Mary Ann Miller Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0183, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2019.
- 7. **JOSEF PALERMO**, pursuant to the Commission on the Arts and Humanities Josef Palermo Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0186, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2020.
- 8. **MARIA HALL ROONEY**, pursuant to the Commission on the Arts and Humanities Maria Hall Rooney Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0185, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2020.
- 9. **JOSÈ ALBERTO UCLÈS**, pursuant to the Commission on the Arts and Humanities José Alberto Uclés Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0184, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2019.
- 10. **GRETCHEN WHARTON**, pursuant to the Commission on the Arts and Humanities Gretchen Wharton Confirmation Resolution of 2017, effective July 11, 2017, Resolution 22-0187, is reappointed as a member of the Commission on the Arts and Humanities, for a term to end June 30, 2018.
- 11. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to July 11, 2017.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

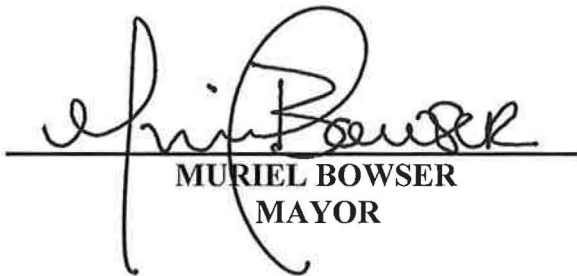
Mayor's Order 2017-196
August 30, 2017

SUBJECT: Appointment - Citizen Review Panel for Child Abuse and Neglect


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 sections 351 and 352 of the Prevention of Child Abuse and Neglect Act of 1977, effective April 12, 2005, D.C. Law 15-341; D.C. Official Code §§ 4-1303.51 and 4-1303.52 (2012 Repl.), it is hereby **ORDERED** that:

1. **ANN FRANKE** is appointed as the Chairperson of the Citizen Review Panel for Child Abuse and Neglect, replacing Damon King, to serve 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 2017-197
August 30, 2017

SUBJECT: Appointment and Reappointment — Sustainable Energy Utility Advisory Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, 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 203 of the Clean and Affordable Energy Amendment Act of 2008, effective October 22, 2008, D.C. Law 17-250; D.C. Official Code § 8-1774.03 (2013 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. **DONNA COOPER** is reappointed as the electric company member representative member of the Sustainable Energy Utility Advisory Board, for a term to end May 12, 2018.
2. **JOSHUA RICHARDS** is appointed as the environmental group representative member of the Sustainable Energy Utility Advisory Board, replacing Bernice Corman, to serve the remainder of an unexpired term ending on July 13, 2018.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-198
August 31, 2017

SUBJECT: Appointments - Comprehensive Homicide Elimination Strategy Task Force


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 501 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective March 26, 2016, D.C. Act 21-356, 63 DCR 4659 (April 1, 2016), it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Comprehensive Homicide Elimination Strategy Task Force, filling vacant seats, for terms to end January 31, 2018:
 - a. **JOHNNY ALLEM**, as a mental and behavioral health organization member.
 - b. **DIERDRE BROWN**, as an Advisory Neighborhood Commission member.
 - c. **SEAN GOUGH**, an education institution member.
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

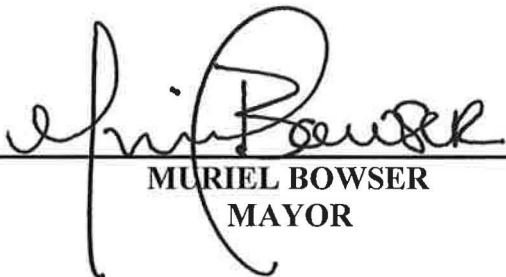
Mayor's Order 2017-199
August 31, 2017

SUBJECT: Appointment — Mayor's Advisory Committee on Child Abuse and Neglect


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 Mayor's Order 2012-164, dated October 3, 2012, as amended by Mayor's Order 2014-074, dated April 9, 2014, it is hereby **ORDERED** that:

1. **LIA WALKER** is appointed to the Mayor's Advisory Committee on Child Abuse and Neglect as a representative of the Child and Family Services Agency, replacing Jill Forbes, to serve 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

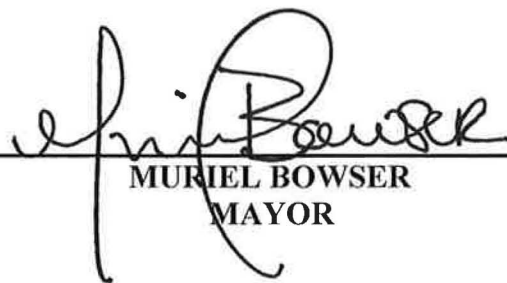
Mayor's Order 2017-200
August 31, 2017

SUBJECT: Appointments — State Early Childhood Development Coordinating 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.), and pursuant to section 107 of the Pre-k Enhancement and Expansion Amendment Act of 2008, effective March 8, 2011, D.C. Law 18-285; D.C. Official Code § 38-271.07 (2013 Repl.), it is hereby **ORDERED** that:

1. **SHANA BARTLEY** is appointed as a representative of an early childhood advocacy organization member of the State Early Childhood Development Coordinating Council ("**Council**"), filling a vacant seat, for a term to end May 19, 2019.
2. **ANNE GUNSTEENS** is appointed as a representative of the philanthropic community member of the Council, replacing John McKoy, for a term to end May 19, 2018.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-201
August 31, 2017

SUBJECT: Appointment — Construction Codes Coordinating Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2009-22, dated February 25, 2009, as amended by Mayor's Order 2012-32, dated February 29, 2012, it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Construction Codes Coordinating Board to serve at the pleasure of the Mayor:
 - a. **SUSAN BURNETT**, as an Office of the Construction Code Official member, replacing Jatinder Khokhar;
 - b. **JAY WILSON**, as a District Department of Energy and the Environment Designee member, replacing William Updike.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, SEPTEMBER 13, 2017
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Jake Perry, Donald Isaac, Sr.

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00046; Maydan, LLC, t/a Maydan, 1346 Florida Ave NW
License #106450, Retailer CT, ANC 1B
Application for a New License

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00044; City Tap 1250 DC, LLC, t/a City Tap House, 1250
Connecticut Ave NW, License #106537, Retailer CR, ANC 2B
Application for a New License
*This hearing has been continued to September 27, 2017 at 9:30 am., at the
request of the Parties.*

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00042; The V.I.P. Room, LLC, t/a The V.I.P. Room, 6201 3rd
Street NW, License #105823, Retailer CT, ANC 4B
Application for a New License

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00036; Big Bear Café, LLC, t/a Big Bear Café, 1700 First
Street NW, License #84379, Retailer CR, ANC 5E
**Substantial Change (Request a Rooftop Summer Garden Endorsement with
68 seats. Request an expansion the second floor with 65 seats and occupancy
of 85.**

Show Cause Hearing (Status) **9:30 AM**
Case # 16-AUD-00081; Zodiac Restaurant and Group, Inc., t/a Scion Restaurant
2100 P Street NW, License #82174, Retailer CR, ANC 2B
Failed to File Quarterly Statements

Board’s Calendar
September 13, 2017

Show Cause Hearing (Status) 9:30 AM
Case # 17-CMP-00029; TMI International, Inc., t/a Sip, 1812 Hamlin Street NE
License #95164, Retailer CT, ANC 5C
Noise Violation

Fact Finding Hearing* 10:00 AM
Case # 17-CMP-00431; Hopeful Lounge, LLC, t/a Peace Lounge, 2632 Georgia
Ave NW, License #106785, Retailer CT, ANC 1B
**Failed to Post License Conspicuously in the Establishment, Failed to Post
Window Lettering, Operating after Hours, Interfered with an Investigation**

Fact Finding Hearing* 10:30 AM
Case # 17-251-00132; Black Whiskey, LLC, t/a Black Whiskey, 1410 14th
Street NW, License #91434, Retailer CT, ANC 2F
Simple Assault

Show Cause Hearing* 11:00 AM
Case # 17-CC-00035; Foggy Bottom Grocery, LLC, t/a FoBoGro, 2140 F Street
NW, License #82431, Retailer B, ANC 2A
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal
Drinking Age, No ABC Manager on Duty**

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

Protest Hearing* 1:30 PM
Case # 17-PRO-00023; Adams Morgan Spaghetti Gardens, Inc., t/a Spaghetti
Garden Brass Monkey Peyote Roxanne, 2317-2319 18th Street NW, License
#10284, Retailer CR, ANC 1C
Application to Renew the License

Show Cause Hearing* 3:30 PM
Case # 17-CMP-00008; TMI International, Inc., t/a Sip, 1812 Hamlin Street NE
License #95164, Retailer CT, ANC 5C
Noise Violation

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

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, SEPTEMBER 13, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, September 13, 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-CMP-00460, Sip, 1812 Hamlin Street N.E., Retailer CT, License # ABRA-095164

2. Case# 17-AUD-00042, La Molienda, 3568 14th Street N.W., Retailer CR, License # ABRA-060398

3. Case# 17-AUD-00043, Hard Rock Café, 999 E Street N.W., Retailer CR, License # ABRA-014130

4. Case# 17-AUD-00044, El Tio, 3345 14th Street N.W., Retailer CR, License # ABRA-094140

5. Case# 17-AUD-00046, Beuchert’s Saloon, 623 Pennsylvania Avenue S.E., Retailer CR, License # ABRA-089616

6. Case# 17-CC-00089, Wagshal’s, 3201 New Mexico Avenue N.W., Retailer B, License # ABRA-092730

7. Case# 17-CC-00088, Fresh Fields Whole Foods Market, 1440 P Street N.W., Retailer B, License # ABRA-060167

8. Case# 17-AUD-00045, Hot and Juicy Crawfish, 2651 Connecticut Avenue N.W., Retailer CR,
License # ABRA-086226

9. Case# 17-CMP-00433, The Brixton, 901 U Street N.W., Retailer CT, License # ABRA-
082871

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, SEPTEMBER 13, 2017 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 4A. SMD 4A04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Serengeti*, 6210 Georgia Avenue NW, Retailer CR, License No. 022889.

2. Review Application for Safekeeping of License – Original Request. ANC 3G. SMD 3G06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *American City Diner*, 5532 Connecticut Avenue NW, Retailer DR, License No. 094922.

3. Review Application for Safekeeping of License – Original Request. ANC 2B. SMD 2B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Mandu*, 1805 18th Street NW, Retailer CR, License No. 075684.

4. Review Request to Extend Safekeeping of License – Seventh Request. Original Safekeeping Date: 7/1/2005. ANC 2F. SMD 2F05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *The Roberts Law Group, PLLC*, 1029 Vermont Avenue NW, Retailer CN, License No. 083728.

5. Review Request to Extend Safekeeping of License – Third Request. Original Safekeeping Date: 4/8/2015. ANC 1C. SMD 1C06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *TBD (456, LLC)*, 1723 Columbia Road NW, Retailer CT, License No. 098732.

6. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 3/1/2017. ANC 4B. SMD 4B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *S&S Liquors*, 6925 4th Street NW, Retailer A Liquor Store, License No. 072300.
-
7. Review of Involuntary Transfer from Golden Angel Trading, Inc. to Rhode Island Liquors, LLC. ANC 5B. SMD 5B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Golden Angel Trading Inc.*, 914 Rhode Island Avenue NE, Retailer A Liquor Store, License No. 097033.
-
8. Review Request for Change of Hours. ***Approved Hours of Operation:*** Sunday 8am to 9pm, Monday-Saturday 8am to 10pm. ***Approved Hours of Alcoholic Beverage Sales and Consumption:*** Sunday 9am to 9pm, Monday-Saturday 9am to 10pm. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Saturday 7am to 12am. ANC 1A. SMD 1A05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Target Store T-2259*, 3100 14th Street NW, Retailer B, License No. 078895.
-
9. Review Request for Change of Hours. ***Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Thursday 10pm to 2am, Friday-Saturday 10pm to 3am. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Thursday 10pm to 3am, Friday-Saturday 10pm to 4am. ANC 2B. SMD 2B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Heist*, 1216 18th Street NW, Retailer CN, License No. 105012.
-
10. Review Request for Change of Hours. ***Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Thursday 11am to 1am, Friday-Saturday 11am to 2am. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:*** Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Ping Pong*, 900 7th Street NW, Retailer CR, License No. 105730.
-
11. Review Application for Entertainment Endorsement to provide Live Entertainment. ***Proposed Hours of Live Entertainment:*** Sunday-Thursday 6pm to 2am, Friday-Saturday 6pm to 3am. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding

violations. No pending enforcement matters. No Settlement Agreement. **Ping Pong**, 900 7th Street NW, Retailer CR, License No. 105730.

12. Review Application for Entertainment Endorsement to provide Live Entertainment. **Proposed Hours of Live Entertainment:** Saturday and Sunday from 10:30am to 3:00pm (no entertainment on other days). ANC 6D. SMD 6D04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Del Mar**, 791 Wharf Street SW, Retailer CR, License No. 106119.
-

13. Review Application for Summer Garden with seating for 14 patrons. **Proposed Hours of Operation for Summer Garden:** Sunday-Saturday 6:30am to 2am. **Proposed Hours of Alcoholic Beverage Sales and Consumption for Summer Garden:** Sunday-Saturday 8am to 2am. ANC 6C. SMD 6C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Washington Court Hotel**, 525 New Jersey Avenue NW, Retailer CH, License No. 012644.
-

14. Review Request to expand the licensed premises into the ground floor of the building, adding 155 new seats thus increasing the seating capacity from 130 to 285. The Total Occupancy Load will increase from 145 to 325. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **10 Tavern & Grill**, 707 G Street, NW, Retailer CR, License No. 104739.
-

15. Review Application for Tasting Permit. ANC 5B. SMD 5B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Michigan Liquors**, 3934 12th Street NE, Retailer A Liquor Store, License No. 104222.
-

16. Review Application for Tasting Permit. ANC 5C. SMD 5C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Premium Distributors**, 3500 Fort Lincoln Drive NE, Wholesaler A, License No. 060290.
-

17. Review Application for Manager's License. **Normal Goodson**-ABRA 107523.

18. Review Application for Manager's License. *Joseph J. Madden*-ABRA 107614.

***In accordance with D.C. Official Code §2-547(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.**

D.C. COMMISSION ON THE ARTS AND HUMANITIES

2018 FULL COMMISSION MEETING SCHEDULE

The regular monthly meetings of the Board of Commissioners for the District of Columbia COMMISSION ON THE ARTS AND HUMANITIES is held in open session on the third or fourth Thursday of the month.

All meetings are held at Suite 1400 at 200 I Street SE Washington, D.C. A notice will be published in the D.C. Register for each meeting with a draft agenda.

The meeting dates for Calendar Year 2018 are:

- | | | |
|-----|--------------------|---------------|
| 1. | September 13, 2017 | 2:30PM-5:30PM |
| 2. | October 19, 2017 | 3:30PM-6:30PM |
| 3. | November 16, 2017 | 3:30PM-6:30PM |
| 4. | December 14, 2017 | 3:30PM-6:30PM |
| 5. | January 18, 2018 | 3:30PM-6:30PM |
| 6. | February 22, 2018 | 3:30PM-6:30PM |
| 7. | March 22, 2018 | 3:30PM-6:30PM |
| 8. | April 26, 2018 | 3:30PM-6:30PM |
| 9. | May 24, 2018 | 3:30PM-6:30PM |
| 10. | June 21, 2018 | 3:30PM-6:30PM |
| 11. | July 26, 2018 | 3:30PM-6:30PM |
| 12. | August 2018 | No Meeting |

This schedule is subject to change.

Inquiries concerning the meeting may be addressed to Dominique Marsalek, Legislative and Community Affairs Advisor, at 202.724.1474 or Dominique.Marsalek@dc.gov

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2018 Budget Enhancement Grants**

Pursuant to § 7132 of the FY 2018 Budget Support Act of 2017, the DC Commission on the Arts and Humanities (CAH) is soliciting grant applications to provide support to nonprofit organizations in the following categories:

- Support an existing multi-stage theater organization in the Uptown Arts – Mixed Use Overlay District, as defined in section 120 of Title 11-W of the District of Columbia Municipal Regulations (11-W DCMR § 120.1), seeking a matching grant to upgrade or renovate its existing facilities, including for the purpose of increasing public access to the facility; or
- Assist with capital improvements, such as replacing aging elevators and heating, ventilation, and air conditioning, at a theater in the Central Business District, as defined in Section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901), that offers Broadway-style musicals; or
- Provide support for infrastructure improvements, such as planting, planning, and outreach events, concerning the National Mall and its grounds, to a nonprofit organization dedicated to improving, preserving, and restoring the National Mall; or
- Provide a literary-enrichment program for District of Columbia Public Schools and District of Columbia public charter schools, which includes the provision of copies of literature and curricular materials and author visits for literary discussion with students; or
- Provide support to a nonprofit, tax-exempt organization dedicated to preserving burial grounds located in Georgetown, as well as the history of African-American cemeteries, for the purpose of markings and boundaries for such cemeteries and burial grounds and to make visible and definite the locations of graves and the identity of those buried in the graves; or
- Provide orchestral performances with supporting community engagement events, such as education events and symposia, in venues within the District, along with full-orchestra performances in the Kennedy Center; or
- Support an existing theater and museum organization in the Central Business District, as defined in Section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901), that is operated through a public-private partnership and explores the American experience through the intersection of history, performance, and education.

Organizations must be incorporated in the District, headquartered with a land address in the District of Columbia and have 501(c)(3) federal tax exemption status for at least one year prior to the application date in addition to other eligibility criteria listed in the program's guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), , and the Department of Employment Services (DOES), and the Internal Revenue Service (IRS) and demonstrate Clean Hands certification at the time of application.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based, in no particular order, on 1) Arts and Humanities Content, 2) DC Impact and Engagement, and 3) Financial Capacity, Management and Sustainability. All activities funded by the grant must occur between October 1, 2017 and be completed by September 30, 2018.

The Request for Applications (RFA) will be available electronically beginning Friday, September 22, 2017 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is Friday, October 20, 2017.

CAH will provide technical assistance workshops during the application period. To request a reasonable accommodation, please contact Kali Wasenko, External Engagement Specialist, at kali.wasenko@dc.gov or (202) 724-5613 at least 10 working days prior to the event.

For more information, please contact:

Heran Sereke-Brhan
Senior Grants Officer
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202)724-5613 or Heran.sereke-brhan2@dc.gov

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2018 Fall Grants Cycle**

The DC Commission on the Arts and Humanities (CAH) announces the availability of fiscal year 2018 fall grants programs. Grants supporting projects, events or festivals will be available for organizations and individuals. Additionally, CAH's new capacity-building program supporting nonprofit organizations with budgets under \$250,000 will be available during this grants cycle.

CAH provides grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Individuals must be least 18 years of age and reside in the District of Columbia for at least one year prior to the application date with the intention to maintain primary residence throughout fiscal year 2018 (October 1, 2017-September 30, 2018). Organizations must be incorporated in the District, headquartered with a land address in the District of Columbia and have 501(c)(3) federal tax exemption status for at least one year prior to the application deadline date in addition to other eligibility criteria listed in the program's guidelines. Applicants must also be a registered organization in good standing with the DC Department of Consumer and Regulatory Affairs (DCRA), Corporation Division, the Office of Tax and Revenue (OTR), the Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.

All eligible applications are reviewed through a competitive process. Evaluation criteria are based, in no particular order, on 1) Arts and Humanities Content, 2) DC Impact and Engagement, and 3) Financial Capacity, Management and Sustainability.

The Request for Applications (RFA) will be available electronically beginning Friday, September 22, 2017 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadlines for applications are on Friday, October 20, 2017.

CAH will provide technical assistance workshops during the application period. To request a reasonable accommodation, please contact Kali Wasenko, External Engagement Specialist, at kali.wasenko@dc.gov or (202) 724-5613 at least 10 working days prior to the event.

For more information, please contact:

Heran Sereke-Brhan
Senior Grants Officer
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202)724-5613 or Heran.sereke-brhan2@dc.gov

DISTRICT OF COLUMBIA COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF PUBLIC MEETING****Board of Commissioners**

The Board of Commissioners of the District of Columbia Commission on the Arts and Humanities (CAH) will be holding a Full Commission Meeting on Wednesday, September 13, 2017 at 2:30 p.m. The meeting will be held at 200 I St. SE, Washington D.C. 20003.

A final agenda will be posted to the CAH website at <http://dcarts.dc.gov/page/commissioner-meetings>. For further information, please contact the front desk at (202) 724-5613.

DRAFT AGENDA

- | | | |
|----|--------------------------------------|---------------------------|
| 1. | Call to Order | Chairperson |
| 2. | Adoption of the Agenda | All Commissioners Present |
| 3. | Adoption of Minutes | All Commissioners Present |
| 4. | Chairperson's Report | Chairperson |
| 5. | Executive Director's Report | Executive Director |
| 6. | Grant Procedure and Allocations Vote | All Commissioners Present |
| 7. | New Business and Announcements | All Commissioners Present |
| 8. | Adjournment | Chairperson |

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING**

TUESDAY, SEPTEMBER 19, 2017 AT 2:00 PM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Tuesday, September 19, 2017 at 2pm. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Property Offenses:
 - (A) First Draft of Report #8 Recommendations for Property Offense Definitions, Aggregation, Multiple Convictions
 - (B) First Draft of Report #9 Recommendations for Theft and Damage to Property Offenses
 - (C) First Draft of Report #10 Recommendations for Fraud and Stolen Property Offenses
 - (D) First Draft of Report #11 Recommendations for Extortion, Trespass, and Burglary Offenses
 - (E) Advisory Group Memo #12 Property Offense Supplementary Materials.
- III. Adjournment.

D.C. BILINGUAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY17.18:

- Maintenance & Repair Services
- Security/Traffic Services
- IT Support Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Wednesday, September 18, 2017**. Proposals should be emailed to bids@dcbilingual.org

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF FUNDING AVAILABILITY

FISCAL YEAR 2018

DC EARLY LITERACY INTERVENTION GRANTS

Request for Application (RFA) Release Date: Friday, September 22, 2017 (12:00 noon EST)

The Office of the State Superintendent of Education (OSSE) is soliciting grant applications for the District of Columbia Early Literacy Intervention Grant, as defined in the “Early Literacy Grant Program Amendment Act of 2015,” effective October 22, 2015 (D.C. Law 21-36; D.C. Code 38-2602(b)(24)), as amended. The purpose of this grant is to implement research-based early literacy interventions to increase proficiency of District students in the early grades. The overall goal of the Early Literacy Intervention Grant is to provide resources that will enable the grantee to partner with local education agencies (“LEAs”) in which they would provide direct, developmentally appropriate, research-based reading programs.

Eligibility: OSSE will make these grants available through a competitive process. An eligible entity must be a nonprofit community based organization that provides early literacy services. Applicants must be able to provide a full continuum of early literacy intervention services, through professionally coached interventionists, for all grades pre-K through 3rd grade consisting of developmentally appropriate components for each grade. Eligible applicants must also use a comprehensive evidence-based intervention model and must provide a rationale for the intervention based on data that demonstrates need. This funding is intended to build capacity and may not be used to supplant existing services. In addition, eligible applicants will be expected to demonstrate prior effectiveness through a rigorous program evaluation and will be expected to include an evaluation plan as a component of its application. Finally, eligible applicants must be able to provide direct services each day that school is in session and collect data on student progress monthly.

Local Educational Agencies (LEA) are not eligible for this funding, however eligible applicants must secure partnerships with the LEAs with which they intend to work and will be required to verify these partnerships.

Length of Award: The grant award period is two years, subject to continued availability of funding and compliance with the grant requirements.

Available Funding for Award: The total funding available for this award period is \$1,600,000 per grant year, subject to continued availability of funding. Each applicant may apply for up to \$1,600,000, per year.

An external review panel or panels will be convened to review, score, and rank each application. The review panel(s) will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. The application will be scored against a rubric

and each application will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). OSSE's Division of Elementary, Secondary, and Specialized Education will make all final award decisions.

For additional information regarding this grant competition, please contact:

La' Shawndra Scroggins, PhD
Director, Teaching and Learning
Elementary, Secondary, and Specialized Education Division
Office of the State Superintendent of Education
810 1st Street NE, 5th Floor
Washington, DC 20002
(202) 741-0264
La'Shawndra.Scroggins@dc.gov

The RFA and applications will be available in OSSE's Enterprise Grants Management System (EGMS) at www.grants.osse.dc.gov.

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

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 4A07

Petition Circulation Period: **Monday, September 11, 2017 thru Monday, October 2, 2017**

Petition Challenge Period: **Thursday, October 5, 2017 thru Thursday, October 12, 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**.

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 permits (Nos. 7172 and 7173) to the U.S. General Services Administration to construct and operate two identical dual fuel-fired (natural gas and No. 2 fuel oil) boilers with heat input ratings of 21.00 MMBtu/hr, to be located at the Central Utility Plant 2 (CUP2), Saint Elizabeths West Campus, 2701 Martin Luther King Jr., Ave. SE, Washington, DC. The contact person for the facility is Gaftie Marlow Jr., Project Manager, at (202) 380-8511.

The following two identical boilers are to be permitted:

Equipment Location	Address	Boiler Size	Boiler Model #	Permit Nos.
CUP2	2701 Martin Luther King Jr. Ave. SE, Washington, DC 20032	21.00 MMBtu/hr heat input	Hurst series 500	7172
CUP2	2701 Martin Luther King Jr. Ave. SE, Washington, DC 20032	21.00 MMBtu/hr heat input	Hurst series 500	7173

The proposed emission limits are as follows:

- a. Each of the boilers (identified as Boiler #1 and Boiler #2) shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Pollutant	Short-Term Limit (Natural Gas) (lb/hr)	Short-Term Limit (No. 2 Fuel Oil) (lb/hr)
Carbon Monoxide (CO)	1.73	0.75
Oxides of Nitrogen (NO _x)	0.75	3.00
Total Particulate Matter (PM Total) ¹	0.15	0.49
Sulfur Dioxide (SO ₂)	0.01	0.03

¹PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boilers, 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]

Note that 20 DCMR 606 is subject to an EPA-issued call for a State Implementation Plan (SIP) revision (known as a "SIP call") requiring the District to revise 20 DCMR 606. See

“State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction”, 80 Fed. Reg. 33840 (June 12, 2015). It is likely that this federal action will result in changes to the requirements of 20 DCMR 606. Any such changes, once finalized in the DCMR, will supersede the language of Condition II(b) as stated above.

- c. Total suspended particulate matter (TSP) emissions from the each of the boilers shall not be greater than 0.085 pounds per million BTU. [20 DCMR 600.1].
- d. NO_x emissions from each boiler shall not exceed 300 ppm by volume, dry basis, corrected to 3% oxygen when firing natural gas.
- e. 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]
- f. NO_x and CO emissions shall not exceed those achieved with the performance of annual combustion adjustments on each boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the boilers with the following characteristics [20 DCMR 805.8(a) and (b)]:
 - 1. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
 - 2. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;
 - 3. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
 - 4. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in Condition II of this permit.

The estimated maximum potential emissions from each of the boilers are as follows:

Note that these estimated emissions assume that the equipment operates for the maximum allowable 200 hours per year on No. 2 fuel oil (a limit established in the permit) and the rest of the year on natural gas.

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	7.65
Oxides of Nitrogen (NO _x)	3.54
Total Particulate Matter (PM Total)	0.74

Pollutant	Maximum Annual Emissions (tons/yr)
Volatile Organic Compounds (VOC)	0.51
Sulfur Dioxide (SO ₂)	0.053

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

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

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

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
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 October 9, 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 permits (Nos. 7174, 7175, and 7176) to the U.S. General Services Administration to construct and operate two 3,500 kWe Cummins emergency generator sets and one 2,500 kWe Caterpillar emergency generator set (listed below), to be located at the St. Elizabeths West Campus, 2701 Martin Luther King Jr., Ave. SE, Washington DC. The contact person for the facility is Gaftie Marlow Jr., Project Manager, at (202) 380-8511.

The following emergency generator sets are to be permitted:

Equipment Location	Generator Name	Generator Model	Generator Output (kWe)	Engine Size (hp)	Fuel Type	Permit Number
Central Utility Plant 2	Emg Gen 1	C3500 D6e	3,500	5,051	No. 2 Fuel Oil	7174
Central Utility Plant 2	Emg Gen 2	C3500 D6e	3,500	5,051	No. 2 Fuel Oil	7175
Central Utility Plant 2 Roof	Emg Gen 4	3516C	2,500	3,633	No. 2 Fuel Oil	7176

The proposed emission limits are as follows:

- a. Emissions from each of the generator sets 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].

Note that 20 DCMR 606 is subject to an EPA-issued call for a State Implementation Plan (SIP) revision (known as a “SIP call”) requiring the District to revise 20 DCMR 606. See “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown

and Malfunction”, 80 Fed. Reg. 33840 (June 12, 2015). It is likely that this federal action will result in changes to the requirements of 20 DCMR 606. Any such changes, once finalized in the DCMR, will supersede the language of Condition II(b) as stated above.

- c. In addition to Condition II(b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
 - 1. 20 percent during the acceleration mode;
 - 2. 15 percent during the lugging mode; and
 - 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 sets are as follows:

Pollutant	Maximum Annual Emissions from Emg Gen 1 (tons/yr)	Maximum Annual Emissions from Emg Gen 2 (tons/yr)	Maximum Annual Emissions from Emg Gen 4 (tons/yr)
Carbon Monoxide (CO)	2.03	2.03	1.45
Oxides of Nitrogen (NO _x)	3.70	3.70	2.65
Total Particulate Matter (PM Total)	0.12	0.12	0.08
Volatile Organic Compounds (VOC)	0.25	0.25	0.18
Sulfur Dioxide (SO ₂)	0.004	0.004	0.003

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

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

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

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
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 October 9, 2017 will be accepted.

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

FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Friendship Public Charter School is seeking bids from prospective vendors to provide;

- Compensation Design Consulting Services for a multi-campus Charter School network
- Temporary Staffing Firm Services to assist in recruiting short and long term substitute teacher placements
- Online Curriculum Services for 9th through 12th grade that align with Common Core Standards
- Marching Band Uniforms and supplies
- Catering for Friendship Schools 2017 Staff Holiday Celebration

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, Tuesday, October 3rd, 2017. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org.

DEPARTMENT OF HEALTH
HEALTH REGULATION LICENSING ADMINISTRATION
NOTICE OF MEETING

Board of Chiropractic

September 12, 2017

On September 12, 2017 at 9:00 am, the Board of Chiropractic will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed at 2:30 pm to consult with the attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to 2-575(b)(4)(a); Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section 2-575(b)(6); To discuss disciplinary matters pursuant section 2-575(b)(9); To plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of the law or regulations, if disclosure to the public would harm the investigation pursuant to section 2-575(b)(14).

The meeting will be open to the public at 1:30 pm to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations at 2:30 pm.

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 Chiropractic website www.doh.dc.gov/boc and select BOC Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board of Chiropractic – Frank Meyers, JD - (202) 724-8755.

D.C HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

NOTICE OF CLOSED MEETING

Homeland Security Commission

September 15, 2017

1:00 p.m.-3:00 p.m.

2720 Martin Luther King Junior Ave, South East

Washington D.C 20032

Executive Conference Room

On September 15, 2017 at 1:00 p.m., the Homeland Security Commission (HSC) will hold a closed meeting for the purpose of discussing the annual report.

The meeting will be held at 2720 Martin Luther King Junior Ave, South East Washington D.C 20032, in the Executive Conference Room.

For additional information, please contact Sarah Case-Herron, Deputy Assistant Director, by phone at 202-481-3107, or by email at sarah.case-herron@dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, September 13, 2017 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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|--|---------------------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Government Affairs: Update | Government Relations
Manager |
| 3. Update on the Compliance Monitoring Program | TBD |
| 4. Update on the Workforce Development Program | Contract Compliance Officer |
| 5. Emerging Issues | Committee Chairperson |
| 6. Agenda for Upcoming Committee Meeting (TBD) | Committee Chairperson |
| 7. Executive Session | |
| 8. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, September 13, 2017 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

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

DRAFT AGENDA

- | | |
|----------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Other Business | |
| 3. Executive Session | Committee Chairperson |
| 4. Adjournment | Committee Chairperson |

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

Application No. 19450 of D.C. Department of General Services, as amended, pursuant to 11 DCMR Subtitle X, Chapters 9 and 10, for a special exception under the RA-use requirements of Subtitle U § 420.1(f) and variances from the number of primary structure requirements of Subtitle C § 302.2, the loading requirements of Subtitle C § 901.1, and the height and number of stories requirements of Subtitle F § 303.1 to allow a six-story emergency shelter in the RA-1 Zone at premises 3320 Idaho Avenue N.W. (Square 1818, Lot 849), and pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle U § 203.1(j) to allow accessory parking on Lot 848 in Square 1818.¹

HEARING DATE: March 1, 2017
DECISION DATE: April 5, 2017

DECISION AND ORDER

This self-certified application was submitted on January 3, 2017 by the District of Columbia Department of General Services, the owner of the property that is the subject of the application (the “Applicant”). The application, as subsequently amended, requested special exception relief to allow an emergency shelter and area variance relief from requirements relating to building height in feet and number of stories, loading, and the location of two principal buildings on a single lot of record in the RA-1 Zone at 3320 Idaho Avenue, N.W. (Square 1818, Lot 849), as well as special exception relief to allow accessory parking not on the same lot as the principal use. Following a public hearing, the Board of Zoning Adjustment (“Board”) voted to grant the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated January 4, 2017, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District

¹ The caption has been modified to reflect a change in the relief initially requested. A request for special exception relief from the parking requirement for the emergency shelter use under Subtitle C § 703.1 was withdrawn by the Applicant, and the application was amended to add a request for special exception relief under Subtitle U § 203.1(j) to allow accessory parking elsewhere than on the same lot as the principal use for the temporary relocation of parking for the Metropolitan Police Department from the subject property to the adjoining lot until completion of a new parking garage on the subject property to serve both the Metropolitan Police Department and the emergency shelter.

Department of Transportation (“DDOT”); the Department of Human Services (“DHS”); the Councilmember for Ward 3 as well as the Chairman and the four at-large members of the D.C. Council; Advisory Neighborhood Commission 3C (the ANC”), the ANC in which the subject property is located; and Single Member District/ANC 3C06. Pursuant to 11 DCMR Subtitle Y § 402.1, on January 5, 2017 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, the Councilmember for Ward 3, ANC 3C, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on January 13, 2017 (64 DCR 330).

Party Status. The Applicant and ANC 3C were automatically parties in this proceeding. The Board granted a request for party status in opposition to the application from Neighbors for Responsive Government (“NRG”), a group of residents living near the subject property.

Applicant’s Case. The Applicant provided evidence and testimony about the proposed emergency shelter from witnesses including Rashad M. Young, the City Administrator; Laura Green Zeilinger, the Director of the District Department of Human Services and an expert in matters relating to homelessness, including best practices in providing services for the homeless; Greer Gillis, the Director of the Department of General Services; Joseph McNamara, the principal architect of the proposed emergency shelter building and an expert in architecture; and Nicole White, an expert on matters related to traffic and transportation.

The Chairman of the Council of the District of Columbia, Phil Mendelson, testified “to present the public policy underlying [the application], to explain the process behind [the Council’s site selection] decision, and to state the Council’s support for these sites [selected by the Council] for emergency shelters.” (Exhibit 224.)

OP Report. By memorandum dated February 17, 2017, the Office of Planning recommended approval of the zoning relief initially requested by the Applicant. (Exhibit 124.) At the public hearing, OP also recommended approval of the special exception requested by the Applicant to allow the temporary relocation of accessory parking. (Hearing Transcript (“Tr.”) of March 1, 2017 at 110.)

DDOT. By memorandum dated February 16, 2017, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 125.) At the public hearing, DDOT also indicated no objection to the Applicant’s proposed temporary relocation of the accessory parking. (Tr. at 111.)

Other Agency Reports. By letter to the Applicant dated February 17, 2017, the Zoning Administrator recognized the planned use of the new building to provide “up to 50 units of emergency housing for families experiencing homelessness.” The Zoning Administrator concluded that the “proposed use satisfies the definition of ‘emergency shelter,’ as that term is defined in Subtitle B § 100.2” of the Zoning Regulations. The Zoning Administrator’s letter also confirmed that the zoning relief needed for the project was the same relief that the Applicant had self-certified in the application: special exceptions to allow an emergency shelter and to relocate accessory parking spaces currently located on the subject property, and area variances to build a building exceeding 40 feet in height and three stories, not to provide a loading berth or a service/delivery area, and to allow a second primary structure on the property. (Exhibit 202A.)

The Board received letters indicating no objection to the proposed emergency shelter from the Second Police District of the Metropolitan Police Department (“MPD”), whose headquarters are located at the subject property (Exhibit 75B), and from the D.C. Homeland Security and Emergency Management Agency (Exhibit 75C), the D.C. Fire and Emergency Medical Services Department (Exhibits 75D, 209), and the District of Columbia Public Schools (Exhibit 189).

The U.S. Commission of Fine Arts (“CFA”) submitted comments by letter dated February 24, 2017, indicating that CFA had reviewed concept designs for the Ward 3 shelter and commending “this innovative building program that recognizes the value of decentralized short-term housing and provides residents with safe and dignified accommodations.” The CFA members “strongly endorsed the overall goal of building transitional housing for homeless families in established residential neighborhoods, and they expressed support for the development of programmatic and operational guidelines for these facilities.” (Exhibit 206.)

With respect to the proposed Ward 3 emergency shelter, the members of the Commission of Fine Arts commented that “the new building would act as a transitional structure between single-family houses and adjacent blocks of larger institutional buildings, and they agreed that a multi-family project here could be sympathetic with the context of the neighborhood.” However, the CFA members also “observed that the programmatic ideal of ten families per floor has resulted in a design that is too tall for its immediate context of single-family houses and a low-rise police station,” and consequently “suggested more flexibility in the programmatic guidelines for the building itself, commenting that other configurations – such as a two-wing floor plate with clusters of seven to ten units separated by common spaces – could allow for a lower building with a larger footprint.” (Exhibit 206.)

ANC Report. By resolution dated February 21, 2017, ANC 3C indicated that, at a properly noticed public meeting on the same date with a quorum present, the ANC adopted a report

partially in support of and partially in opposition to the application. The ANC also provided testimony at the public hearing.

In its resolution, ANC 3C expressed support for creating temporary housing in Ward 3 in furtherance of the Homeward DC initiative, but expressed concern that “the unusual proposal to co-locate the Ward 3 shelter with the Second District police station and build a three-deck parking garage behind the station raises issues regarding...the potential degradation of the Newark Street playground, tennis courts and community garden, which are public community assets....” The ANC also raised concerns about the planned height of the building, the potential impacts of the emergency shelter use on the nearby public elementary school, and with respect to noise from a shelter playground and “multiple per week trash pick-ups adjacent to single-family residences....” ANC 3C opposed the requested special exception to relocate MPD’s accessory parking, which the ANC described as “an extreme way to deal with a short-term problem” that could be addressed in a less costly and less disruptive manner. (Exhibit 170.)

Party in Opposition. Neighbors for Responsive Government stated “concerns about the *size and scope* of the proposed shelter structure on this particular site, and about the impact of its size and scope on neighbors and the community at large.” (Exhibit 164A1; emphasis in original.) The party in opposition also objected to the number of residents at the planned shelter, which would be “more than *45 times as many residents* as permitted as a [matter] of right under current zoning regulations.” (Exhibit 164A1; emphasis in original.) NRG asserted that approval of the application would authorize construction of

this enormous facility without [the Applicant’s] having conducted a reasonable inquiry into alternative sites, with no loading dock of any kind, without having developed a plan for essential police parking during construction, and without properly ameliorating the noise, traffic, and congestion that the addition of 185 residents plus visitors and more than a dozen staff on a single lot will bring to this otherwise quiet residential neighborhood, to neighborhood playgrounds, and to the local elementary school.

(Exhibit 164A1.)

The party in opposition argued against approval of the variances requested by the Applicant, partly on the ground that none of the variances could be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan. NRG also opposed the special exception requested by the Applicant to allow relocation of MPD’s accessory parking because, according to NRG, the Applicant had not satisfied the burden of proof or other requirements for approval of the relief. In opposing the application, NRG

argued that all the zoning relief requested in the application “relates directly to problems with the site that [the Applicant] has selected for its Ward 3 shelter,” and the “fundamental flaws in the selected site do not justify the massive zoning incompatibilities between the proposed shelter, zone RA-1 and the surrounding neighborhood.” (Exhibit 164A1.)

Persons in support. The Board received letters and heard testimony from persons in support of the application. The persons in support generally cited the need for the emergency shelter and stated that the subject property was an appropriate location for the use, that the size and operation of the planned shelter would not be objectionable, and that the emergency shelter use would not generate adverse impacts in the surrounding neighborhood, including with respect to parking and neighborhood character, given the mix of building heights and types in close proximity to the site as well as the buffers that would separate the emergency shelter from residences in low-density areas nearby.

Person in opposition. The Board also received letters and heard testimony from persons in opposition to the application. The persons in opposition commented unfavorably on the site selection process for the proposed emergency shelter use and the cost of the facility. With respect to the proposed emergency shelter use, the persons in opposition generally objected to the size of the proposed building, in terms of both its height and the number of units, and asserted that the location of the shelter on the subject property would cause adverse impacts with respect to traffic, parking, noise, light pollution, and privacy; would interfere with MPD operations and overcrowd a nearby public elementary school; would destroy nearby community gardens, parks, and tennis courts; and would not be consistent with zoning requirements or with the character of the surrounding neighborhood.

FINDINGS OF FACT

1. The subject property is a large parcel located on the southwest corner of the intersection of Idaho Avenue and Newark Street, N.W. (Square 1818, Lot 849).
2. The subject property is irregularly shaped but generally rectangular, with approximately 429 feet of frontage on Idaho Avenue. The lot area is 200,965 square feet.
3. The subject property is improved with a three-story building used as the headquarters of the Second District of the Metropolitan Police Department. The MPD building fronts on Idaho Avenue on the northern portion of the parcel. A refueling station, for use by police and other public service vehicles, is located at the northwest corner of the property. A parking lot, providing 157 parking spaces and an impound lot, is located on the same lot to the west and south of the MPD building.

4. The adjoining parcel to the west of the subject property, known as Lot 848, is owned by the federal government. Lot 848 is used as small garden plots known as “community gardens,” play areas, and tennis courts. The western portion of the subject property, almost half of the parcel, is also used as community gardens and a play area. Several tennis courts are located south of the community gardens; one is located on the subject property and the others are located on Lot 848.
5. An L-shaped brick fence or wall, up to 10 feet high, extends from Newark Street to a point approximately 24 feet from the southern edge of the property and then east toward Idaho Avenue. The fence separates the MPD parking lot from the community gardens and adjoining residential area.
6. The subject property slopes down from Newark Street to the south, and from Idaho Avenue at the site of the planned emergency shelter down toward the community gardens to the west. A topographic survey provided by the Applicant indicates a change in elevation of 18 feet from north to south on the subject property. (Exhibit 75A1, p. 3.) The western portion of the subject property, on the west side of the retaining wall, drops “considerably at the south end of the site.” (McNamara, Tr. at 55.)
7. The subject property is located within convenient walking distance of Metrobus stops on Idaho, Wisconsin, and Massachusetts Avenues. Three Red Line Metrorail stations are located within a mile of the site. (Exhibit 37.)
8. Bicycle- and car-sharing options are accessible within two blocks of the subject property. Bicycle facilities in the area include cycle tracks and shared bicycle lanes on several nearby streets. (Exhibit 37.)

Program needs

9. More than 7,000 persons experience homelessness in the District of Columbia on any given night. (Exhibit 228.) They currently include 941 families in emergency shelter, including approximately 600 families now staying in “overflow” hotels. (Zeilinger, Tr. at 91.) Almost half of the families now served in emergency shelters are headed by a parent – usually a mother age 24 or younger – with infant children. (Exhibit 227.) Approximately 60 percent of residents at emergency shelters are children. (Exhibit 2.)
10. The Department of Human Services administers the Homeless Services Reform Act of 2005 (“Homeless Services Reform Act”), effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-751.01 *et seq.*), which established requirements for the delivery of publicly funded services for homeless persons and specified that eligible clients had the right to shelter in certain severe weather conditions. The District was required to

make available appropriate space in District of Columbia public or private buildings and facilities for any person in the District who was homeless and could not access other shelter. The Mayor was directed not to place homeless families in non-apartment style shelters. (D.C. Official Code §§ 4-753.01, 4-754.11.)

11. The Homeless Services Reform Act specified that the District's provision of homeless services must be based on a Continuum of Care that offers a comprehensive range of services through various member agencies and is designed to meet the specific, assessed needs of individuals and families who are homeless or at imminent risk of becoming homeless. (D.C. Official Code § 4-753.01.) The District is required to respond to the changing needs of individuals and families by ensuring that transfer between and among services within the Continuum of Care is fluid and allows clients to modify the intensity of services they receive to meet their needs, preferences, and changing circumstances. (D.C. Official Code § 4-753.01(a).)
12. The Continuum of Care may include a range of services, including (a) shelter to meet the housing needs of individuals and families who are homeless through the provision of temporary shelter for families for the purpose of meeting short-term housing needs and other supportive service needs, and (b) supportive services for the purpose of providing families who are homeless or at imminent risk of becoming homeless with services that address their housing, employment, physical health, mental health, alcohol and other substance abuse recovery, child care, case management, transportation, and other health and social service needs which, if unmet, may be barriers to obtaining or maintaining permanent housing. These services may be delivered through shelters. (D.C. Official Code §§ 4-753.01(b)(3)(C), 4-753.01(b)(5).)
13. The Homeless Services Reform Act created the D.C. Interagency Council on Homelessness ("ICH") for the purpose of facilitating interagency, cabinet-level leadership in planning, policymaking, program development, provider monitoring, and budgeting for the Continuum of Care of homeless services. (D.C. Official Code § 4-752.01(a).) The ICH is chaired by the City Administrator and is charged with providing leadership in the development of strategies and policies that guide the implementation of the District's policies and programs for meeting the needs of individuals and families who are homeless or at imminent risk of becoming homeless. (D.C. Official Code §§ 4-752.01(a), 4-752.01(a).)
14. The District previously sheltered homeless families at the D.C. Village shelter "in conditions described as 'overcrowded,' 'pest infested,' and 'inhumane'" until beginning to shelter families at D.C. General, a former hospital that "was not intended to be used for the purpose of sheltering families," in 2007. The D.C. General family shelter was intended as a temporary measure but "remains the District's primary emergency family shelter, housing 250 to 300 families experiencing homelessness. (Exhibit 225.)

15. In 2015 the Interagency Council on Homelessness participated in the development of Homeward DC, the District’s strategy to end homelessness. Homeward DC is a five-year strategic plan to prevent and end homelessness that was devised based on research and experience and in recognition of best practices and evidence-based models from across the country. Homeward DC calls for the development of “service-enriched, community-based shelters” that are smaller in scale than the D.C. General family shelter, which is proposed to be closed by the 2019-2020 hypothermia season. According to DHS, the temporal aspect of the Homeward DC goal is critically important from a cost perspective and to provide suitable shelter for families who are experiencing homelessness. (Exhibits 227, 228; Zeilinger, Tr. at 35.)
16. Two principal components of Homeward DC are the need to provide a total of 280 residential units to replace the D.C. General family shelter, and the need to provide emergency shelters that will serve families in a smaller, more dignified environment than is provided at the D.C. General family shelter. Each new community-based shelter was intended to be “economically feasible and able to be developed within a 24-30 month timeline,” and located on a site close to Metrobus transportation and other services and amenities. (Exhibits 227, 228.)
17. By letter dated September 18, 2015, Mayor Muriel Bowser transmitted legislation to the Council entitled the “Advancing Year Round Access to Shelter Policy and Prevention of Homelessness Amendment Act of 2015 (now known as "Interim Eligibility and Minimum Shelter Standards Act of 2015") (“the Interim Eligibility Act”).
18. The Committee Report for the bill² explained the need for the legislation as follows:

[t]he problems with D.C. General as a shelter are myriad.... The size of this facility has proven difficult to manage. Moreover, the building is old and outdated with basic systems that work poorly and are costly to maintain, including its heating, cooling, electrical, and water systems. In addition, the facility has been reported to be infested with pests and vermin. Also, outbreaks of scabies and reports of filthy communal bathrooms have been made. Further, reports of drug dealing and fights in and around the facility are rampant.... [N]umerous complaints of staff misconduct ... have been made.

(Exhibit 225.)
19. The Committee Report indicated that there was “widespread agreement that D.C. General

² Council of the District of Columbia, Committee of the Whole, Committee Report on Bill 21-352, “Interim Eligibility and Minimum Shelter Standards Amendment Act of 2015.”

is inadequate to meet the needs of families experiencing homelessness and should be closed.” The report noted that Mayor Vincent Gray had “offered a plan to replace D.C. General with a network of smaller shelters located throughout the city” in 2014. In order to implement this model Mayor Bowser sought Council “authorization to depart from the existing legal preference to provide apartment-style shelter” and instead “to utilize private room units to replace D.C. General.”

20. The Committee Report emphasized that “the District’s strategy should be not only to close D.C. General, but to replace the inappropriate existing facilities with new facilities that meet the needs of those they serve and to do so in a way that adheres to the standards of dignity we expect as a government. Thus ... we should also seek to provide our homeless population with housing that is safe, humane, and in the interest of public health.”
21. As enacted, the Interim Eligibility Act, *inter alia*, amended the Homeless Shelter Reform Act to authorize the Mayor to provide shelter to a family in a private room meeting certain minimum standards and constructed for the purpose of closing the D.C. General family shelter.
22. Those private rooms are referred to as “DC General Family Shelter replacement unit”, a term defined as “a private room that includes space to store and refrigerate food and is constructed by or at the request of the District for the purpose of sheltering a homeless family.” (D.C. Official Code § 4-751.01(11A).) A “private room” is defined as a part or division of a building that has: (A) four continuous non-portable walls meeting both the ceiling and floor; (B) a door that locks from both the inside and outside as its main point of access; (C) sufficient insulation from sound; (D) lighting within the room that the occupants can turn on or off as desired; and (E) access to on-site bathroom facilities, including a toilet, sink, and shower. (D.C. Official Code § 4-751.01(28A).)
23. Buildings composed of D.C. General Family Shelter replacement units (“Replacement Units”) must include, at minimum, a private bathroom – including a toilet, sink, and bathtub or shower – in at least 10 percent of the Replacement Units. One private, lockable bathroom that includes a toilet, sink, and bathtub and is accessible to all residents must be provided for every five Replacement Units. At least two multi-fixture bathrooms must be provided per floor, with multiple toilets, sinks, and showers. (D.C. Official Code § 4-753.01(d)(3).)
24. The Mayor was directed to maintain a minimum of 280 D.C. General Family Shelter Replacement Units in the District’s shelter inventory, once the Replacement Units were constructed. (D.C. Official Code § 4-753.01(d)(5).)
25. In 2016 Mayor Muriel Bowser announced an initiative entitled “A Plan to Close D.C. General: Short Term Family Housing in All 8 Wards.” The plan called for the

- replacement of the family shelter at the former D.C. General Hospital with smaller shelters on sites throughout the District. (Exhibits 124, 224.)
26. Under the 2016 initiative to close the D.C. General family shelter and establish new emergency shelters with a maximum of 50 family units each, the Mayor proposed seven sites as potential locations for the new shelters, and proposed to build some of the shelters on sites leased by the District. (Exhibit 224.)
 27. The sites proposed by the Mayor were identified after the District undertook a search for properties in each ward that could meet the relevant criteria: that is, sites capable of providing a total of at least 280 units, so as to replace the emergency shelter at D.C. General; were economically feasible; were close to public transportation and other services and amenities; and could be developed within 24 to 30 months. The search considered District-owned properties as well as properties to purchase or lease. (Exhibit 228.)
 28. In Ward 3, the Mayor selected, as the site for a new emergency shelter, a parcel at 2619 Wisconsin Avenue, N.W.
 29. Under District law, the Mayor could not proceed with the leases, land acquisition, and construction proposed without Council approval.
 30. Therefore, through a letter from Mayor Muriel Bowser to Council Chairman Mendelson, dated February 11, 2016, The Mayor proposed legislation, entitled the “Homeward DC Omnibus Approval of Facilities Plan for Short-term Housing for Persons Experiencing Homelessness Act of 2016,” to seek Council approval for the Mayor’s acquisition and construction plan and for certain proposed transactions for the development of short-term housing facilities for families and individuals experiencing homelessness.
 31. In her letter Mayor Bowser “committed to closing DC General” and recognized that, to do so, “we need alternative, safe, and dignified places for families experiencing homelessness,” noting that “[b]est practices suggest that children and families do best when short-term housing is provided in smaller-scale, service-enriched, community-based settings.” The Mayor proposed legislation so that the Council could “express support for and intent to approve impending contracts for short-term housing for persons experiencing homelessness [and to] specify the process for Council approval of these contracts The Mayor stated that

It is critical that the Council express its intent to approve the proposed leases and construction contracts in advance, so that the Department of General Services will be able to complete negotiations of the leases and advance the process for construction contracts. It is imperative that the

District provide developers with a demonstrated commitment to ensure their willingness to assume risk for advancing designs, securing financing and initiating predevelopment activities.

32. The transactions included a lease between the District and Glover Park Developers LLC for a facility in Ward 3 for approximately 40 families experiencing homelessness, at a cost of approximately \$2.1 million annually, consistent with a letter of intent entered into between the District and Glover Park Developers LLC, dated December 10, 2015. (Homeward DC Omnibus Approval of Facilities Plan for Short-term Housing for Persons Experiencing Homelessness Act of 2016, Sec. 2(a)(2).)
33. The Council of the District of Columbia endorsed aspects of the Mayor's plan – especially the intention to end use of D.C. General as an emergency shelter for families – but “disagreed with three of the seven sites proposed by the Mayor, and disagreed with the economics of the Mayor's plan – namely that five of the seven sites would be leased” On March 17, 2016, the Council held a public hearing to address site selection for the emergency shelters, which lasted almost 12 hours and for which more than 80 citizens registered to testify. In May 2016, the Council voted unanimously to direct the Mayor to change three of the sites selected for new shelters – among them the site in Ward 3 – and “to change the economic structure of the plan so that all of the sites would be owned, not leased” by the District. The Council also appropriated a capital budget of \$125 million for the plan. (Exhibit 224; Mendelson, Tr. at 17.)
34. The Councilmembers received suggestions for alternative sites at the public hearing and subsequently, including at least three potential locations for the Ward 3 shelter. As described in the testimony of Council Chairman Phil Mendelson, the Council “considered a number of suggested locations.” The subject property “was considered the best for various reasons,” including “the easiest” site acquisition, since the property was “already city-owned, and this, in turn meant site acquisition would be the least expensive.” Other factors supporting the selection of the subject property included its size; its access to public transportation and to grocery and other stores; and its proximity to fewer single-family homes than the other sites under consideration. The Council concluded that “[w]hen all of the factors ... [were] taken together, all of the suggested locations, including the Mayor's proposal [for a site on Wisconsin Avenue], were less reasonable” for the proposed shelter than the subject property. The Council endorsed the selection of the subject property and found no other reasonable sites for an emergency shelter in Ward 3. (Exhibit 224; Mendelson, Tr. at 17-18, 22.)
35. The “Homeward DC Omnibus Approval of Facilities Plan for Short-Term Housing for Persons Experiencing Homelessness Act of 2016” was renamed the “Homeless Shelter Replacement Act of 2016.” In its report on the Act (Bill 21-620), the Council stated that Bill 21-620 presented “a clear plan for how the District will replace D.C. General and,

notably, will be fully funded through Bill 21-668, the *Fiscal Year 2017 Local Budget Act of 2016*. The Council report also stated that Bill 21-620 was

a strong statement of the District's commitment to making homelessness rare, brief, and non-recurring and that doing the right thing can be done in a manner that is both an effective and efficient use of the District's financial resources and capital assets. The District's strategy cannot be simply to close D.C. General, but to close and replace D.C. General with new facilities and a full complement of services and supports that truly meet the needs of families experiencing homelessness.

(Exhibit 225.)

36. The Homeless Shelter Replacement Act of 2016 (D.C. Law 21-141, effective July 29, 2016; D.C. Official Code § 4-754.01 Note) authorized the Mayor, at Section 3(a), to use designated funds to provide temporary shelter for families experiencing homelessness by constructing six facilities containing D.C. General Family Shelter replacement units, as defined in The Homeless Services Reform Act, to replace the D.C. General family shelter. Section 3(a)(2) authorized the Mayor "to use funds appropriated for capital project HSW03C—Ward 3 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing up to 50 DC General Family Shelter replacement units on District-owned land at 3320 Idaho Avenue, N.W., Square 1818, Lot 849" The Act appropriated up to \$100 million for the specified purposes. (Section 3(b).) The Mayor was authorized to use funds appropriated for capital project THK16C – Temporary and Permanent Supportive Housing Pool Project for any acquisition or construction authorized by the Act, the cost of which exceeded the amount appropriated for HSW03C – Ward 3 Shelter. (Section 3(c).)
37. The Homeless Shelter Replacement Act reflected the Council's findings, in Section 2, that:

Best practices suggest that children and families do best when short-term housing is provided in smaller-scale, service-enriched, community-based settings, and it is therefore in the best interest of the District to replace the DC General Family Shelter with a series of facilities throughout the District that provide temporary shelter. (Paragraph 4.)

To close the DC General Family Shelter ... the District needs to construct new facilities that are safe and dignified spaces for families experiencing homelessness. (Paragraph 6.)

It is in the best interest of the District to construct these new temporary-shelter facilities on District-owned land, in part to avoid the disruption to the provision of services in the continuum of care that would accompany the eventual expiration of leases. (Paragraph 7.)

38. The D.C. Council's Committee Report on Bill 21-620, "*Homeless Shelter Replacement Act of 2016*," provides an overview of homelessness in the District of Columbia and the "new approach to sheltering families experiencing homelessness." The report notes that replacement of the D.C. General family shelter by "a similar number of new family units, but in smaller facilities purposely designed with the intention of housing families experiencing homelessness will immediately eliminate some of the most pressing problems that exist at D.C. General" in part because "smaller facilities with fewer families will likely be easier to manage." The Committee Report concludes that "[r]eplacement of D.C. General offers the District a unique opportunity to design a system of shelter facilities with a focus on prioritizing the needs of clients and takes into account lessons learned over decades of providing shelter and services in inadequate facilities." (Exhibit 225.)
39. The Applicant's proposed emergency shelter was designed to comply with the statutory requirements and to incorporate standards and guidelines devised by the Interagency Council on Homelessness and the Department of Human Services based *inter alia* on research including studies of best practices. As a result:
- (a) The emergency shelter will provide 50 sleeping units, consistent with the policy to replace the beds currently provided at the D.C. General family shelter with smaller facilities in locations around the District. (Exhibit 2.)
 - (b) The number of sleeping units per floor is limited to 10, to encourage a predictable environment in which each family could experience greater privacy, without excessive noise or turbulence in the hallways, at a scale where the common rooms on each floor would feel more like community living rooms than anonymous cafeterias or auditoriums.
 - (c) Each floor is designed to provide a direct line of sight down the floor's single central hallway, which will enhance personal safety by removing hiding places so that the program operator can ensure safety without the need for more intrusive security measures. Activities in the common areas and hallways will be monitored by staff stationed at the security desk on each floor 24 hours per day. (Exhibit 227.)
 - (d) The emergency shelter will not use congregate, dormitory-style bathrooms but will provide bathrooms that will accommodate only one person at a time, with at

least one private bathroom for every two family units and some rooms having en-suite private bathrooms to accommodate families with special needs. (Exhibit 227.)

40. The design process undertaken by DGS, DHS, and the project architect included consultations with other District agencies, including the District of Columbia Fire and Emergency Medical Services Department and MPD, during concept development as a means to address safety and security concerns at an early stage of the development of the Ward 3 emergency shelter. (Exhibit 226.)
41. The director of the Department of General Services, the implementing agency that leads the effort to design, entitle, construct, deliver, and manage the emergency shelter facilities, testified that the District's goals and objectives cannot be achieved by a facility providing fewer residential units, which would require more facilities to meet the need, and that a shorter facility would create a practical difficulty in accomplishing the great public need to provide emergency shelter for families. (Gillis, Tr. at 52.)

Emergency shelter use

42. The Applicant proposes to construct and operate an emergency shelter at the subject property. The new building will be located on the southern portion of the site that is now part of the parking lot used by the MPD facility.
43. The emergency shelter will meet all applicable code and licensing requirements, and will be operated consistent with the Short-Term Family Housing programs administered by the Department of Human Services for the purpose of providing immediate support to families experiencing homelessness.
44. The emergency shelter will provide 50 residential units, with a capacity of approximately 185 beds, in a six-story building containing approximately 45,345 square feet of gross floor area. The building will contain space for services and functions related to the emergency shelter use, including a dining area, administrative offices, and recreational areas for residents.
45. The ground floor of the new building will include a small one-story reception area. The northern portion of the ground floor will be devoted primarily to a computer lab, medical clinic, and staff lounge. The southern portion of the ground floor will be occupied primarily by an administrative wing located near the lobby, a multipurpose room, an indoor play area, and dining area with an adjacent warming kitchen. Meals will be prepared off-site.

46. Consistent with the Short-Term Family Housing programs, the emergency shelter will provide private meeting space for the provision of “wrap-around” services designed to assist residents in obtaining permanent housing more quickly. The services are intended to provide connections to permanent housing programs, housing search assistance, credit counseling, and budgeting, as well as to offer assistance in meeting needs such as childcare, health care, training, and employment services. Much of the space devoted to the provision of wrap-around services will be located on the ground floor. (Exhibits 2, 227.)
47. Floors two through six of the new building will each contain 10 residential units accessed by a single central corridor. The eastern end of each residential floor will be devoted to common areas laid out as a community room with laundry facilities and a microwave, and a study room. Staff monitors will be stationed at the east end of each residential floor in a location providing a line of sight encompassing the elevators and the entire length of the corridor.
48. The residential units will be arranged so that two units will have private bathrooms and the other eight units will share four bathrooms. Two pairs of units will have adjoining doors to accommodate larger families when needed. Each unit will have its own small refrigerator.
49. The residential units and common areas in the emergency shelter will be fully furnished. Residents found eligible for emergency shelter will be permitted to bring personal belongings but not large furniture. (Exhibits 2, 227.)
50. An outdoor play area will be provided at the rear of the building along the western edge of the subject property. The playground, containing approximately 3,600 square feet of space, will be divided into two or three zones to provide recreational space for children of different ages, and will be bordered by the planned parking garage and the existing brick fence. (Exhibit 165A, p. 6.)
51. Trash will be stored for collection in bins on the north side of the building, accessible via a driveway that will also serve a new parking garage to be constructed behind the MPD building. Trash collection is expected to occur three times per week.
52. The driveway will have a designated area on the north side of the emergency shelter building for deliveries. (Exhibit 165A, p. 6.) Meals will be delivered twice daily in vans. (Exhibit 2.)
53. The emergency shelter will be operated by a staff typically ranging from 10 to 22 employees. At least 10 employees will be on-site at all times, and as many as 27 could be at the facility during shift changes. Because of the timing of the shift changes, including

at 7:00 a.m. and 11:00 p.m., the arrival times of most employees will not coincide with the times of peak traffic on streets in the vicinity of the subject property.

54. Residents of the emergency shelter will not have access to the building's roof. The roof will not have a penthouse but will contain some rooftop equipment that will be located behind a screen six feet higher than the parapet to minimize views of the equipment.
55. Residents of the shelter will not be permitted to park vehicles on site. Based on experience at other emergency shelters, the Applicant projects that less than one percent of shelter residents will own a vehicle, and that most residents will likely utilize non-automobile transportation options such as public transit, bicycles, or walking to travel to and from the emergency shelter. Residents will have access to bicycle storage on-site and will receive transit subsidies. (Exhibits 37, 125.)
56. The shelter building will be set back more than 20 feet from Idaho Avenue, and will be located at a distance of approximately 63 feet from the southern boundary of the subject property. The grounds will be landscaped with trees and other plantings. (Exhibit 165A, p. 6; Exhibit 243.)
57. In conjunction with the LEED Gold certification of the shelter building, night-sky lighting fixtures, with cut-off, will be installed so that no light will leave the confines of the site. (McNamara, Tr. at 267.)
58. Pursuant to Subtitle C § 901.1, an emergency shelter use with a gross floor area between 30,000 and 100,000 square feet must provide one loading berth and one service/delivery space. The Applicant is proposing not to provide a loading berth or a service-delivery area, although the driveway serving the shelter building will have a designated area for deliveries.
59. Pursuant to Subtitle C § 302.2, each new primary structure must be erected on a separate lot of record. The proposed emergency shelter will be housed in a new primary structure on a lot of record, Lot 849, that is already improved with a principal building, the MPD Second District headquarters.
60. A "community advisory team" was formed as part of the Mayor's community engagement process related to the emergency shelter initiative in Ward 3 to coordinate community feedback and input, share information on issues and concerns, and comment on building designs to help ensure that the new shelter building would reflect the character the surrounding neighborhood. The Ward 3 community advisory team will conduct "ongoing discussions about specific concerns" with respect to the emergency shelter and will "provide feedback on concerns related to resident quality of life during construction and help develop" a "good neighbor agreement" for the program. The good-

neighbor agreement, between the service provider of the emergency shelter and the advisory team on behalf of the community, will address expectations and commitments regarding exterior facility and landscape maintenance, community safety, neighborhood codes of conduct, and communication, problem-solving, and mutual respect. (Exhibits 227, 228.)

Building height

61. The Applicant proposes to construct a building 69 feet and six stories in height to house the emergency shelter use. Pursuant to Subtitle F § 303.1, a maximum height of 40 feet and three stories is permitted as a matter of right in the RA-1 Zone.
62. The Applicant originally proposed a building height of 72 feet based on a corridor ceiling height of eight feet, six inches, resulting in a floor-to-ceiling height of 11 feet, four inches, taking into account the organization of the systems above the ceiling. By reorganizing the systems, the Applicant was able to lower the floor-to-ceiling height to 10 feet, eight inches, resulting in a reduction in planned building height of 69 feet. (McNamara, Tr. at 59.)
63. The eight-inch interval of the reduction in the floor-to-ceiling height was purposeful since the building will be constructed using brick masonry: the eight-inch module must be maintained to support the brick at every level. Reduction by another eight-inch increment would lower the ceiling height from eight feet, four inches to seven feet, eight inches, which is not a height recommended for a public space but is more typically used for a utility closet or a storage room. (McNamara, Tr. at 59.)
64. The building site will be partially excavated to provide a basement below a portion of the new building. The basement will be devoted primarily to utility space, storage space for DHS materials, and bicycle storage. The Applicant decided against further excavation of the basement level due to the cost and site constraints affecting utilities.
65. The Applicant also cited a lack of appropriate program, suitable for location in a basement, as a reason not to excavate the basement level completely. While the computer room and medical clinic could perhaps be located in a basement, the Applicant's ability to provide supportive services to persons experiencing homelessness would be compromised if case management functions were located in a basement. Accordingly, much of the ground floor of the new shelter building will be devoted to common areas designed to serve residents in areas receiving natural light so as to create a warm, welcoming environment and to help foster a familiar relationship between residents and the case workers who provide the wrap-around services through an everyday interaction that would not be possible if the administrative offices were located in the basement. The Applicant stressed the importance of having administrative offices

directly adjacent to the lobby so that the shelter staff “can start to foster relationships with the residents Creating a separate area [in the basement] that is almost ... a dungeon ... would have the opposite effect.” (McNamara, Tr. at 253-254; Zeilinger, Tr. at 41.)

66. The Applicant submitted a shadow study to illustrate the shading impact of the new building and garage on the surrounding area. The new construction will not create any shadow impacts on nearby residences, since all shadows cast by the shelter building will remain within the boundaries of the subject property. Some shade will be cast on the nearby community gardens during morning hours, but will affect only an area already designated for shade planting due to nearby tree cover. (McNamara, Tr. at 61.)

RA Zoning classification

67. The subject property is located in an RA-1 Zone that also encompasses areas to the north and west of the subject property.
68. The Residential Apartment (RA) zones permit urban residential development and compatible institutional and semi-public buildings. (Subtitle F § 100.1.) The RA zones are designed to be mapped in areas identified as moderate- or high-density residential areas suitable for multiple dwelling unit development and supporting uses. (Subtitle F § 100.2.)
69. The provisions of the RA zones are intended to: (a) provide for the orderly development and use of land and structures in areas characterized by predominantly moderate- to high-density residential uses; (b) permit flexibility by allowing all types of residential development; (c) promote stable residential areas while permitting a variety of types of urban residential neighborhoods; (d) promote a walkable living environment; (e) allow limited non-residential uses that are compatible with adjoining residential uses; (f) encourage compatibility between the location of new buildings or construction and the existing neighborhood; and (g) ensure that buildings and developments around fixed rail stations, transit hubs, and streetcar lines are oriented to support active use of public transportation and safety of public spaces. (Subtitle F § 100.3.)
70. The purposes of the RA-1 Zone are to: (a) permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and (b) permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones.³ (Subtitle F § 300.1.)

³ The purposes are the same for zones RA-2, RA-3, RA-4, and RA-5.

71. The RA-1 Zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments. (Subtitle F § 300.2.)
72. The bulk of structures in the RA zones is controlled through the combined requirements of the general development standards of Subtitle F (governing Residential Apartment zones), the zone-specific development standards of Subtitle F, and the requirements and standards of Subtitle C (stating General Rules). (11 DCMR Subtitle F § 101.1.)
73. The development standards of Subtitle F are intended to (a) control the bulk or volume of structures, including height, floor area ratio, and lot occupancy; (b) control the location of building bulk in relation to adjacent lots and streets, by regulating rear yards, side yards, and the relationship of buildings to street lot lines; (c) regulate the mixture of uses; and (d) promote the environmental performance of development. (11 DCMR Subtitle F § 101.2.)
74. The proposed shelter building will comply with development standards applicable in the RA-1 Zone with the exception of building height. As a result of the new construction, lot occupancy will increase from 10 percent to 28 percent, where a maximum of 40 percent is permitted as a matter of right. (Subtitle F § 304.1.) The floor area ratio (“FAR”) will increase from 0.2 to 0.65, where a maximum FAR of 0.9 is permitted. (Subtitle F § 302.1.) A rear yard of 205 feet will be provided, where a minimum of 20 feet is required (Subtitle F § 305.1.) The side yards will be 60 feet on the north side and 23 feet on the south side of the building, where the minimum required is 18 feet, calculated as three inches of side yard setback per foot of building height. (Subtitle F § 306.2.)⁴ (Exhibit 108.)

Nearby properties

75. Properties to the south of the subject property are zoned R-1-B. An approved planned unit development (“PUD”), known as “Cathedral Commons” and located to the east and northeast of the subject property, is split-zoned RA-1 along Idaho Avenue and NC-1 along Wisconsin Avenue. The PUD includes a grocery store and other retail uses as well as residential uses. The RA-1 portion of the PUD site, directly to the east across Idaho Avenue from the proposed shelter site, is improved with eight three-story attached dwellings. The PUD site also contains two apartment buildings that are three and five stories in height. The NC-1 zone, containing restaurants and other retail uses, also

⁴ The southern side yard of 23 feet apparently reflects the distance of the existing brick wall from the southern property line. The Applicant’s revised plans depict a “planted side yard” of 39 feet, two inches along the southern edge of the shelter building, and another 23 feet, 11 inches between the “planted side yard” and the property line, for a total distance of 63 feet, one inch. The area closer to the property line will also be landscaped with trees and other plantings. (Exhibit 165A.)

extends along a portion of Wisconsin Avenue to the south of the PUD site. Other properties along Wisconsin Avenue in the vicinity of the subject property are zoned RA-2 or RA-4.

76. Properties to the north, across Newark Street, include McLean Gardens, a development of three- and four-story apartment buildings; a five-story building housing a radio station; and a nine-story apartment house with retail uses on the ground floor.
77. No other property in Square 1818 or within 500 feet of the subject property is presently used as an emergency shelter or related use. (Exhibit 2.)

Relocation of Accessory parking

78. The subject property currently contains 157 parking spaces that serve the MPD use.
79. The Applicant plans to replace the existing MPD parking lot with a new two-story garage addition to the existing MPD building in the northwestern portion of the property. The garage will provide approximately 239 parking spaces on three levels for use by MPD and by the emergency shelter. The impound lot will be relocated. (Exhibits 2, 75, 165.)
80. View of the new garage from Idaho Avenue will be substantially blocked by the MPD building. The garage will be visible from Newark Street, but at a significant distance, and the western façade will be screened with landscaping, including vines intended to cover the building wall. The garage will not be adjacent to any residential use. (Exhibit 124.)
81. Approximately 50 to 60 parking spaces will be provided on the subject property during the construction of the parking garage, which the Applicant estimates as a period of eight months.
82. The Applicant proposes the temporary relocation of some of the parking now provided on the subject property, mostly to Lot 848, until the parking garage is placed into service. The temporary parking area will span the property line between Lot 848 and Lot 849 in the area now used as tennis courts. Approximately one-third of the temporary parking spaces will be located on the subject property. The temporary parking will provide approximately 70 spaces for use by MPD officers to park their personal vehicles, and will not be used as parking for police vehicles. A paved road, using a new curb cut on Newark Street, will provide vehicle access to the temporary parking area.
83. The Applicant requested special exception approval for the relocation of accessory parking as a temporary use under Subtitle B §§ 203 and 204. Pursuant to Subtitle B § 204.2, any use allowed only with conditions in a zone shall be allowed as a temporary use

in the zone subject to all applicable conditions. The temporary use must have a time period of allowance not to exceed one year, and must not result in the erection of any new permanent structures. (Subtitle B § 204.3.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks a special exception under Subtitle U § 420.1(f), in addition to certain area variance relief and a special exception relating to the temporary relocation of accessory parking to another site, to allow an emergency shelter in the RA-1 Zone at 3320 Idaho Avenue, N.W. (Square 1818, Lot 849). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR Subtitle X § 901.2.)

Emergency shelter use

Pursuant to Subtitle U § 420.1, certain uses, including an emergency shelter use, may be permitted in the RA-1 Zone if approved by the Board as a special exception under Subtitle X, Chapter 9, subject to the provisions applicable to each use. In the case of an emergency shelter use considered under Subtitle U § 420.1(f), the provisions specify that no other property containing an emergency shelter for seven or more persons may be located either in the same square or within a radius of 500 feet from the site of the proposed emergency shelter (Subtitle U § 420.1(f)(1)); the proposed emergency shelter must provide adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility (Subtitle U § 420.1(f)(2)); the proposed emergency shelter must meet all applicable code and licensing requirements (Subtitle U § 420.1(f)(3)); the proposed emergency shelter must not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area (Subtitle U § 420.1(f)(4)); and a facility for more than 25 persons, not including any resident supervisors or staff and their families, can be approved only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the location and if there is no other reasonable alternative to meet the program needs of that area of the District (Subtitle U § 420.1(f)(6)).⁵

⁵ Another provision – that the Board may approve more than one emergency shelter in a square or within 500 feet only when the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of

Based on the findings of fact, the Board concludes that the new building will be devoted to use as an emergency shelter, as that term is defined in the Zoning Regulations, and that the application satisfies the requirements for special exception relief in accordance with Subtitle U § 420.1(f). The Zoning Regulations define an “emergency shelter” as “[a] facility providing temporary housing for one (1) or more individuals who are otherwise homeless as that arrangement is defined in the Homeless Services Reform Act of 2005 ... ; an emergency shelter use may also provide ancillary services such as counseling, vocational training, or similar social and career assistance.” (11 DCMR Subtitle B § 100.2.) The Department of Human Services has publicly referred to the facility as “short-term family housing” to avoid use of the term “shelter” and to convey that the facility is intended to provide “a supportive program for residents that is respectful and harmonious with the variety of housing types in the surrounding community.” (See Exhibit 227 at 5.) The Short-Term Family Housing programs implemented by DHS are subject to requirements in the Homeless Services Reform Act related to “temporary shelter” for families. The Board concurs with the Applicant that the planned use of the subject property is as a facility providing temporary housing under the Homeless Services Reform Act “and fits wholly into the zoning definition despite the publicized name of ‘Short Term Housing Facility.’” (Exhibit 227 at p. 6.)

The party in opposition argued that an emergency shelter is presumptively limited to a maximum of 25 residents, since the Zoning Regulations state the requirements for an emergency shelter in the RA-1 Zone as an emergency shelter use for five to 25 persons. According to NRG, a facility of the size proposed in this proceeding – 50 family units potentially serving 185 residents – cannot be considered an “emergency shelter” due to its size. The Board does not agree. The relevant zoning provision, Subtitle U § 420.1(f)(6), plainly allows a facility for more than 25 persons so long as the applicable requirements are met. In creating the provision that allows for special exception approval of an emergency shelter, the Zoning Commission could have imposed a limit on the size of the facility, but the Commission did not do so. The party in opposition did not identify an alternative use category, but argued only that the Applicant’s planned use would not be an emergency shelter due to its size. The Board finds no reason to conclude that the number of residents alone would transform an emergency shelter use into some other use.

Certain requirements of Subtitle U § 420.1(f) are satisfied or do not apply to this application since the proposed emergency shelter will be the only such use in its vicinity. They are Subtitle U § 420.1(f)(1), concerning other emergency shelters in the same square or within 500 feet, and Subtitle U § 420.1(f)(5), concerning the cumulative effect of multiple facilities. With respect to

traffic, noise, or operations (Subtitle U § 420.1(f)(5)) – is not applicable in this instance because no other facility is now located in the same square or within 500 feet.

Subtitle U § 420.1(f)(3), the Board credits the Applicant's testimony, confirmed by the Office of Planning and not disputed by any testimony or evidence, that the proposed emergency shelter will meet all applicable code and licensing requirements.

Pursuant to Subtitle U § 420.1(f)(2), the proposed emergency shelter must provide adequate, appropriately located, and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility. The Applicant has demonstrated that the emergency shelter at the subject property will be allocated parking spaces in the new parking garage that will be constructed behind the MPD building before the shelter is built. The parking spaces devoted to the emergency shelter use will be appropriately located very near the shelter building, at a considerable distance from any neighboring dwelling. Views of the garage will be minimal, since much of the new parking facility will be located behind the existing MPD facility, at a considerable distance from both Idaho Avenue and Newark Street. The western façade, facing the community gardens, will be planted with vines that will create a green screen wall to obscure the garage.

The number of parking spaces provided in the new garage will be adequate for the needs of occupants, employees, and visitors to the facility, consistent with the minimum zoning requirement of 23 spaces set forth in Subtitle C § 701.5. Both DDOT and the Applicant's traffic expert concluded that the emergency shelter will not generate a significant demand for parking. Based on the Applicant's experience at other emergency shelters, very few residents will have personal vehicles (and in fact more than half of the residents are likely to be young children). All the residents will receive transit subsidies to encourage use of public transportation, and the number of employees will be relatively small, generally 10 to 22 employees, with a maximum of 27 during shift changes. The use of personal vehicles is not necessary for convenient access to the site, since the location is well-served by public transportation and conveniently located near car- and bicycle-sharing facilities, and the shelter building will provide both short-term and long-term bicycle storage.

In accordance with Subtitle U § 420.1(f)(4), the Board finds that the proposed emergency shelter will not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area. The emergency shelter at the subject property will be the only such facility in the vicinity. DDOT concurred with the Applicant's method of calculating trip generation estimates for the project, and concluded that "impacts to the surrounding vehicle network [associated with shelter operation] are expected to be minimal." (Exhibit 125.) The emergency shelter is not expected to generate significant increases in traffic, at a level that would have an adverse impact on the neighborhood, because most shelter residents likely will not travel to the site by personal vehicle, the shelter will be staffed by a relatively small number of

employees who will work in shifts on a schedule that will not coincide with peak traffic periods on nearby streets, the residents will move in without bringing furniture or other large items typically delivered by trucks, and the internal circulation of the site, including a designated loading area and trash storage area on the north side of the building, will be adequate to accommodate twice-daily food deliveries by van and trash collection. DDOT also concurred that the Applicant's "proposed loading area is sufficient to accommodate the project," noting the relatively limited use of the facilities for meal deliveries and trash pick-up, and that all loading activity will occur via a delivery space. (Exhibit 125.)

The emergency shelter use is not likely to generate any adverse impacts relating to noise or operations. Operation of the emergency shelter will be supervised by staff who will be on-site 24 hours each day. All operations will be contained within the building with the exception of the small play area, which will be located on the western edge of the property adjacent to an area of community gardens. Trash storage and pickup will occur on the northern side of the building, at a considerable distance from the nearest neighboring residences. Operation of the emergency shelter use will be guided by a "good neighbor agreement" devised by a community advisory team that will conduct ongoing discussions to address any concerns about the emergency shelter that may arise in the future.

Several District agencies indicated no objection to the proposed emergency shelter. The Second Police District of the Metropolitan Police Department, whose headquarters are also located on the subject property, stated that the emergency shelter would "not impact the ability of police officers to perform their normal duties and protect the public and surrounding community at the Second District headquarters ...," including that the shelter use would "not impede ingress and egress access to the rear of the police station" or "disrupt the operation of the re-fueling station" (Exhibit 75B.) The D.C. Homeland Security and Emergency Management Agency ("HSEMA") stated that colocation of the emergency shelter on the site of the existing MPD building would not "degrade the ability of HSEMA to perform its duties and to protect this or any area of the city." (Exhibit 75C.) The D.C. Fire and Emergency Medical Services Department (Exhibits 75D, 209) and the District of Columbia Public Schools (Exhibit 189) also indicated no objection to approval of the requested zoning relief.

The ANC expressed concern that the request for special exception approval "raises issues of ... noise from a shelter playground and multiple per week trash pick-ups adjacent to single family residences." (Exhibit 170.) However, the ANC's resolution was adopted before changes were made to the Applicant's proposal, which resulted in the relocation of the shelter playground from the south side of the building to the rear, and relocation of the proposed trash storage area to the north side of the building, thereby increasing the distance of the playground and trash storage

from any residences.⁶ The playground or trash operations, as now proposed, are not likely to create any adverse impacts on the neighborhood.

Pursuant to Subtitle U § 420.1(f)(6), an emergency shelter for more than 25 persons can be approved only if the Board finds that the program goals and objectives of the District of Columbia cannot be achieved by a facility of a smaller size at the location and if there is no other reasonable alternative to meet the program needs of that area of the District.⁷ The Board concludes that the District's program goals and objectives cannot be achieved by a facility of a smaller size at the subject property because the size of the planned emergency shelter, in terms of the number of units, is required by the District policy to close the D.C. General family shelter and to provide a like number of emergency shelter units in smaller facilities on sites in locations around the District. By statute, the District of Columbia is required to maintain an inventory of 280 Replacement Units, once constructed. Provision of a total of 280 residential units is also a key component of the Homeward DC initiative devised by the Interagency Council on Homelessness. To achieve a total of 280 Replacement Units District-wide, each individual emergency shelter for families must contain between 46 and 50 sleeping units.

The decision to provide 50 residential units in the emergency shelter was also driven by program needs related to the provision of wrap-around services. The Applicant determined that a larger number of units in a single facility would help achieve program efficiencies and manage the costs of the services by allowing the provision of services to a larger number of people at one location, rather than building and operating multiple smaller facilities. The desire for efficiency and cost-management was balanced by the need to provide a smaller, family-scale environment on each floor and in the emergency shelter as a whole. The number of sleeping units was set at 50 as the optimal balance between legal requirements and the program needs and costs.

The Board was also persuaded that construction of multiple smaller facilities on various sites in Ward 3 or the construction of a lower, multi-wing building on the subject property were not feasible options. The Applicant's witnesses described the importance of the six-story, 50-unit shelter considering the relevant legal requirements, the costs of providing the services, and the

⁶ At the public hearing, the chair of ANC 3C testified that the proposed locations of the playground and trash were moved, to the rear and to the north side of the building respectively, at the ANC's suggestion to "avoid the need for a very tall buffer wall proximate to the existing homes" and to "avoid the twice a week noise that accompanies trash pick-ups." (Exhibit 229; MacWood, Tr. at 120.)

⁷ The emergency shelter proposed in this application will not include any resident supervisors or staff and their families.

program needs of an emergency shelter facility for families with small children.⁸ The Applicant decided against building smaller shelters because the operation of multiple structures would require the operation of multiple programs, with significantly higher annual operating costs than a single 50-unit shelter.

Construction of multiple smaller facilities would also “extend the timeline” by years until sufficient Replacement Units would become available to allow the closure of the D.C. General family shelter. (Zeilinger, Tr. at 260.) Homeward DC calls for the development of “service-enriched, community-based shelters” on a schedule such that the D.C. General family shelter can be closed by the 2019-2020 hypothermia season. According to DHS, the temporal aspect of the Homeward DC goal is critically important from a cost perspective and to provide suitable shelter for families who are experiencing homelessness. (Zeilinger, Tr. at 35.)

The size of the planned emergency shelter in terms of the dimensions of the building similarly reflects requirements of District laws and policies. The Homeless Services Reform Act, as amended by the Interim Eligibility Act, establishes standards for the provision of services for families by specifying the minimum requirements for a private room, for bathrooms, and for access to related services. Specific design elements of the emergency shelter proposed in this application were derived from the legal requirements as well as from research and experience, concerning especially the maximum of 10 sleeping units per floor and the provision of a single hallway on each floor, so that the entire length is visible to staff, to enhance the residents’ security. The Board credits the Applicant’s testimony about the need to offer inviting areas on the ground floor for the provision of services, the unsuitability of the basement, even if it could be expanded cost-effectively, as a location for the wrap-around services, and the inability to lower building height without creating interior spaces with inappropriately low ceiling heights.

The ANC expressed concern that the request for special exception approval “raises issues of loss of light and air from a 72-foot plus penthouse building with curtain walls (a high-density structure in a low- to moderate-density zone).” (Exhibit 170.) Noting that the proposed building height has been reduced to 69 feet and that the building will not have a penthouse, the Board does not find that the planned height of the emergency shelter will raise any issues of light and air, given the size of the subject property; the front, side, and rear yard setbacks that will be provided so that the new building will be located a significant distance from any other building

⁸ The City Administrator described the proposal to construct a six-story emergency shelter at the subject property as “a critical element of the District’s eight-ward initiative to developing a more effective crisis response system.” (Exhibit 228.) The director of DHS testified that “the six stories and size of the project [are] critical to meeting the city’s goals, complying with the programmatic needs of DHS, and accomplishing the objective to making homelessness rare, brief, and nonrecurring in the District.” (Zeilinger, Tr. at 46.)

aside from the MPD headquarters; and the continued compliance of the subject property with applicable area restrictions including lot occupancy after the new construction is completed. For the same reasons, the Board was not persuaded by NRG that the proposed building “is fundamentally incompatible” with the neighborhood due to its size, or that the height of the building will adversely affect the privacy of adjoining residential uses.

The Board notes the comments of the Commission of Fine Arts that “the programmatic ideal of ten families per floor has resulted in a design that is too tall for its immediate context of single-family houses and a low-rise police station.” However, the Board does not agree that the building will be too tall for its context, considering also the larger buildings located near the subject property. The Board was persuaded that the maximum of 10 units per floor is an institutional necessity, rather than an “ideal,” and concludes that the Applicant has demonstrated that the other configurations suggested by the CFA are not feasible because they would not achieve all of the program needs faced by the Applicant, including the need to provide an adequate number of Replacement Units while achieving a suitable environment in a secure location for residents, also considering the costs of providing the necessary services.

The Board finds that the proposed density is appropriate at the site, considering especially the public need for the facility and the lack of adverse impacts associated with the emergency shelter on the use of neighboring property. An increase in density is not necessarily incompatible with a residential neighborhood where an increase in the population of an area would not demonstrably bring about an increase in traffic or indicate a significant change in the level of noise. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 295 (D.C. 1974).

The Board concludes that the Applicant has satisfied the requirement of Subtitle U § 420.1(f)(6) in showing that there is no other reasonable alternative to the proposed Ward 3 emergency shelter to meet the program needs of that area of the District. This application grew out of a process, undertaken over a period of years, to devise and implement policies addressing homelessness in the District of Columbia. As part of the process, the responsible District agencies identified certain criteria to assess whether a given property would be a suitable location for an emergency shelter designed to serve families in D.C. General Replacement Units. The Mayor identified sites in each ward. The Council considered the Mayor’s proposal, as well as other possible sites, before making a determination that the subject property best fit the selection criteria. “The Council endorsed 3320 Idaho Avenue and found that there were no other reasonable sites in Ward 3.” (Mendelson, Tr. at 22.) The director of the Department of General Services also testified that no other reasonable alternative was practical to meet the needs of the District, considering the results of efforts by DGS to locate a suitable site and the results of the

search conducted by the D.C. Council. (Exhibit 226; Gillis, Tr. at 106.) The Office of Planning recommended approval of the emergency shelter proposed at the subject property, and the ANC “supports locating the shelter at this site” (Exhibit 229; Tr. at 118) despite its objection that “the ability to assess the reasonableness of this placement in comparison to others ... has been hampered by the unwillingness of the District to provide evidence of an exhaustive search for a shelter site or explain why DGS concluded in April 2016 that the Second District police station was not an appropriate site for a shelter.”⁹ (Exhibit 170.)

The Board does not agree that any additional proof of an “exhaustive search” is necessary, and concludes instead that the Applicant provided substantial evidence of the site selection process that ultimately led to the Council’s endorsement of the subject property. The Board finds no reason to require the Applicant now to “conduct a reasonable search for alternative sites,” as urged by NRG, or to “second guess” the program needs identified by experts, including those at the Interagency Council on Homelessness and the Department of Human Services, as those needs and the best way to meet them in a cost-effective manner are outside the scope of the Board’s expertise in zoning. *Compare D.C. Library Renaissance Project/West End Library Advisory Group v. District of Columbia Zoning Comm’n*, 73 A.3d 107 (D.C. 2013) (Zoning Commission was not required to consider the value of land rights to be transferred to a developer as an “adverse effect” under zoning regulations where the Mayor and Council had negotiated and entered into a land distribution agreement under which the developer agreed to construct an important facility at no direct cost, and the Commission declined to “second guess the calculations that led the District ... to conclude this was a good deal”; the Commission reasonably concluded that zoning regulations did not require consideration of the financial underpinnings of the land transfer, which did not fall within the core of the Zoning Commission’s expertise in land-use matters.)

In accordance with Subtitle X § 901.2, the Board concludes that approval of the requested special exception to allow an emergency shelter will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map. As

⁹ By letter dated April 29, 2016 to Councilmember Mary Cheh, the then Director of the Department of General Services, Christopher Weaver, stated that “complicating factors” “create an unknown delay and thus make this site [i.e. the subject property] unsuitable” as the location for the Ward 3 shelter. (See, e.g. Exhibit 66.) Those “complicating factors” – relating to a “need to lease a facility to relocate the Second District” or to renovate the MPD building, as well as potential interference with a “master plan for park availability for this neighborhood” – do not alter the Board’s deliberations on this application, which does not request any zoning relief relating to the MPD building and potentially would affect the park availability only temporarily to accommodate MPD parking during the construction period.

discussed above, the Board does not find that operation of the shelter will create any adverse impacts on the use of neighboring property.

Approval of the requested special exception will be in harmony with the RA-1 Zone and its purposes to permit flexibility of design in urban residential development and the construction of institutional and semi-public buildings compatible with adjoining residential uses. The Residential Apartment (RA) zones are designed to be mapped in areas identified as moderate- or high-density residential areas suitable for multiple dwelling unit development and supporting uses. The RA-1 Zone provides for areas *predominantly* developed with low- to moderate-density development, but anticipates some higher density development as well, since buildings up to 90 feet in height are permitted, without zoning relief, under certain circumstances.¹⁰ The Applicant's proposal satisfies the area requirements applicable in the RA-1 Zone, with the exception of height. The Board does not find that the proposed building height of 69 feet and six stories is incompatible with the RA-1 Zone mapped at the subject property, especially considering the mix of uses and building types in the immediate vicinity.

Area variances

The Applicant seeks area variances from requirements relating to the number of primary structures on one record lot under Subtitle C § 302.2, loading under Subtitle C § 901.1, and building height and number of stories under Subtitle F § 303.1.¹¹ The Board is authorized under § 8 of the Zoning Act to grant variance relief where, "by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or

¹⁰ Subject to certain exceptions, the maximum permitted height of buildings specified in each RA zone may be exceeded as specified in Subtitle F § 203. Pursuant to Subtitle F § 203.2, a place of worship may be erected to a height not exceeding 60 feet and three stories, not including the penthouse. In accordance with Subtitle F § 203.3, an institutional building can be constructed to a height not exceeding 90 feet, not including a penthouse, if the building is set back from all lot lines a distance of at least one foot for each one foot of building height in excess of the authorized limit. Under Subtitle F § 203.4, any building may be erected to a height not exceeding 90 feet, not including a penthouse, if the building is set back from each lot line for a distance equal to the height of the building above the natural grade.

¹¹ Pursuant to Subtitle C § 302.2(a), "[e]ach new primary building...shall be erected on a separate lot of record in all...RA zones," except as provided for in the theoretical lot subdivision regulations of Subtitle C § 305.1. The latter provision authorizes the Board to approve, as a special exception, a waiver allowing multiple primary buildings on a single lot of record in the RA zones, provided that certain requirements are met. Because the self-certified application requested an area variance for this relief, and because the Board concludes that the Applicant has satisfied the more stringent requirements for area variance relief, the Board finds no need to address the criteria that could have allowed the two primary structures on a single record lot by special exception in this case.

exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (See 11 DCMR Subtitle X § 1000.1.)

Extraordinary or exceptional situation. For purposes of variance relief, the “extraordinary or exceptional situation” need not inhere in the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Rather, the extraordinary or exceptional conditions that justify a finding of uniqueness can be caused by subsequent events extraneous to the land at issue, provided that the condition uniquely affects a single property. *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); *DeAzcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978) (the extraordinary or exceptional condition that is the basis for a use variance need not be inherent in the land but can be caused by subsequent events extraneous to the land itself.... [The] term was designed to serve as an additional source of authority enabling the Board to temper the strict application of the zoning regulations in appropriate cases....); *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979) (for purposes of approval of variance relief, “extraordinary circumstances” need not be limited to physical aspects of the land). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

The Board may consider the property owner’s needs in finding an exceptional situation or condition when the applicant is a non-profit organization and the proposed use is a public service. *Monaco v. District of Columbia Board of Zoning Adjustment*, 407 A.2d 1091 (D.C. 1979) (BZA considered permissible factors in applying the first branch of the variance test to a public service organization; the organization’s wish to move to a particular site did not make the site unique, but the Board properly recognized that the site’s location made it “uniquely valuable” to the organization and “uniquely suitable for [its] headquarters.”) Generally, an applicant’s desire to utilize property for a certain use is not by itself sufficient to create an extraordinary or exceptional situation or condition under the zoning regulations, *Palmer v. District of Columbia Bd. of Zoning Adjustment*, 287 A.2d 535, 540 (D.C. 1972), but subsequent decisions modified *Palmer*, permitting the Board to weigh more fully the equities in an individual case. *National Black Child Development Institute, Inc. (“NBCDI”) v. District of Columbia Bd. of Zoning Adjustment*, 483 A.2d 687, 690 (D.C. 1984). Consistent with “a well

established element of our governmental system,” the Board “may be more flexible when it assesses a non-profit organization,” even if “a commercial user before the BZA might not be able to establish uniqueness in a particular site’s exceptional profit-making potential.” *Monaco* at 1098, quoting 3 R. Anderson, *American Law of Zoning* s 14.78 (1968) (the public need for a use is an important factor in granting or denying a variance and “the apparently objective standards of the enabling acts are applied differently to the several kinds of uses....”). The characterization of a proposed use as a public service is significant, and “when a public service has inadequate facilities and applies for a variance to expand..., then the Board of Zoning Adjustment does not err in considering the needs of the organization as possible ‘other extraordinary and exceptional situation or condition of a particular piece of property.’” *Monaco* at 1099. *See also NBCDI*, 483 A.2d 687 (D.C. 1984) (BZA did not exceed its authority in granting variance relief to a nonprofit entity whose work promoted the public welfare by benefitting “black children and families within the District,” when, absent variance relief, “the great expense of operating offices at another site would cause serious detriment” to the nonprofit.)

The need to expand does not automatically exempt a public service organization from all zoning requirements. In applying for an area variance, a public service organization must show (1) that the specific design it wants to build constitutes an institutional necessity, not merely the most desired of various options, and (2) precisely how the needed design features require the specific variance sought. *Draude v. District of Columbia Bd. of Zoning Adjustment*, 527 A.2d 1242, 1256 (D.C. 1987).

In this proceeding, the Applicant asserts that the subject property “is unusual and affected by an exceptional situation and condition as a result of a confluence” of factors: (1) the locations of the existing structures on the subject property, which restrict the area where a new building can be sited on the lot; (2) the existing community gardens and tennis court, which also restrict the area where a new building can be sited on the lot and limit design alternatives for the new building; (3) the site’s topographical change; and (4) the program needs of the project. (Exhibit 75.) NRG argued that the “confluence of factors” cited by the Applicant “is driven entirely by ... the alleged ‘programmatically needs’ – because the other three factors [i.e. the location of the existing structures on the lot, the community gardens, and the site’s topographical changes] arise from the District’s decision to select the Site without regard to alternatives, i.e., properties the District owns or could acquire suitable for a 50-family emergency shelter that are not beset with the need for multiple variances.” (Exhibit 164A1.) Because the proposed use of a property is not a sufficient basis for determining the presence of exceptional conditions, *Metropole Condominium Ass’n*, 141 A.3d at 1083, the Board concurs with NRG that the Applicant’s program needs “cannot be a justification for finding this particular Site unique” because the program needs “are

not unique to this particular property; they apply to every property where the District might seek to locate the shelter deemed sufficient to satisfy those needs.” (Exhibit 164A1.)

The Board concludes that the subject property is faced with an exceptional situation and condition as the result of a confluence of factors including the existing structures and uses on the lot, its topography, and the designation of the lot, in legislation enacted by the D.C. Council, as the site for a new emergency shelter in furtherance of Homeward DC, a District-wide initiative to comply with statutory requirements and to implement public policy by creating an adequate supply of emergency shelter units for use by eligible families facing homelessness. The Council selected the site as the best option relative to criteria determined by the Council, which in large measure reflected the criteria used by the Mayor and by District agencies in defining the parameters for locations best suited for emergency shelters providing D.C. General Replacement Units, and appropriated funds for use in building and operating an emergency shelter at that site. As discussed *supra*, the Board accepts the Council’s determination.

NRG disputed the Applicant’s contention that the proposed site was mandated by the Mayor or by the District of Columbia Council, stating that “[t]he law...does not require the use of this site – rather it authorizes [the Applicant] to proceed, subject to the need to obtain zoning relief under applicable zoning standards.” (Exhibit 164A1; emphasis omitted.) According to NRG, “there is no compulsion to use this Site, as there is no evidentiary record in this case that the District’s programmatic needs cannot be met using some other site. This site is simply the one the District chose, and it did so knowing full well [of the need for zoning relief so] the problem is one of self-creation.” (Exhibit 164A1.)

First, although the Council technically did not (and could not) mandate the use of the subject property as a practical matter, that is the only site within Ward 3 that could be used. Council approval would have been required to acquire any other site and to enter into a construction contract at the price needed. In fact, the Council rejected the Mayor’s original site choice. For the District to have not gone forward with the site approved, but instead have analyzed the feasibility of other sites in Ward 3, would have been an exercise in futility. Second, the consideration of this application is limited to its deliberations on the request for certain zoning relief to allow the operation of an emergency shelter at the subject property. The Board also finds that NRG’s suggestion of self-created hardship is not germane to the Applicant’s requests for area variance relief. *See, e.g., Ass’n for the Preservation of 1700 Block of N Street v. District of Columbia Bd. of Zoning Adjustment*, 384 A.2d 674 (D.C. 1978) (grant of a parking variance was upheld even though the property owner, a YMCA, had “full knowledge” of all problems with the shape of the land, zoning, and costs of putting in parking before buying the property; the YMCA had no feasible alternative method to provide both a pool and all required parking

spaces, and its self-created hardship was not a factor to be considered in an application for an area variance, as that factor applies only to a use variance.); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1169 (D.C. 1990) (Prior knowledge or constructive knowledge or that the difficulty is self-imposed is not a bar to an area variance.); *A.L.W. v. District of Columbia Bd. of Zoning Adjustment*, 338 A.2d 428, 431 (D.C. 1975) (prior knowledge of area restrictions or self-imposition of a practical difficulty did not bar the grant of an area variance).

For purposes of the requests for variance relief to allow two principal buildings on a single lot of record as well as for building height in feet and in number of stories, the Board finds that the subject property is faced with an exceptional situation and condition especially as the result of the designation of the lot as the site for the Ward 3 emergency shelter. The Applicant has shown that the District has a need to use the subject property in furtherance of providing a public service, the provision of shelter and services to homeless families. The site is “uniquely valuable” to the Applicant in light of the goals and policies set forth in the Homeward DC initiative, and is “uniquely suitable” as the location for the proposed emergency shelter in light of the site selection process undertaken by District agencies and finally voted on by the Council. The Applicant demonstrated a need for the proposed building height, as a lower building with multiple wings or the operation of several smaller facilities at multiple locations would complicate the provision of services while greatly increasing the costs, and would not comport with the District’s policy decisions with respect to the optimal size and layout of emergency shelter facilities. The Board finds that the six-story height, with each floor providing an adequate floor-to-ceiling height, is an institutional necessity with respect to the construction of an emergency shelter for families that will meet statutory requirements with respect to the provision of private rooms, adequate bathroom facilities, and suitable space to offer wrap-around services while also meeting security requirements and achieving cost efficiencies in the operation of the shelter.

In addition to the designation of the subject property as the site for the Ward 3 emergency shelter, the site’s topography and the location of existing structures and features, such as the community gardens and tennis court, are germane to a finding of an exceptional situation and condition with respect to the request for a variance from the loading requirement. The existing development on the subject property restricts the area where the new shelter building can be sited and how vehicular circulation can be routed internally on the lot. Similarly, the topography of the site diminishes the area potentially available to provide the loading facilities required by the Zoning Regulations.

Practical difficulties. An applicant for area variance relief is required to show that the strict application of the zoning regulations would result in “practical difficulties.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). A showing of practical difficulty requires “[t]he applicant [to] demonstrate that ... compliance with the area restriction would be unnecessarily burdensome....” *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1084 (D.C. 2016), quoting *Fleishman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561-62 (D.C. 2011). In assessing a claim of practical difficulty, proper factors for the Board’s consideration include the added expense and inconvenience to the applicant inherent in alternatives that would not require the requested variance relief. *Barbour v. District of Columbia Bd. of Zoning Adjustment*, 358 A.2d 326, 327 (D.C. 1976).

The Applicant asserted that, absent variance relief, the District would be unable to meet its programmatic needs, since the requested variances are needed to carry out the public purpose of providing the necessary emergency shelter facility at the site designated for Ward 3. The strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to the Applicant by precluding the construction of an emergency shelter building on the site consistent with legal and public policy requirements. A building limited to the height and number of stories permitted as a matter of right would be unnecessarily burdensome to the Applicant by preventing its implementation of a design derived from extensive research and consideration of operational efficiencies and the costs of providing the necessary services. The provision of loading facilities would also create practical difficulty for the Applicant in light of the building constraints on the site and the Applicant’s showing that the emergency shelter operation will not create the need for the loading facilities required by the strict application of the Zoning Regulations.

The Board finds no merit in NRG’s argument, with respect to the variance to allow the erection of a new primary structure on the same lot as an existing primary structure, that the Applicant “is actually seeking a *use variance* disguised as an area variance, and does not even attempt to argue that it satisfies the requirements for the grant of a use variance.” (Exhibit 164A1; emphasis in original.) NRG notes that “a variance from the one-primary-structure-per-lot requirement is not among the examples of area variances” listed in Subtitle X § 1001.3(a) and (b). However, the reason for the omission is easily explained by the fact that relief from the restriction is allowed by special exception in Subtitle C:

- 305.1 In the R, RF, and RA zones, the Board of Zoning Adjustment may grant, through special exception, a waiver of Subtitle C § 302.1 to allow multiple primary buildings on a single record lot provided that, in addition to the general special exception criteria of Subtitle X, Chapter 9, the requirements of this section are met.

Since the Applicant nevertheless sought variance relief, the Board concludes that it was properly characterized as an area variance. The requirement of Subtitle C § 302.2 is that each “new primary building and structure shall be erected on a separate lot of record.” Subtitle X § 1001.2 indicates that an “area variance is a request to deviate from an area requirement applicable to the zone district in which the property is located, whereas Subtitle X § 1001.4 provides that a use variance is a request to permit:

- a) A use that is not permitted matter of right or special exception in the zone district where the property is located;
- b) A use that is expressly prohibited in the zone district where the property is located; or
- c) An expansion of a nonconforming use prohibited by Subtitle C.

Clearly, none of the three use variance criteria are met here. Rather, the emergency shelter use is specifically allowed by special exception.

NRG nevertheless argues that a use variance is required because “a second primary structure on one lot is not permitted as of right and such use is not sought by special exception.” The fault with this argument is that it is premised upon a “structure” being a use, rather than the edifice that houses a use. The Court of Appeals recognized this distinction when it noted that “[o]rdinarily, the building permit is the document that reflects a zoning decision about whether a proposed structure, and its intended use as described in the permit application, conform to the zoning regulations,” See, e.g. *Basken v. D.C. Bd. of Zoning Adjustment*, 946 A.2d 356, 364 (D.C. 2008) (emphasis added). Here the existing primary structure is lawfully used as an MPD facility. The Board has approved the use of new primary structure as an emergency shelter. The Applicant wishes to erect the new primary structure on the same record lot as the existing primary structure and, as such, seeks a deviation from the area requirement that the new structure be erected on a separate lot of record. The relief therefore squarely falls within the description of an area variance as set forth in 11 DCMR § 1001.2.

With respect to the Applicant’s request for an area variance to allow the erection of new primary structure on the same record lot improved with an existing primary structure, the Board was persuaded that the strict application of the Zoning Regulations would result in practical difficulties for the Applicant. The subject property is a very large lot that can accommodate more than one primary structure, such that both structures would be capable of complying with applicable area requirements such as lot occupancy and yard setbacks. The need for variance relief to allow another principal structure could be avoided if the Applicant undertook to subdivide the lot, but the Applicant has argued persuasively that delays in the development of the new shelter would hinder the provision of needed services and unnecessarily drive up the costs of the project. The need for the variance could also be avoided if the new construction were undertaken as an addition to the existing primary structure; a meaningful connection between the two structures would render them one building for zoning purposes. However, the connection of two structures devoted to two very different uses would create operational difficulties for both

the emergency shelter and, likely, the MPD facility. Accordingly, the Board concludes that the strict application of the Zoning Regulations, so as to preclude location of another primary structure on the subject property, would be unnecessarily burdensome to the Applicant.

No substantial detriment or impairment. The Board finds that approval of the requested variance relief would not result in substantial detriment to the public good or cause any impairment of the zone plan. As previously discussed, the proposed emergency shelter use satisfies the requirements for special exception approval, such that the use is consistent with zoning requirements and will not cause adverse impacts on the use of neighboring property.

The Board concurs with the testimony of the Office of Planning, which found that the subject property “is of sufficient size to accommodate the two structures and accessory uses without overcrowding the single lot” since the buildings would comply with the lot occupancy and FAR limits applicable in the RA-1 Zone, would meet side yard and rear yard requirements for the lot, and would be “fully landscaped.” The Office of Planning also found no substantial detriment to the public good likely to result from approval of the requested variances for building height, noting the existence of buildings of similar heights, or taller, to the north and east of the subject property and that the new emergency shelter building would be “substantially set back and buffered from adjacent streets and residences and would therefore not overwhelm the nearby lower scale buildings.” With respect to the loading variance, OP found that no substantial detriment to the public good was likely to result because the Applicant will provide an area on-site to accommodate deliveries in a location that will not be visible from adjacent streets or residences. The Office of Planning found that approval of the requested variances would not cause substantial impairment to the intent, purpose, and integrity of the zone plan since the emergency shelter use “is permitted as a special exception and thus presumed appropriate in the zone,” and the proposal is necessary to meet the goals of the District’s short-term family housing initiative. (Exhibit 124.)

The ANC contended that “[c]o-locating two critical public uses on one lot raises potential concerns about compatibility,” stating that “[s]ubdividing the lot would have avoided creating this zoning anomaly” and that “[c]reating a meaningful connection between the new structure and the police station would also have avoided this variance request.” (Exhibit 170.) ANC 3C did not specify its potential concerns, except to suggest that the presence of a new building on the site, along with the planned parking garage, may affect “development capacity in the future.” The ANC’s concerns apparently do not relate to the proximity of the two structures, since the ANC did not state any objection to subdivision or a connection that would create a single building for zoning purposes but noted that “these options ... comply with the intent and purpose of the zoning plan.” In any event, “ANC 3C supports this variance because of the public need to help those experiencing homeless[ness] and to close D.C. General.” (Exhibit 170.)

ANC 3C also expressed support for the requested loading variance, which the ANC found would not harm the intent, purpose and integrity of the zoning plan. The ANC concurred that the “twice-a-day meal deliveries by van could be accommodated at the northern end of the shelter

building, and other types of deliveries should not require the use of a 30-foot truck and the need for a dock.” (Exhibit 229.)

However, ANC 3C opposed the requested variances for height in feet and number of stories, stating its belief that “a shorter building would be more appropriate given the nearby single-family homes and townhomes, and the site’s zoning.” According to the ANC, permitting the requested increase “would substantially impair the intent, purpose and integrity of the zoning plan, because the height is not within the range of a low- to moderate-density zone.”¹² The ANC contended that, in light of the size of the subject property, the Applicant “could have designed a lower building that still met development standards and programmatic needs” such as by excavating “more of the building footprint ... to house more administrative and infrastructure functions, which would leave ground floor space for residential units,” by lowering the floor-to-floor height, or by adding to the footprint at the ground level, which would “permit moving some rooms to this level and would maintain proposed administrative spaces, especially if a lower level were used.”

For reasons already discussed, the Board does not agree with the ANC that the planned height of the new emergency shelter building is inappropriate at its location. The building will be sited at a distance from neighboring residences such that the new development will not affect the available light, air, or privacy. The proposed height of the emergency shelter is less than the maximum height permitted as a matter of right under certain circumstances (*i.e.* buildings permitted up to 90 feet in height in accordance with Subtitle F § 203), and therefore will not substantially impair the intent, purpose, or integrity of the RA-1 Zone. Also for reasons already discussed, the Board does not agree with the ANC’s assertion that the emergency shelter building could have been designed in the different ways suggested by the ANC and still have met all of the relevant program needs of the facility while achieving the same efficiencies.

Accessory parking

The Applicant requests a special exception to allow the temporary use of Lot 848 to provide parking, now located on Lot 849, accessory to the MPD facility.¹³ Under Subtitle U § 203.1(j),

¹² The ANC’s resolution was based on the initial application, which requested variance relief to allow 72 feet and six stories in building height. At the public hearing, ANC 3C reiterated its opposition to the amended proposal for 69 feet. (MacWood, Tr. at 119.)

¹³ Lot 848 is federally owned land; according to NRG, jurisdiction was transferred to the District of Columbia in 1973 “for recreation and related purposes.” (See Exhibit 164A2, pp. 2-6.) The Board deems the self-certification of this application as the Applicant’s representation that Lot 848 may be used for the proposed temporary parking use.

the Board may permit, as a special exception under Subtitle X, Chapter 9, accessory parking elsewhere than on the same lot as the principal use, subject to the specified conditions. Consistent with those conditions, the Applicant proposes to provide parking spaces in an open area that will satisfy the requirements of Subtitle C, Chapter 7¹⁴ as well as the provision requiring that at least 80 percent of the parking surface will utilize a pervious pavement. No commercial advertising signs are proposed, as the accessory parking will be utilized only by MPD personnel during the construction of the parking facility on the subject property.

The Board finds that the Applicant's proposal will locate the parking spaces in a way that will not likely become objectionable to adjoining or nearby property because of noise, traffic, or other objectionable conditions. Much of the adjoining property is used for recreational purposes, and the new parking arrangement will comply with zoning requirements with respect to landscaping, pervious pavement, and other measures to avoid creating objectionable conditions for neighboring residences. The present character and future development of the neighborhood will not be adversely affected because the parking arrangement will be of a limited duration, until completion of the new garage on the subject property, and will avoid an increase in demand for on-street parking during the construction process. The current recreational uses will be fully restored when the accessory parking use is no longer needed. The temporary relocation of the accessory parking is reasonably necessary to provide parking spaces, convenient to the MPD facility, for the personal vehicles of police officers arriving at the subject property by car.

The Office of Planning recommended approval of the special exception requested for the relocation of the MPD accessory parking. DDOT had no objection to the requested relief.

ANC 3C opposed the Applicant's proposed relocation of MPD parking, finding that "establishing parking on the tennis courts would take away a valuable community amenity and would destroy an undetermined portion of another valuable community asset: the community gardens." The ANC also expressed concern about "pedestrian and child safety, storm water runoff and groundwater pollution." (Exhibit 170.) The ANC's concerns about safety were based in part on an "understanding ... that there would be police cars as well using the temporary parking structure." (MacWood, Tr. at 141.) The Board acknowledges the ANC's concerns about the community amenities that will be displaced by the accessory parking, but – in light of the Applicant's commitment to restore those amenities after the temporary use of the tennis courts for parking – finds that those amenities will not be "taken away" and that approval of the Applicant's proposal is necessary to avoid creating parking impacts during the construction process. The Applicant's compliance with traffic and zoning regulations, including those

¹⁴ Subtitle C, Chapter 7 sets forth requirements for parking spaces, including with respect to restrictions on their location and requirements for access, size and layout, maintenance, screening, and landscaping.

relating to pervious paving, will address the ANC's concerns with respect to pedestrian safety and environmental impacts. The Board acknowledges the ANC's testimony about the urgency of some trips undertaken from the subject property by police vehicles, but notes that the relocated accessory parking will be used only by police officers commuting in their own vehicles, not while responding to emergencies.

Great weight

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed above, the Board concurs with OP's recommendation that the application should be approved in this case.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)) In this case ANC 3C expressed support for the Applicant's proposal to operate an emergency shelter at the subject property but raised issues and expressed concerns about certain aspects of the application. The Board has addressed those issues and concerns in this order, and was not persuaded that they warrant disapproval of any of the zoning relief requested in this application.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception to allow an emergency shelter and area variances from requirements relating to building height in feet and number of stories, loading, and the location of two principal buildings on a single lot of record in the RA-1 Zone at 3320 Idaho Avenue, N.W. (Square 1818, Lot 849), as well as special exception relief to allow accessory parking not on the same lot as the principal use (Square 1818, Lot 848). Accordingly, it is **ORDERED** that the application is **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 237 – APPLICANT'S UPDATED PLANS.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Robert E. Miller voting to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: August 30, 2017

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PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

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