

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-197, Mobile DMV Act of 2017
- D.C. Council passes Resolution 22-304, Mayor Marion Barry, Jr. Memorial Statue Commemorative Work Approval Resolution of 2017
- D.C. Council schedules a public oversight roundtable on the “Graduation Rate Accountability”
- D.C. Council schedules a public roundtable on the “Quality of Life and Noise in Your Neighborhood”
- Executive Office of the Mayor releases a memorandum on the OSSE Analysis of Attendance and Graduation Outcomes at Public High Schools in the District of Columbia
- D.C. Public Service Commission establishes regulations that require telecommunications service providers to report jurisdictional revenue
- Office of the State Superintendent of Education announces funding availability for the Nutrition Education and Physical Activity Grant

DISTRICT OF COLUMBIA REGISTER

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AN ACT
D.C. ACT 22-190

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2017

To amend, on a temporary basis, the Fiscal Year 2018 Budget Support Act of 2017, the Clean and Affordable Energy Act of 2008, the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, the Protecting Pregnant Workers Fairness Act of 2014, the Healthy Schools Act of 2010, the District of Columbia Real Estate Deed Recordation Tax Act, Title 47 of the District of Columbia Official Code, the Marion S. Barry Summer Youth Employment Expansion Amendment Act of 2016, the Early Childhood and School-Based Behavioral Health Infrastructure Act of 2012, the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, and Title 5-E of the District of Columbia Municipal Regulations to clarify provisions supporting the Fiscal Year 2018 budget; to provide funding for the collective bargaining agreement between the District of Columbia Public Schools and the Washington Teachers' Union and additional funding to District of Columbia public charter schools; and to authorize certain one-time payments to District of Columbia public charter schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2018 Budget Support Clarification Temporary Amendment Act of 2017".

TITLE I. BUDGET SUPPORT ACT CLARIFICATIONS

Sec. 101. Section 210(c) of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)), is amended as follows:

- (a) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its place.
- (b) Paragraph (10) is amended by striking the period at the end and inserting the phrase “; and” in its place.
- (c) A new paragraph (11) is added to read as follows:
“(11) For the fiscal year beginning October 1, 2017 and ending September 30, 2018, supporting DOEE activities in the amount of \$242,412.”.

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Sec. 102. Section 501 of the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-262; D.C. Official Code § 22-4251), is amended as follows:

(a) Subsection (b)(2) and (3) is amended to read as follows:

“(2) Of the 20 representatives, 10 shall be appointed by the Mayor and 10 shall be appointed by the Chairman of the Council no later than 60 days after October 1, 2017.

“(3) The Mayor and the Chairman of the Council shall each designate a co-chair of the Task Force, one each from the government and non-government sectors.”.

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

“(c) No later than October 1, 2018, the Task Force shall hold at least 3 public meetings and shall present a report to the Mayor and the Council.”.

Sec. 103. The Protecting Pregnant Workers Fairness Act of 2014, effective March 3, 2015 (D.C. Law 20-168; D.C. Official Code § 32-1231.01 *et seq.*), is amended as follows:

(a) Section 8(b)(3)(B) (D.C. Official Code § 32-1231.07(b)(3)(B)) is amended by striking the phrase “examiner at set forth” and inserting the phrase “examiner as set forth” in its place.

(b) Section 9(b) (D.C. Official Code § 32-1231.08(b)) is amended by striking the phrase “a determination of an independent hearing examiner” and inserting the phrase “a final decision of the Director” in its place.

Sec. 104. Section 102(c)(6) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-821.02(c)(6)), is amended to read as follows:

“(6) To increase physical activity in schools, the Office of the State Superintendent of Education shall make grants available, subject to the availability of funds in the Fund, through a competitive process or a formula grants process to public schools, public charter schools, or organizations that provide technical assistance to public schools and public charter schools to increase the amount of physical activity in schools; provided, that a school receiving a grant award shall seek to meet the requirements of section 402 , and seek to increase the amount of physical activity in which its students engage.”.

Sec. 105. The District of Columbia Real Estate Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1101 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 42-1101) is amended as follows:

(1) Paragraph (16) is amended by striking the phrase “an individual who has never owned eligible property” and inserting the phrase “an individual purchaser who has never owned improved residential real property or an economic interest in a cooperative unit that qualified for the homestead deduction provided pursuant to D.C. Official Code § 47-850 or § 47-850.01” in its place.

(2) Paragraph (17) is amended to read as follows:

“(17) The phrase “eligible property” means improved residential real property, including an economic interest in a cooperative unit, purchased at an amount not to exceed the

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purchase ceiling of \$625,000 (adjusted annually beginning with real property tax year 2019 by the addition to the prior purchase ceiling of an amount equal to the percentage increase in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for All Urban Consumers for the preceding calendar year in which the real property tax year begins, rounded to the next lowest multiple of \$500), that qualifies for the homestead deduction provided pursuant to D.C. Official Code § 47-850 or § 47-850.01; and the phrase also includes within the purchase ceiling all other real property conveyed on the same deed.”.

(b) Section 303 (D.C. Official Code § 42-1103) is amended as follows:

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

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

“(1) Beginning October 1, 2017, for eligible property purchased by a first-time District homebuyer, the rate of tax provided in subsections (a) and (a-4) of this section shall be reduced as follows; provided, that the requirements of paragraph (2) of this subsection are met; provided further, that the entire benefit of the reduced recordation tax rate shall be allocated to the grantees of the eligible property, as shown on the settlement statement or closing disclosure form:

“(A) To 0.725% for a deed of title; or

“(B) For an economic interest in a cooperative unit:

“(i) To 1.825% when consideration allocable to the real property is less than \$400,000; or

“(ii) To 2.175% when consideration allocable to the real property is \$400,000 or greater.”.

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

“(2) To be eligible for the reduced recordation tax rate provided by this subsection, the applicant for the reduced rate shall, at the time the deed is offered for recordation:

“(A) Certify that the applicant is a first-time District homebuyer and is a bona fide District of Columbia resident;

“(B) Provide proof that the combined federal adjusted gross income, as shown on all the owners’ and household members’ federal income tax returns originally due or filed immediately before (if filed before the original due date) the deed is offered for recordation, is no higher than 180% of the Area Median Income as provided before the beginning of the real property tax year (and effective for such tax year) by the United States Department of Housing and Urban Development as a direct calculation without taking into account any adjustment. For purposes of this subparagraph, “household” excludes any tenant occupying a separate dwelling unit under a written lease for fair market value;

“(C) Provide proof that the real property to be purchased is eligible property; and

“(D) Submit a copy of the homestead deduction application for the eligible property, signed by the applicant.”.

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

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“(3) The Mayor or the Chief Financial Officer of the District of Columbia may require the applicant to provide such documentation as may be necessary or appropriate to substantiate entitlement to the reduced rate of tax provided under this subsection.”.

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

“(g) Notwithstanding subsection (c) of this section and D.C. Official Code § 47-4421, any subsequent deficiency of recordation tax determined to be owed on a deed taxed at the rate provided under subsection (e) of this section when the deed was accepted for recordation shall be the liability of the grantee or grantees solely and shall not create a lien on the real property that was transferred under such deed.”.

Sec. 106. Chapter 22 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-2202.03. Additional tax on gross receipts for transient lodgings or accommodations.”.

(b) A new section 47-2202.03 is added to read as follows:

“§ 47-2202.03. Additional tax on gross receipts for transient lodgings or accommodations.

“(a) A tax, separate from, and in addition to, the taxes imposed pursuant to §§ 47-2202 and 47-2202.01 is imposed at the rate of 0.3% on the use, storage, or consumption of any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients.

“(b) Vendors engaging in the business activities listed in this section and purchasers of the vendors' tangible personal property and services shall pay the tax at the rate of 0.3% of the gross receipts for the sale or charges for any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients.

“(c) If the occupancy of a room or rooms, lodgings, or accommodations is reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this section shall be determined based on the net charges and additional charges by the room remarketer.

“(d) The tax revenue receipted pursuant to this section shall be dedicated to the Washington Convention and Sports Authority, for transfer to Destination DC for the purposes of marketing and promoting the District of Columbia as a destination. Any tax revenue dedicated pursuant to this subsection shall be in addition to the funds dedicated to Destination DC pursuant to § 10-1202.08a.”.

Sec. 107. Section 3 of the Marion S. Barry Summer Youth Employment Expansion Amendment Act of 2016, effective May 12, 2016 (D.C. Law 21-112; 63 DCR 4326), is repealed.

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Sec. 108. Section 203(b)(2) of the Early Childhood and School-Based Behavioral Health Infrastructure Act of 2012, effective June 7, 2012 (D.C. Law 19-141; D.C. Official Code § 2-1517.32(b)(2)), is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “designee;” and inserting the phrase “designee, to co-chair the task force;” in its place.

(b) Subparagraph (P) is amended by striking the phrase “members.” and inserting the phrase “members, to co-chair the task force.” in its place.

Sec. 109.

(a) Section 3500.8 of Title 5-E of the District of Columbia Municipal Regulations (5-E DCMR § 3500.8) is amended as follows:

(1) The existing text is redesignated as paragraph (a).

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

“(b) Any agreement for outside use or lease of a public school building by a civic association or Advisory Neighborhood Commission shall not stipulate any liability insurance requirement nor assess any permit, custodial, or security fee; provided, that the outside use of the public school building does not impose a cost on the District except for the costs of custodial and security services.”.

(b) Section 1153 of the Fiscal Year 2018 Budget Support Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), is repealed.

TITLE II. WASHINGTON TEACHERS’ UNION AGREEMENT AND PUBLIC CHARTER SCHOOLS FUNDING

Sec. 201. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase “\$9,972 per student for Fiscal Year 2018” and inserting the phrase “\$10,257 per student for Fiscal Year 2018” in its place.

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

“

“Grade Level	Weighting	Per Pupil Allocation in FY 2018
“Pre-Kindergarten 3	1.34	\$13,744
“Pre-Kindergarten 4	1.30	\$13,334
“Kindergarten	1.30	\$13,334
“Grades 1-5	1.00	\$10,257

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“Grades 6-8	1.08	\$11,078
“Grades 9-12	1.22	\$12,514
“Alternative program	1.44	\$14,770
“Special education school	1.17	\$12,001
“Adult	0.89	\$9,129

“(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

“(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

“Special Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
“Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$9,949
“Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$12,308
“Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$20,206
“Level 4: Special Education	More than 24 hours per week of specialized services, which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$35,797

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“Special Education Compliance	Weighting provided in addition to special education level add-on weightings on a per-student basis for Special Education compliance.	0.069	\$708
“Attorney’s Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per-student basis for attorney’s fees.	0.089	\$913
“Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$17,129

“General Education Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
“ELL	Additional funding for English Language Learners.	0.49	\$5,026
“At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.219	\$2,246

“Residential Add-ons:

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018

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"Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.368	\$3,775
"Level 2: Special Education - Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.337	\$13,714
"Level 3: Special Education - Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$29,653
"Level 4: Special Education - Residential	Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.891	\$29,653

ENROLLED ORIGINAL

"LEP/NEP - Residential	Additional funding to support the after-hours limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.668	\$6,852
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"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2018
"Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs.	0.063	\$646
"Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.227	\$2,328
"Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	\$5,036
"Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who require extended school year (ESY) services in their IEPs	0.491	\$5,036

ENROLLED ORIGINAL

.”.

Sec. 202. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-368.07. Workforce Investments account.”.

(b) A new section 47-368.07 is added to read as follows:

“§ 47-368.07. Workforce Investments account.

“(a) The Workforce Investments account (“Account”) shall be administered by the Mayor in accordance with subsections (b) and (c) of this section.

“(b) Money in the Account shall be used for the following purposes only:

“(1) Costs related to financial, developmental, and other investments in the District government workforce, including salary increases or other items required by the terms of collective bargaining agreements and cost-of-living adjustments to salaries and hourly wages;

“(2) Payments to public charter schools authorized by section 204 of the Fiscal Year 2018 Budget Support Clarification Temporary Amendment Act of 2017, passed on 2nd reading on November 7, 2017 (Enrolled version of Bill 22-492); and

“(3) For such other purposes for which funds previously may have been deposited into the account.

“(c)(1) The money deposited into the Account shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Account shall be continually available without regard to fiscal year limitation.”.

Sec. 203. The Fiscal Year 2018 Budget Support Act of 2017, enacted on July 31, 2017 (D.C. Act 22-130; 64 DCR 7652), is amended as follows:

(a) Section 4003(b) is amended to read as follows:

“(b) For District of Columbia Public Schools, no more than \$30,200,000 of the Fiscal Year 2018 increase to the Uniform Per Student Funding Formula foundation level over the Fiscal Year 2017 foundation level, effectuated by section 4002, shall be used in Fiscal Year 2018 to satisfy compensation terms required by a collective bargaining agreement that becomes effective in Fiscal Year 2018.”.

(b) Section 7102 is amended as follows:

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

(A) The lead-in language is amended as follows:

(i) Strike the phrase “if local revenues” and insert the phrase “the portion of local revenues” in its place.

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(ii) Strike the phrase “estimate exceed the” and insert the phrase “estimate that exceeds the” in its place.

(iii) Strike the phrase “for Fiscal Year 2018, these additional revenues” and insert the phrase “for Fiscal Year 2018 (“additional revenues”)” in its place.

(B) Paragraph (1) is amended as follows:

(i) Strike the phrase “50% to the Workforce Investments account,” and insert the phrase “Pursuant to subsection (b)(1) under the heading “Revised Revenue Estimate Contingency Priority” in the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581), 50% of the additional revenues to the Workforce Investments account” in its place.

(ii) Strike the phrase “which shall be available to fund salary increases or other items required by the terms of collective bargaining agreements that will become effective in Fiscal Year 2018; and” and insert the phrase “; and” in its place.

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

“(2) Pursuant to subsection (b)(2) under the heading “Revised Revenue Estimate Contingency Priority” in the Fiscal Year 2018 Local Budget Act of 2017, effective August 29, 2017 (D.C. Law 22-16; 64 DCR 6581), 50% of the additional revenues as follows:

“(A) \$24.175 million in recurring additional revenues to the General Fund of the District of the Columbia (“offset”), which shall offset in an equal amount a dedication of general sales tax revenue to the capital improvements program (“CIP”) that in turn will be dedicated to the Washington Metropolitan Area Transit Authority (“WMATA”), in accordance with subsections (b) and (c) of this section; and

“(B) All remaining additional revenues to the Workforce Investments account.”.

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

“(b) Revenue from general sales tax imposed by section 47-2002(a) of the District of Columbia Official Code at the rate of 5.75% (“general sales tax”) in an amount equal to the recurring revenue in the offset shall become a dedicated tax (“dedicated tax”) for use in the CIP.”.

(3) Subsection (c) is amended by striking the phrase “(b)(1)(A)” both times it appears and inserting the phrase “(b)” in its place.

Sec. 204. Payments to public charter schools.

In Fiscal Year 2018, each public charter school, as that term is defined in section 102(9) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(9)) (“UPSFF Act”), that received Fiscal-Year-2017-based uniform per student funding formula (“UPSFF”) payments shall receive a payment in Fiscal Year 2018 in an amount equal to the difference between the total sum of Fiscal-Year-2017-based UPSFF payments that the public charter school received and the total sum of Fiscal-Year-2017-based UPSFF payments that the public charter school would have received if:

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(1) The foundation level set forth in section 104 of the UPSFF Act (D.C. Official Code § 38-2903) for Fiscal Year 2017 were \$9,885;

(2) The per-pupil allocations for Fiscal Year 2017 set forth in section 105 of the UPSFF Act (D.C. Official Code § 38-2904) were adjusted to reflect a foundation level of \$9,885;

(3) The per-pupil supplemental allocations set forth in section 106(c) of the UPSFF Act (D.C. Official Code § 38-2905(c)) were adjusted to reflect a foundation level of \$9,885; and

(4) The at-risk allocations described in section 106a of the UPSFF Act (D.C. Official Code § 38-2905.01) were calculated based on a foundation level of \$9,885.

TITLE III. FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

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

Sec. 302. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 29, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-191

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2017

To amend, on a temporary basis, Chapter 39 of Title 28 of the District of Columbia Official Code to clarify that the Office of the Attorney General is authorized to enforce the District of Columbia Consumer Protection Procedures Act against housing providers that violate certain consumer protection laws that protect tenants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2017".

Sec. 2. Chapter 39 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-3909 is amended as follows:

(1) Strike the phrase "Corporation Counsel" wherever it appears and insert the phrase "Office of the Attorney General" in its place.

(2) Subsection (c)(5) is amended by striking the phrase "Corporation's Counsel's" and inserting the phrase "Office of the Attorney General's" in its place.

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

"(d) The Office of the Attorney General may apply the provisions and exercise the duties of this section to landlord-tenant relations."

(b) Section 28-3910(a) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Office of the Attorney General" in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 29, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-192

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2017

To amend the District of Columbia Traffic Act, 1925 by repealing a provision that requires the Mayor to revoke the operator's permit of a District resident, or the privilege to operate a motor vehicle in the District of a nonresident, convicted of the commission of a drug offense, and to authorize the Mayor to delay the issuance of an operator's permit to an individual not already in possession of a valid operator's permit when such individual is convicted of or adjudicated delinquent as a result of the operation of a motor vehicle under the influence of any substance the possession of which is prohibited under the Comprehensive Drug Abuse Prevention and Control Act of 1970, the District of Columbia Controlled Substances Act of 1981, or the law of any state, territory, or possession of the United States.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Operator's Permit and Drug Offense Amendment Act of 2017".

Sec. 2. Section 13a of the District of Columbia Traffic Act, 1925, effective March 16, 1989 (D.C. Law 7-222; D.C. Official Code § 50-1403.02), is amended as follows:

(a) The section heading is amended by striking the phrase "Revocation and disqualification of" and inserting the phrase "Delayed issuance of" in its place.

(b) Subsection (a) is repealed.

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

(1) Paragraph (3) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(2) Paragraph (4) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(5) The operation of a motor vehicle under the influence of any substance the possession of which is prohibited under the Comprehensive Drug Abuse Prevention and Control Act of 1970, approved October 27, 1970 (84 Stat. 1236; 21 U.S.C. § 801 *et seq.*), the District of Columbia Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), or the law of any state, territory, or possession of the United States."

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(d) Subsection (b)(1) is repealed.

Sec. 3. Fiscal impact statement.

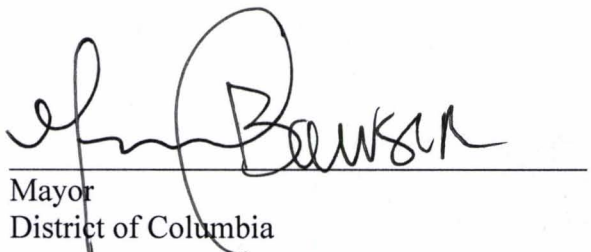
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 29, 2017

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-193

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2017

To amend An Act To provide for annual inspection of all motor vehicles in the District of Columbia to provide that, if a motor vehicle does not pass an exhaust emissions inspection performed by the Department of Motor Vehicles and the motor vehicle is subsequently repaired by a full-service retail service station for the purpose of passing an exhaust emissions inspection, the owner of the motor vehicle or the owner's designee may have the motor vehicle re-inspected by the full-service retail service station that made the repairs, if the full-service retail service station is capable of performing an exhaust emissions inspection, and to require the Department of Motor Vehicles to issue an inspection sticker for the motor vehicle, if the motor vehicle passes a subsequent exhaust emissions inspection performed by the full-service retail service station that made the necessary repairs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Exhaust Emissions Inspection Amendment Act of 2017".

Sec. 2. Section 1 of An Act To provide for annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1101), is amended by adding a new subsection (d) to read as follows:

"(d)(1) For the purposes of this subsection, the term "full-service retail service station" means any retail service station located in the District that provides a garage, service bay, work area, or similar enclosed area for repairing, maintaining, servicing, or otherwise working on motor vehicles, or any service islands. The term "full-service retail service station" includes a vehicle repair station regardless of whether it sells motor fuel.

"(2) If a motor vehicle does not pass an exhaust emissions inspection performed by the Department of Motor Vehicles and the motor vehicle is subsequently repaired by a full-service retail service station for the purpose of passing an exhaust emissions inspection, the owner of the motor vehicle, or the owner's designee, may have the motor vehicle re-inspected by the full-service retail service station that made the repairs, if the full-service retail service station is capable of performing an exhaust emissions inspection.

"(3) If the motor vehicle passes a subsequent exhaust emissions inspection performed by the full-service retail service station that made the necessary repairs, the Department of Motor Vehicles shall issue an inspection sticker for the motor vehicle.

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“(4) Within 180 days after the effective date of the Exhaust Emissions Inspection Amendment Act of 2017, passed on 2nd reading on November 7, 2017 (Enrolled version of Bill 22-70), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this subsection.”.

Sec. 3. Applicability.

(a) Section 2 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 29, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-194

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2017

To amend the District of Columbia Traffic Act, 1925 to expand the time period during which a nonresident owner or operator of a motor vehicle is exempt from the requirement to obtain an operator's permit and register a motor vehicle upon entering the District, and to impose a \$20 fee for a replacement reciprocity sticker; to amend the District of Columbia Revenue Act of 1937 by repealing a provision that authorized the Mayor, when the only assets of a decedent's estate requiring administration consist of no more than 2 motor vehicles, to transfer title to the person or persons entitled thereto or to their nominee; and to amend Title 20 of the District of Columbia Official Code to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DMV Services Amendment Act of 2017".

Sec. 2. Section 8 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-1401.02), is amended as follows:

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

(1) Strike the phrase "30 day period" and insert the phrase "60-day period" in its place.

(2) Strike the phrase "30-day exemption" and insert the phrase "60-day exemption" in its place.

(b) Subsection (b) is amended by striking the phrase "30 day exemption" and inserting the phrase "60-day exemption" in its place.

(c) Subsection (h) is amended by striking the phrase "30-day exemption" and inserting the phrase "60-day exemption" in its place.

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

"(j) A \$20 fee shall be paid for a replacement reciprocity sticker issued under this section."

Sec. 3. Section 2(e) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(e)), is amended as follows:

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(a) Paragraph (4) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(b) Paragraph (5) is amended by striking the phrase “; and” and inserting a period in its place.

(c) Paragraph (6) is repealed.

Sec. 4. Title 20 of the District of Columbia Official Code is amended as follows:

(a) Section 20-105 is amended by striking the phrase “Except as provided in section 20-357, all property” and inserting the phrase “All property” in its place.

(b) Chapter 3 is amended as follows:

(1) The table of contents is amended by striking the phrase “20-357. Exception for motor vehicles.” and inserting the phrase “20-357. Exception for motor vehicles. [Repealed]” in its place.

(2) Section 20-357 is repealed.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

November 29, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-195

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2017

To amend, on an emergency basis, the Homeless Services Reform Act of 2005 to define the term medical respite services, to require a provider of medical respite services to provide 24-hour notice before a placement will end, and to exempt the provision of medical respite services from certain requirements of the act, including the transfer, suspension, termination, and hearing requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Respite Services Exemption Emergency Amendment Act of 2017".

Sec. 2. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-751.01) is amended by adding a new paragraph (26A) to read as follows:

“(26A) “Medical respite services” means limited-time acute and post-acute 24-hour residential care that is provided 7 days a week to eligible individuals who are:

“(A) Homeless; and “(B) Determined by a qualified medical professional, licensed in the District and regulated by and subject to the grievance processes of the appropriate professional licensing board, to require medical assistance.”.

(b) Section 19 (D.C. Official Code § 4-754.33) is amended by adding a new subsection (b-2) to read as follows:

“(b-2) All providers of medical respite services shall give to any client receiving medical respite services prompt oral and written notice that the client no longer requires medical respite services and that the placement will end within 24 hours following receipt of the written notice.”.

(c) A new section 29a is added to read as follows:

“Sec. 29a. Medical respite services; exemptions.

“Medical respite services shall be exempt from the requirements of section 9(a)(15), (16), and (18), and sections 20, 21, 22, 23, 24, 25, 26, and 27.”.

Sec. 3. Applicability.

This act shall apply as of November 18, 2017.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

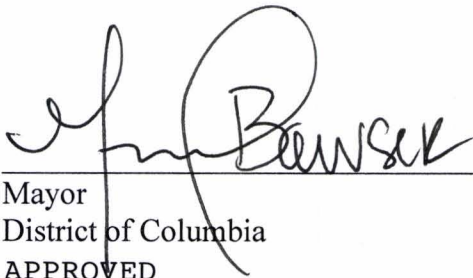
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 29, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-196

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 29, 2017

To amend, on an emergency basis, the Government Employer-Assisted Housing Amendment Act of 1999 to provide that Employer-Assisted Housing Program participants who settle on the purchase of a housing unit in Fiscal Year 2018 and are not provided funds at the time of settlement in the amounts that they are eligible to receive under the act shall be retroactively compensated by the Department of Housing and Community Development, and to require the department to provide written notice describing the act’s provisions to any person who has begun the application process for the program, all program participants, and the community-based organizations charged with the program’s implementation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Government Employer-Assisted Housing Emergency Amendment Act of 2017”.

Sec. 2. Section 4 of the Government Employer-Assisted Housing Amendment Act of 1999, effective May 9, 2000 (D.C. Law 13-96; D.C. Official Code § 42-2503), is amended by adding new subsections (e) and (f) to read as follows:

“(e)(1) Subject to the availability of funds, if, at the time of a Participant’s settlement in Fiscal Year 2018, the Department does not provide the Participant all of the matching contributions under section 5(b), or, if the Participant is a first responder, all of the matching contributions under section 5(b-1) and a grant of up to \$10,000 under section 6a, which the Participant was eligible to receive under this act at the time of settlement, the Department shall compensate the Participant retroactively after settlement in the amount that the Participant should have received but did not receive.

“(2) This subsection shall apply as of October 1, 2017.

“(f) Within 5 days after the effective date of the Government Employer-Assisted Housing Emergency Amendment Act of 2017, passed on emergency basis on November 7, 2017 (Enrolled version of Bill 22-562), the Department shall provide written notice describing the provisions of this act to any person who has begun the application process for the Program, all Participants, and the community-based organizations charged with the Program’s implementation.”.

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 29, 2017

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-197

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 1, 2017

To establish a Mobile Customer Service Center Program and to require the Department of Motor Vehicles to acquire and operate at least one motor vehicle as a mobile customer service center, develop and publish a schedule for the operation of mobile customer service centers, and submit a report analyzing the use of mobile customer service centers, including recommendations about how to improve the Mobile Customer Service Center Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mobile DMV Act of 2017".

Sec. 2. Mobile Customer Service Center Program.

(a) There is established a Mobile Customer Service Center Program ("Program"), which shall be administered by the Department of Motor Vehicles ("DMV") in accordance with this section.

(b) By July 1, 2018, the DMV shall operate at least one motor vehicle, furnished with the equipment necessary to use the motor vehicle as a mobile customer service center that provides, at a minimum, the following services:

- (1) Titling and registering motor vehicles;
- (2) Issuing or renewing special tags and permits;
- (3) Issuing or renewing operator's permits, learner's permits, provisional motor vehicle operator's permits, federally-accepted driver's licenses or special identification cards, and limited purpose driver's licenses, permits, and identification cards;
- (4) Registering voters; and
- (5) Allowing individuals to pay fines, penalties, and fees for infractions adjudicated under the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*).

(c) Services rendered pursuant to this section shall be paid for by check or credit card.

(d) Each mobile customer service center shall operate, at a minimum, between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays; provided, that the Director of DMV may reduce the hours of operation of a mobile customer service center to account for:

- (1) Mechanical issues impeding the operation of a mobile customer service center; and

ENROLLED ORIGINAL

(2) The closure of the District government or the DMV due to an emergency, an administrative closure, or any other similar closure.

(e) By July 1, 2018, and on a regular basis thereafter, the DMV shall publish on its website a schedule listing the daily locations of each mobile customer service center. The DMV shall also publish on its website the name and telephone number of a knowledgeable employee who can provide additional information about the operation and schedule of the mobile customer service centers.

(f) By December 1, 2018, DMV shall submit to the Council, and make publically available, a report analyzing the use of the mobile customer service centers, including the number and type of transactions conducted at each mobile customer service center on a monthly basis. The report shall recommend:

(1) How to increase access to, or increase the number of, mobile customer service centers in the District; and

(2) Additional locations where mobile customer service centers should be deployed.

(g) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.

Sec. 3. Applicability.

(a) Section 2 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

~~UNSIGN~~

Mayor
District of Columbia
November 29, 2017

ENROLLED ORIGINAL

A RESOLUTION

22-304

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 21, 2017

To approve a commemorative work located at the corner of 13½ Street, N.W., and Pennsylvania Avenue, N.W., at the John A. Wilson Building, to be known as the Mayor Marion Barry, Jr. Memorial Statue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mayor Marion Barry, Jr. Memorial Statue Commemorative Work Approval Resolution of 2017”.

Sec. 2. (a) Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council approves a commemorative work in the District of Columbia to be known as the Mayor Marion Barry, Jr. Memorial Statue.

(b) The Mayor Marion Barry, Jr. Memorial Statue is commissioned to celebrate the life, accomplishments, and contributions of Marion Barry, Jr. to the residents, government, and civic life of the District of Columbia. Born in Itta Bena, Mississippi in 1936, Mr. Barry moved to Washington, D.C. in 1965 to open a chapter of the Student Non-Violent Coordinating Committee (“SNCC”), a pivotal civil-rights organization that helped lead District residents in their fight for civil rights. In addition to his efforts as part of SNCC, Mr. Barry co-founded Pride, Inc., which provided services for poor residents in the city. Beyond his efforts as part of the civil rights movement, Mr. Barry served as president of the District of Columbia Board of Education before his election to the Council of the District of Columbia. Mr. Barry was elected to 3 consecutive terms as Mayor of the District of Columbia, during which he created the summer youth employment program, oversaw substantial economic development, and earned the moniker “Mayor for Life.” Mr. Barry went on to serve additional terms on the Council as the Ward 8 member and a fourth term as Mayor, during which he remained dedicated to serving “the last, the lost, and the least.” The commemorative work will honor Mr. Barry’s contributions in all of these capacities, serve as an inspiration to District residents, and consist of a statue of Mr. Barry’s likeness. The statue will be located at the corner of 13½ Street, N.W., and Pennsylvania Avenue, N.W., at the John A. Wilson Building, seat of the District of Columbia government.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the District’s Commission on the Arts and Humanities, and the U.S. Commission of Fine Arts.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

ENROLLED ORIGINAL

A RESOLUTION

22-313

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2017

To appoint Ms. Meridel Bulle-Vu to the Child Support Guideline Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Child Support Guideline Commission Meridel Bulle-Vu Appointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia appoints:

Ms. Meridel Bulle-Vu
3816 Military Road, N.W.
Washington, D.C. 20015
(Ward 3)

as a District of Columbia Bar member of the Child Support Guideline Commission, established by D.C. Official Code § 16-916.02, for a term to end December 20, 2018.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the chairperson of the Child Support Guideline Commission, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

22-314

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2017

To appoint Councilmember Charles Allen as the Council representative to the Child Support Guideline Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Child Support Guideline Commission Councilmember Charles Allen Appointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia appoints:

Councilmember Charles Allen
1530 D Street, N.E.
Washington, D.C. 20002
(Ward 6)

as the Council of the District of Columbia designee to the Child Support Guideline Commission, established by D.C. Official Code § 16-916.02, for a term to end October 23, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the chairperson of the Child Support Guideline Commission, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A RESOLUTION

22-315

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 5, 2017

To appoint Ms. Tianna Gibbs to the Child Support Guideline Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Child Support Guideline Commission Tianna Gibbs Appointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia appoints:

Ms. Tianna Gibbs
401 Madison Street, N.E.
Washington, D.C. 20011
(Ward 4)

as a member of the Child Support Guideline Commission, established by D.C. Official Code § 16-916.02, for a term to end December 20, 2020.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the chairperson of the Child Support Guideline Commission, and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

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

- | | |
|---------|---|
| B22-601 | D.C. Official Code Title 49 Enactment Act of 2017

Intro. 11-28-17 by Chairman Mendelson and referred to the Committee of the Whole |
| <hr/> | |
| B22-609 | Parcel F1 Easement Disposition Act of 2017

Intro. 12-1-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development |
| <hr/> | |
| B22-610 | Service Contract Regulation and Enforcement Act of 2017

Intro. 12-1-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development |
| <hr/> | |
| B22-612 | Historic Anacostia Vacant Properties Surplus Declaration and Disposition Approval Act of 2017

Intro. 12-1-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization with comments from the Committee of the Whole and the Committee on Business and Economic Development |
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- B22-613 Ensuring Community Access to Recreational Space Act of 2017
- Intro. 12-5-17 by Councilmember Cheh and referred to the Committee on Transportation and the Environment with comments from the Committee on Education
-
- B22-614 Senior and Vulnerable Resident Protection Against Unlawful Trade Practice Amendment Act of 2017
- Intro. 12-5-17 by Councilmember McDuffie and referred to the Committee of the Whole
-
- B22-615 Housing Code Enforcement Integrity Amendment Act of 2017
- Intro. 12-5-17 by Councilmembers Bonds, Nadeau, R. White, and T. White and referred to the Committee of the Whole with comments from the Committee on Housing and Neighborhood Revitalization
-
- B22-616 Green Building Residential Metering Amendment Act of 2017
- Intro. 12-5-17 by Councilmembers Bonds, R. White, Nadeau, and Cheh and referred to the Committee on Business and Economic Development with comments from the Committee on Housing and Neighborhood Revitalization
-
- B22-617 Marion S. Barry Summer Youth Employment Program Enhancement Amendment Act of 2017
- Intro. 12-5-17 by Councilmembers Silverman, Nadeau, R. White, Cheh, T. White, Grosso, Evans, Gray, Bonds, and Allen and referred to the Committee on Labor and Workforce Development
-
- B22-618 Driver's License Revocation Fairness Amendment Act of 2017
- Intro. 12-5-17 by Councilmembers Silverman, Gray, T. White, Nadeau, and Bonds and referred to the Committee on Transportation and the Environment
-
- B22-619 Repeat Parking Violations Amendment Act of 2017
- Intro. 12-5-17 by Councilmember Allen and referred to the Committee on Transportation and the Environment
-

B22-620 Tax Increment Financing Transparency Amendment Act of 2017
Intro. 12-5-17 by Councilmembers Allen and Silverman and referred to the
Committee on Finance and Revenue

PROPOSED RESOLUTIONS

PR22-644 District of Columbia Commemorative Works Committee Maryam F. Foye
Confirmation Resolution of 2017
Intro. 11-28-17 by Chairman Mendelson at the request of the Mayor and
referred to the Committee of the Whole

PR22-645 District of Columbia Housing Authority Board of Commissioners Franselene
St. Jean Confirmation Resolution of 2017
Intro. 11-28-17 by Chairman Mendelson at the request of the Mayor and
referred to the Committee on Housing and Neighborhood Revitalization

PR22-651 Alcoholic Beverage Control Board Bobby Cato, Jr. Confirmation Resolution of
2017
Intro. 12-1-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Business and Economic Development

PR22-652 Commission on African Affairs Kotheid Nicoue Confirmation Resolution of
2017
Intro. 12-1-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Government Operations

PR22-653 Historic Preservation Review Board Thomas G. Brokaw Confirmation
Resolution of 2017
Intro. 12-1-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee of the Whole

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

Revised and abbreviated

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

ANNOUNCES A PUBLIC HEARING ON

B22-0262 – THE “405 53RD STREET N.E. DISPOSITION ACT OF 2017”;

B22-0431– THE “GREAT STREETS TECHNICAL AMENDMENT ACT OF 2017”;

B22-0528 – THE “KEENE SCHOOL DISPOSITION AND LEASE APPROVAL ACT OF 2017”;

PR22-0494 – THE “ALCOHOLIC BEVERAGE CONTROL BOARD REMA WAHABZADAH CONFIRMATION RESOLUTION OF 2017”

PR22-0651– THE “ALCOHOLIC BEVERAGE CONTROL BOARD BOBBY CATO, JR. CONFIRMATION RESOLUTION OF 2017”

Monday December 11, 2017, 1:30 p.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Monday, December 11, 2017 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing on Bill 22-0262, the “405 53rd Street N.E. Disposition Act of 2017”; Bill 22-0431, the “Great Streets Technical Amendment Act of 2017”; Bill 22-0528, the Keene School Disposition and Lease Approval Act of 2017”; Proposed Resolution 22-0494, the “Alcoholic Beverage Control Board Rema Wahabzadah Confirmation Resolution of 2017”; and Proposed Resolution 22-0651, the “Alcoholic Beverage Control Board Bobby Cato, Jr. Confirmation Resolution of 2017”. The stated purpose of Bill 22-0262 is to approve the surplus and disposition of District-owned real property located at 405 53rd Street N.E., in Washington D.C., known for tax and assessment purposes as Lot 0800 in Square 5232.

The stated purpose of Bill 22-0431 is to amend the “Retail Incentive Act of 2004” to make technical changes in order to centralize and consolidate the various resolutions and acts that relate to the Great Streets Program. The stated purpose of Bill 22-0528 is to approve the disposition of District-owned real property located at 33-35 Riggs Road, N.E. in Washington, D.C., known for tax and assessment purposes as Lots 802 and 806 in Square 3702.

The stated purpose of Proposed Resolution 22-0494 is to appoint Ms. Rema Wahabzadah as a member of the Alcoholic Beverage Control Board. The stated purpose of Proposed Resolution 22-0651 is to appoint Mr. Bobby Cato, Jr. as a member of the Alcoholic Beverage Control Board. *Please note that this notice has been revised and abbreviated to include Proposed Resolution 22-0494 and Proposed Resolution 22-0651.*

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, December 7th**. 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 cautrey@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 on Business and Economic Development at cautrey@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 December 27.**

**Council of the District of Columbia
Committee on Government Operations
Notice of a Public Hearing**

Revised and Abbreviated

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite 117 Washington, DC 20004

**Councilmember Brandon T. Todd, Chair
Committee on Government Operations**

Announces a Public Hearing

on

**B22-324 - Notary Public Electronic Establishment and Enhancement Amendment Act
of 2017**

B22-467 - Revised Uniform Law on Notarial Acts of 2017

Wednesday, December 20, 2017, 10:30 A.M.

John A. Wilson Building, Room 412

1350 Pennsylvania Avenue, N.W.

Washington, DC 20004

Councilmember Brandon T. Todd announces the scheduling of a public hearing by the Committee on Government Operations on B22-324, the “Notary Public Electronic Establishment and Enhancement Amendment Act of 2017” and B22-467, the “Revised Uniform Law on Notarial Acts of 2017”. The public hearing is scheduled for Wednesday, December 20, 2017 at 10:30 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004. *This notice has been revised and abbreviated to announce that B22-324 and B22-467 has been rescheduled for Wednesday, December 20, 2017 at 10 a.m. in Room 412.*

B22-324 updates the District's notary laws to conform with current best practices. It does not require the notary's sole place of residence or business be in the District. It gives the Mayor the authority to revoke the commission of notary publics who take higher fees than what is permitted by law. Among other things it requires that upon death, resignation, or revocation, notaries must return the official notarial seal to the District, along with other official documents and establishes an electronic notary system.

B22-467 enacts the Revised Uniform Law on Notarial Acts, which updates the provisions on notary responsibilities, electronic recording, interstate recognition, and remedies. The bill modernizes the law relating to notaries and notarial acts to accommodate the societal and technological changes and is designed to make the Act more responsive to current transactions and continuing technological change.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Government Operations at (202) 724-6663 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address, and organizational affiliation, if any, by close of business Monday, December 18, 2017. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Friday, January 5, 2018. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite 117 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

**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:

B22-559, the “Dupont Circle Business Improvement District Amendment Act of 2017”

Monday, December 18, 2017

10:00 a.m.

**Room 120 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Monday, December 18, 2017 at 10:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-559, the “District Circle Business Improvement District Amendment of 2017” would amend the Business Improvement Act of 1996 to authorize the establishment and administration of the Dupont Circle Business Improvement District.

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 10:00 a.m. on Friday, December 15, 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 of the hearing.

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

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

on

Graduation Rate Accountability

on

**Friday, December 15, 2017
10:00 a.m., Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public oversight roundtable of the Committee on Education on graduation standards in District of Columbia Public Schools and to account for how they are being met. The oversight roundtable will be held at 10:00 a.m. on Friday, December 15, 2017 in Hearing Room 500 of the John A. Wilson Building.

The purpose of this roundtable is to review graduation policies and rate at Ballou Senior High School, located at 3401 4th St SE, Washington, DC 20032.

Those who wish to testify may sign-up online at bit.do/EducationHearings or call the Committee on Education at (202) 724-8061 by 5:00pm Wednesday, December 13, 2017. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Witnesses appearing on their own behalf should limit their testimony to three (3) minutes; witnesses representing organizations should limit their testimony to five (5) minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted 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 Friday, January 5, 2018.

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

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR22-620, the “Commission on the Arts and Humanities Edmund Fleet Confirmation Resolution of 2017”

Monday, December 18, 2017

9:45 a.m.

**Room 120 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Monday, December 18, 2017 at 9:45 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 22-620, the “Commission on the Arts and Humanities Edmund Fleet Confirmation Resolution of 2017” would confirm the reappointment of Edmund Fleet as a member of the Commission on the Arts and Humanities for a term ending June 30, 2020.

The Committee invites the public to testify at the roundtable. 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 9:45 a.m. on Friday, December 15, 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.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC ROUNDTABLE OF THE COMMITTEE ON

Quality of Life and Noise in Your Neighborhood

on

Monday, December 11, 2017, at 2:00 PM
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, December 11, 2017, Councilmember Anita Bonds will hold a public roundtable on quality of life and noise issues. The purpose of the roundtable is to provide a forum for those residents experiencing a diminished quality of life due to noise issues in their neighborhood. The Committee has heard from many constituents, including seniors, persons with disabilities, and others with illness and life threatening medical conditions regarding the effects that neighborhood noise can have on the quality of the life of those residents living in an urban environment. The effects are considered harmful to those who wish to age in place and to those who suffer from health ailments. This roundtable seeks to renew the conversation by listening to the viewpoints of all involved stakeholders, and then by applying what we learn to our efforts to reach a resolution to the problem.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on December 8, 2017. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public roundtable, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite G6, Washington, D.C. 20004. The record will close at 5:00 p.m. on December 26, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B22-605, Controlled Substance Testing Temporary Amendment Act of 2017, **B22-608**, Historic Anacostia Vacant Properties Surplus Declaration and Disposition Temporary Approval Act of 2017, and **B22-622**, Medical Necessity Review Criteria Temporary Amendment Act of 2017 were adopted on first reading on December 5, 2017. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on January 9, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications**

Pursuant to the Consolidated Appropriations Act of 2017, approved May 5, 2017 (P.L. 115-31), the Council of the District of Columbia gives notice that the Mayor has transmitted the following Grant Budget Modification (GBM).

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

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

GBM 22-48: FY 2018 Grant Budget Modifications as of October 12, 2017

RECEIVED: 14 day review begins December 4, 2017

GBM 22-49: FY 2018 Grant Budget Modifications as of November 8, 2017

RECEIVED: 14 day review begins December 4, 2017

GBM 22-50: FY 2018 Grant Budget Modifications as of November 13, 2017

RECEIVED: 14 day review begins December 4, 2017

GBM 22-51: FY 2018 Grant Budget Modifications as of October 27, 2017

RECEIVED: 14 day review begins December 6, 2017

GBM 22-52: FY 2018 Grant Budget Modifications as of November 21, 2017

RECEIVED: 14 day review begins December 6, 2017

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 22-96

Request to reprogram \$39,906,182 of Fiscal Year 2018 Local funds budget authority within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on December 1, 2017. This reprogramming is needed to ensure that DCPS' budget is properly aligned to accommodate reporting changes within organizations and changes in DCPS initiatives.

RECEIVED: 14 day review begins December 4, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
12/8/2017

Notice is hereby given that:

License Number: ABRA-100515

License Class/Type: C Tavern

Applicant: Stephen Lawrence

Trade Name: 600 T

ANC: 6E02

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

600 T ST NW, WASHINGTON, DC 20001

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

1/22/2018

A HEARING WILL BE HELD ON:

2/5/2018

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	12 pm - 2 am	12 pm - 2 am	-
Monday:	5 pm - 2 am	5 pm - 2 am	-
Tuesday:	5 pm - 2 am	5 pm - 2 am	-
Wednesday:	5 pm - 2 am	5 pm - 2 am	-
Thursday:	5 pm - 2 am	5 pm - 2 am	-
Friday:	5 pm - 3 am	5 pm - 3 am	-
Saturday:	5 pm - 3 am	5 pm - 3 am	-

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 8, 2017
Protest Petition Deadline: January 22, 2018
Roll Call Hearing Date: February 5, 2018
Protest Hearing Date: April 4, 2018

License No.: ABRA-108460
Licensee: Deli Corner Store, LLC
Trade Name: Deli Corner Store
License Class: Retailer's Class "B"
Address: 1643 34th Street, N.W.
Contact: Wolde Selassie: 703-850-4697

WARD 2

ANC 2E

SMD 2E02

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 February 5, 2018 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 April 4, 2018 at 1:30 p.m.

NATURE OF OPERATION

A new Retailer Class B License.

HOURS OF OPERATION

Sunday 8 am – 7 pm, Monday through Thursday 7 am – 9:30 pm, Friday and Saturday 7 am – 10 pm

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday 9 am – 7 pm, Monday through Thursday 9 am – 9:30 pm, Friday and Saturday 9 am – 10 pm

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FOR-HIRE VEHICLES**

NOTICE OF PUBLIC HEARING

**Notice of Consideration of Proposed Amendments to
Title 31 (Taxicabs and Public Vehicles for Hire)
of the District of Columbia Municipal Regulations:
Emergency and Proposed Modernization Rules**

**Tuesday, December 12, 2017
1:00 PM**

The Department of For-Hire Vehicles announces a public hearing seeking stakeholder input on the Emergency and Proposed Modernization Rules, which were adopted October 27, 2017 and published in the November 17, 2017 *DC Register*. The rules require all taxicabs to transition from the legacy Modern Taximeter Systems to new Digital Taxicab Solutions by December 31, 2017. The Department of For-Hire Vehicles (“DFHV”) has scheduled a Public Hearing at 1:00 pm on Tuesday, December 12, 2017 at 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032.

Those interested in speaking at the hearing should register by calling 202-645-6002 not later than Monday, December 11 at 3:00 pm. Testimony will be limited to the specific subject matter of this public hearing. Each participant will be allotted up to five (5) minutes to present. Participants must submit ten (10) copies of their written testimony to the Secretary of the Department of For-Hire Vehicles, 2235 Shannon Place SE, Suite 3001, Washington, D.C. 20020, in advance of the hearing. All speakers should be prepared to answer questions that may be posed by the Department during the hearing.

This public hearing is for the purpose of gaining advance public and industry feedback on potential revisions to the definition and regulations relevant to the modernization regulations which appear in Title 31 DCMR Chapters 4, 5, 6, 8, 15, 18, 20 and 99.

The public hearing will take place at the following time and location:

TUESDAY, DECEMBER 12, 2017 AT 1:00 PM

**2235 SHANNON PLACE, S.E.
WASHINGTON, DC 20020
HEARING ROOM, SUITE 2032**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JANUARY 24, 2018
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD SIX

19667
ANC 6A **Application of Laura Peyton and Sarah Hopkins**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the rear addition requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1108 5th Street N.E. (Square 805, Lot 88).

WARD FIVE

19669
ANC 5E **Application of David Benjamin Douglas**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, and from the rear yard requirements of Subtitle D § 306.2, and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to construct a two-story rear addition to an existing one-family dwelling in the R-3 Zone at premises 2339 3rd Street N.E. (Square 3558, Lot 51).

WARD FIVE

19671
ANC 5B **Application of Patrick's Pet Care**, pursuant to 11 DCMR Subtitle X, Chapter 10, for a use variance from the use requirements of Subtitle U § 513.1(a)(1), to permit an animal care and boarding facility in the MU-4 at premises 3509 12th Street N.E. (Square 3928, Lot 45).

WARD TWO

19672
ANC 2E **Application of Milton Halem**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear addition requirements of Subtitle D § 1206.3, to construct a third story and a rear addition to an existing one-family dwelling in the R-20 Zone at premises 3608 S Street N.W. (Square 1305, Lot 47).

BZA PUBLIC HEARING NOTICE

JANUARY 24, 2018

PAGE NO. 2

WARD SIX

19673 **Application of Kim Ball**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a
ANC 6B special exception under Subtitle E § 5201 from the lot occupancy requirements of
 Subtitle E § 304.1 and the rear addition requirements of Subtitle E § 205.4, to
 construct a two-story rear addition to an existing one-family dwelling in the RF-3
 Zone at premises 407.5 4th Street S.E. (Square 793, Lot 12).

WARD TWO

19676 **Application of Coresite 1099 14th Street, LLC.**, pursuant to 11 DCMR Subtitle
ANC 2F X, Chapter 9, for a special exception under Subtitle C § 1504 from the penthouse
 setback requirements of Subtitle C § 1502.1(b) & (c) to construct rooftop
 mechanical equipment and screening on an existing office building in the RA-1
 Zone at premises 1099 14th Street N.W. (Square 248, Lot 75).

PLEASE NOTE:

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

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

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

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

Do you need assistance to participate?

Amharic

BZA PUBLIC HEARING NOTICE

JANUARY 24, 2018

PAGE NO. 3

ለመነጠፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም መሳተፊ ጥያቄ)

ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የመጠኑ በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务(翻译或口译),请在见面之前提前五天与 Zee Hill 联系,电话号码 (202) 727-0312, 电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

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

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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**

BZA PUBLIC HEARING NOTICE

JANUARY 24, 2018

PAGE NO. 4

**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, February 1, 2018, @ 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. 17-15 (806 Rhode Island Avenue, LLC – Map Amendment @ Square 3846)

THIS CASE IS OF INTEREST TO ANCs 5B and 5C

On July 24, 2017, the Office of Zoning received a petition from 806 Rhode Island Avenue, LLC (the "Petitioner") requesting approval of a Zoning Map amendment to rezone property located at 802-810 Rhode Island Avenue, N.E. (Square 3846, Lot 85) ("Property") from the PDR-2 District to the MU-6 District. On October 19, 2017, the Office of Planning submitted a report in support of setting down the petition for a public hearing. At its public meeting of October 30, 2017, the Zoning Commission voted to set down the petition for a public hearing. The Petitioner submitted its prehearing statement on November 10, 2017.

The Property consists of approximately 21,677 square feet of land area and is bounded by Franklin Street, N.E. to the north, 9th Street and Reed Street, N.E. to the east, Rhode Island Avenue, N.E. to the south, and the Metrorail tracks to the west. The Property is presently zoned PDR-2 and is designated for mixed use High Density Residential and Medium-Density Commercial land uses on the Comprehensive Plan Future Land Use Map.

The PDR-2 District is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. The PDR-2 zone allows a maximum height of 60 feet and a maximum density of 4.5 FAR.¹ The MU-6 zone is intended to (i) permit medium- to high-density mixed-use development with a focus on residential use; and (ii) provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core. The MU-6 zone allows a maximum height of 90 feet; maximum lot occupancy of 80%; and a maximum density of 6.0 FAR (7.2 FAR with Inclusionary Zoning and 2.0 FAR maximum for non-residential uses).

The Zoning Commission has determined that this public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Commission's Rules of Practice and Procedure, 11-Z DCMR, Chapter 5.

¹ In the PDR-2 zone, the maximum FAR is only permitted for the following uses: basic utilities; large-scale government; production, distribution, and repair; and waste-related services. All other permitted, conditional, or special exception use categories are limited to a maximum density of 3.0 FAR.

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.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of 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. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

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 <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Please include the case number on your submission.

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

ANTHONY J. HOOD, ROBERT E. MILLER, PETER 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.

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

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

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

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

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

TIME AND PLACE: **Thursday, February 15, 2018, @ 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:

CASE NO. 17-17 (Advisory Neighborhood Commission 8A – Map Amendment @ Square 5564, Lot 812 from PDR-1 to RA-2)

THIS CASE IS OF INTEREST TO ANC 8A

On September 27, 2017, the Office of Zoning received a petition from Advisory Neighborhood Commission (“ANC”) 8A (“Petitioner”) requesting approval of a Zoning Map amendment to rezone the property consisting of Lot 812 in Square 5564 (“Property”). On October 12, 2017, the Office of Planning submitted a report (“OP Report”) in support of setting the petition down for a public hearing as a rulemaking case, and the Commission voted to set down the petition for a public hearing on October 16, 2017. The Petitioner submitted a letter on November 16, 2017 asking that the case be scheduled as soon as possible.

The Property is vacant land consisting of approximately 20,499 square feet, and is located at the corner of 22nd Street, S.E. and Fairlawn Avenue, S.E. The property is currently zoned PDR-1. The PDR-1 zone is intended to permit moderate-density commercial and production, distribution, and repair activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. The Property is also located in the Neighborhood Conservation Area of the Generalized Policy Map, and the Moderate-Density Residential use category on the Future Land Use Map (FLUM) of the District of Columbia Comprehensive Plan. Though the Moderate-Density Residential uses include row houses, low-rise garden apartment complexes, low-rise apartment buildings, single family homes, and two-to-four unit buildings, the property’s PDR-1 zoning does not permit residential uses except for artist live-work and property caretaker residences.

The Petitioner requested a map amendment to rezone the Property from PDR-1 to either R-3 or RA-2 consistent with the zoning of the surrounding residential neighborhood. The R-3 zone is a low-density residential zone and allows for row dwellings, detached dwellings, semi-detached dwellings, and groups of three or more row dwellings. The RA-2 zone is a moderate density, residential apartment zone that provides for detached dwellings, rowhouses, and low-rise apartments. OP recommended the RA-2 zone be set down for public hearing because it is more consistent with the FLUM and is compatible with the existing development pattern in the vicinity of the site. The Commission agreed.

Generally, the RA zones permit urban residential development and compatible institutional and semi-public buildings such as public schools. The RA-2 zone is intended for areas developed with predominately moderate-density residential. As a matter of right, the RA-2 zone permits a maximum building height of 50 feet, a maximum density of 1.8 FAR (2.16 with Inclusionary Zoning), and a maximum permitted lot occupancy of 60%.

The Petitioner also requested that Commission take emergency action, to adopt the map amendment, apparently in the belief that doing so would prevent the potential construction on the Property of a storage facility, which the ANC opposes. However, the OP Report indicated that a building permit authorizing the construction of such a facility on the Property has already been issued. **Pursuant to 11-A DCMR §§ 301.4 and 302.11, the right to construct and establish the approved storage facility vested as of permit issuance. The adoption of the map amendment, whether on an emergency or permanent basis, cannot prevent that.** Therefore, the Commission declined to take emergency action.

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11-Z DCMR Chapter 5.

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.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of 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. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

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

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

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。

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.

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

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKINGRM13-2017-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT,

and

RM27-2017-02, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT,

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice pursuant to Sections 34-802, 2-505, 34-912(b), and 34-2002 of the District of Columbia Code¹ of its approval of amendments to Chapter 13 (Rules Implementing the Public Utilities Reimbursement Fee Act of 1980) and Chapter 27 (Regulation of Telecommunications Service Providers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations ("DCMR").

2. These amendments to Chapter 13 and Chapter 27 change the deadlines for mailing out the Commission's annual surveys and the filing of completed annual surveys by the public utilities, competitive local exchange carriers, competitive electricity suppliers, and competitive natural gas suppliers. The deadline for mailing out the annual surveys is changed to March 1 of each year, while the filing deadline for the annual surveys is changed to April 1 of each year. The amendments also clarify that telecommunications service providers must report jurisdictional revenue in accordance with the Federal Communications Commission's requirements in Part 36 of Title 47 of the Code of Federal Regulations ("CFR").

3. The Notice of Proposed Rulemaking was published on September 29, 2017.² No comments were filed. The Commission approved the amendments as proposed in a vote at the November 29, 2017 open meeting, with the rule becoming effective upon publication of this notice in the *D.C. Register*. The full text of the amendments is published below.

Chapter 13, RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 1301, DETERMINATION OF REIMBURSEMENTS, is amended as follows:

¹ D.C. Official Code § 34-802 (2012 Repl.); D.C. Official Code § 2-505 (2016 Repl.); D.C. Official Code § 34-912(b) (2012 Repl. & 2017 Supp.) and D.C. Official Code § 34-2002 (2012 Repl. & 2017 Supp.).

² 64 DCR 9638 (September 29, 2017).

- 1301.2 By March 1st of each year the Commission shall send to each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC an Annual Survey and Affidavit for assessment purposes. Each public utility, competitive electric supplier, competitive natural gas supplier, and CLEC shall file its responses to the Annual Survey with the Commission by April 1st. Each response shall include a report of the responder's gross jurisdictional revenues for the proceeding calendar year ending December 31st.
- 1301.3 Failure to respond to the Commission issued Annual Survey by April 1st shall result in a penalty of one hundred dollars (\$100.00) per day for each day that the filing is late.

Section 2707, REPORTS, of Chapter 27, REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS, is amended as follows:

- 2707.1 All telecommunications service providers in the District shall be required to file an annual report with the Commission on the Commission's annual report form by April 1st of each year, including the following information:
- (a) Type of services being provided to customers in the District as of the previous year ending December 31st;
 - (b) Number of lines and customers, classified by residential category (single family or multi-family complex) and commercial category (business or government);
 - (c) Jurisdictional revenue for the previous year ending December 31, in accordance with 47 CFR part 36;
 - (d) Name, address, telephone number, fax number, and e-mail address, if available, of the regulatory and customer service contacts;
 - (e) The means by which the telecommunications service provider is providing service (such as, resale through the incumbent local exchange carrier, resale through another provider, facilities-based including lease of unbundled network elements, resale, and facilities-based, or other); and
 - (f) Such other information as the Commission may require.

DEPARTMENT OF HEALTH

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 15 of the Death with Dignity Act of 2016 (Act), effective February 18, 2017 (D.C. Law 21-182; to be codified at D.C. Official Code § 7-661.14), and Mayor’s Order 2017-149, dated June 28, 2017, hereby gives notice of the adoption, on an emergency basis, of the addition of Subtitle D (Birth and Death), Chapters 1 and 2 (Reserved) and Chapter 3 (Death with Dignity) to Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The Emergency Rules modify previously published Emergency and Proposed Rules to clarify the role of the Office of the Chief Medical Examiner (OCME) when a terminally ill resident of the District seeks to end his or her life in a humane and peaceful manner.

The emergency action is necessary to ensure the health, safety, and welfare of the public by establishing rules to implement the Act, including by requiring mandatory educational training for patients and members of the medical community, and by requiring safe dispensing and proper disposal of controlled medications to help prevent possible injury or death of individuals who come into contact with covered medications intended for patients facing terminal illness.

In reviewing the Notice of Emergency and Proposed Rules published on July 28, 2017 at 64 DCR 7276, it became evident that there was some redundant language in Subsection 304.3. That subsection included the phrase “, except when clearance is required by the OCME per § 304.2. When the OCME clearance is required, medical certification shall be provided by the physician to OCME within forty-eight (48) hours after death.”. Subsection 304.2, however, requires OCME clearance for all deaths for which covered medications have been dispensed. The OCME requested that the surplus language be eliminated.

The Director adopted this emergency rule on November 9, 2017, and the rule took effect on that date. The emergency rule shall continue in effect for one hundred twenty (120) days, expiring on March 9, 2018, or upon publication of a Notice of Final Rulemaking, whichever occurs earlier. A Notice of Final Rulemaking was published November 24, 2017, at 64 DCR 12076.

Title 22 DCMR, HEALTH, is amended by adding a new Subtitle D to read as follows:

Subtitle 22-D BIRTH AND DEATH

CHAPTER 1 [RESERVED]

CHAPTER 2 [RESERVED]

CHAPTER 3

DEATH WITH DIGNITY

300 GENERAL PROVISIONS

301 PATIENT PARTICIPATION

302 HEALTH CARE PROVIDER PARTICIPATION

- 303 PHARMACIST PARTICIPATION**
- 304 FUNERAL SERVICES REQUIREMENTS**
- 305 SAFE DISPOSAL OF COVERED MEDICATION**
- 306 CONFIDENTIALITY**
- 399 DEFINITIONS**

300 GENERAL PROVISIONS

300.1 This chapter shall apply to the following:

- (a) District residents diagnosed with a terminal disease;
- (b) Physicians licensed in the District;
- (c) Pharmacists licensed in the District;
- (d) Pharmacies registered in the District; and
- (e) Funeral directors and funeral services providers licensed in the District

300.2 Information collected pursuant to this chapter shall not be a public record and shall not be available for inspection by the public under the Freedom of Information Act of 1976, pursuant to Section 17 of the Act.

300.3 This chapter shall not be construed to authorize any person to end a person’s life by lethal injection, mercy killing, active euthanasia, or any other method of medication not authorized under the Act or this chapter.

300.4 Actions taken in accordance with the Act or pursuant to this chapter shall not constitute suicide, assisted suicide, mercy killing, active euthanasia, or homicide for the purposes of any provision of District law.

300.5 This chapter shall not be construed to authorize a qualified patient to ingest a covered medication in a public place or in such a way that death will result in a public place.

300.6 For the purpose of this chapter a patient may establish residency by providing any two (2) of the following original documents that include a valid address in the District:

- (a) A utility bill or computer printout (water, gas, electric, oil, or cable), with name and address, issued within the last sixty (60) days (disconnect notices not accepted);
- (b) A telephone bill or computer printout (cell phone, wireless, or pager bills acceptable), reflecting patient’s name and current address, issued within the last sixty (60) days (disconnect notices not accepted);

- (c) A deed, mortgage, or settlement agreement reflecting the patient's name and property address;
- (d) An unexpired lease or rental agreement with the name of the patient listed as the lessee, permitted resident, or renter (may be a photocopy). The unexpired lease or rental agreement shall be signed by all parties;
- (e) A District property tax bill or tax assessment issued within the last twelve (12) months reflecting the applicant's name and property address;
- (f) An unexpired homeowner's or renter's insurance policy reflecting the patient's name and address;
- (g) A letter with picture from the Court Services and Offender Supervision Agency or the Department of Corrections certifying the patient's name and District residency issued within the last sixty (60) days;
- (h) A Department of Motor Vehicles proof of residency form signed by the certifier residing at the residence and a copy of the certifier's unexpired District driver's license or District identification card;
- (i) A bank, credit union, credit card, or investment account statement issued within the last sixty (60) days reflecting the patient's name and address;
- (j) A piece of official mail—received from any government agency (with the patient's full name and address) to include contents and envelope received within the last sixty (60) days;
- (k) A form from a social service provider that includes the patient's name and address issued within the last sixty (60) days;
- (l) A medical bill issued within the last sixty (60) days reflecting the patient's name and address;
- (m) A student loan statement issued within the last sixty (60) days reflecting the patient's name and address;
- (n) A home line of equity statement issued within the last sixty (60) days reflecting the patient's name and address;
- (o) A car or personal loan statement (no coupon books/vouchers accepted) issued within the last sixty (60) days reflecting the patient's name and address; or

- (p) A home security system bill issued within the last sixty (60) days reflecting the patient's name and address.

300.7 If at any time a patient participating in the Program or the patient's agent disposes of covered medication, the patient shall be considered to have withdrawn from the Program and shall re-initiate the three step process (two oral requests and a written request) if the patient wishes to acquire covered medication again.

301 PATIENT PARTICIPATION

301.1 A patient may participate in the Program if the patient is:

- (a) At least eighteen (18) years of age;
- (b) A resident of the District;
- (c) Under the care of a physician; and
- (d) Diagnosed with a terminal disease.

301.2 To participate in the Program a patient shall first complete the training module provided by the Director regarding the Program.

- (a) The training module shall include:
 - (1) Advice on the selection of witnesses;
 - (2) A link to the appropriate form for requesting covered medication;
 - (3) Information on who may prescribe and dispense a covered medication;
 - (4) Information on executing a Do Not Resuscitate Order or similar document;
 - (5) Information on the responsible use of a covered medication; and
 - (6) Information on the responsible disposal of unused covered medications.
- (b) The patient shall attest to having completed the training module on the application form provided by the Director.

301.3 After completing the training module, a patient may request covered medication from an attending physician by making two (2) oral requests to the physician that are separated by at least fifteen (15) days. In addition, the patient shall submit a

written request to the physician, on a form provided by the Director, before making the second oral request and at least forty-eight (48) hours before covered medication is prescribed or dispensed. The patient may, on the written request form, designate any person the patient chooses to serve as the patient's agent for the purpose of safely disposing of unused covered medication. Any person so designated shall acknowledge acceptance of responsibility to safely dispose of unused covered medication by signing the form.

301.4 The written request required by § 301.3 shall be witnessed by two (2) individuals, neither of which may be the patient's attending physician at the time of the request, and one of which shall not be:

- (a) A relative of the patient by blood, marriage, or adoption;
- (b) Entitled to any portion of the patient's estate under a will or by operation of law at the time the patient or any witness signs the request; or
- (c) An owner, operator, or employee of a health care facility where the patient is receiving treatment or resides.

301.5 If a patient is a resident of a long-term care facility at the time of the written request, one of the witnesses required by § 301.4 shall be an individual the facility designates, provided that the facility shall not designate an owner, operator, or employee of the facility.

301.6 The patient may:

- (a) Execute, at any time, a "Do Not Resuscitate Order", "Comfort Care Order", or other document that provides instructions to emergency responders not to prolong the life of a person who has a terminal disease and is experiencing cardiac or pulmonary arrest.
- (b) Notify the Director, after completing the three step process (two oral requests and a written request), that the patient is participating in the Program; or
- (c) Provide, at any time, health instructions to emergency responders by registering with smart 911 at www.smart911.com.

301.7 If a patient notifies the Director that the patient is participating in the Program, the Director shall notify the Office of Unified Communications and the Office of the Chief Medical Examiner.

301.8 If the patient chooses to withdraw from the Program, the patient shall notify the Director of the withdrawal. The Director shall provide notice of the patient's

withdrawal from the Program to the Office of Unified Communications and the Office of the Chief Medical Examiner (OCME).

302 HEALTH CARE PROVIDER PARTICIPATION

- 302.1 A health care provider, including a health care professional, shall not be required, by contract or otherwise, to dispense or prescribe covered medication.
- 302.2 If a health care provider, including a health care professional, is unable or unwilling to participate in the Program, and the patient transfers his or her care to a new health care provider, the prior health care provider shall, upon the patient's request, transfer a copy of the patient's medical record to the new health care provider.
- 302.3 A health care provider may prohibit any health care provider it employs or contracts with from participating in the Program on the prohibiting health care provider's premises or within the scope of the health care provider's duties for the prohibiting health care provider, provided that the prohibiting health care provider has notified the employee or contractor of this policy before the employee or contractor has provided the covered medication.
- 302.4 An attending physician who is licensed in the District, and who is not prohibited from participation under this section, may participate in the Program after completing the training module approved by the Director.
- 302.5 After completing the training module and receiving a written request for covered medication, an attending physician shall:
- (a) Determine that the patient:
 - (1) Has a terminal disease;
 - (2) Is capable;
 - (3) Has made the request voluntarily; and
 - (4) Is a resident of the District;
 - (b) Inform the patient of:
 - (1) The patient's medical diagnosis;
 - (2) The patient's prognosis;
 - (3) The potential risks associated with taking a covered medication;

- (4) The probable result of taking a covered medication;
 - (5) The feasible alternatives to taking a covered medication, including comfort care, hospice care, and pain control; and
 - (6) The availability of supportive counseling to address the range of possible psychological and emotional stress involved with the end stages of life;
- (c) Refer the patient to a consulting physician;
 - (d) Refer the patient for counseling if the attending physician believes the patient may have a psychiatric or psychological disorder or depression that impairs the patient's judgment;
 - (e) Recommend that the patient notify next of kin, friends, and a spiritual advisor, if applicable, of the decision to request covered medication;
 - (f) Counsel the patient about the importance of having another person present when the patient ingests covered medication, and of not taking covered medication in a public place;
 - (g) Inform the patient that the patient may rescind a request for covered medication at any time and in any manner; and
 - (h) Verify, immediately before dispensing a covered medication or delivering a prescription for a covered medication, that the patient is making an informed decision.

302.6 The attending physician shall document, file in the patient's medical record, and make available to the Department for compliance review:

- (a) The date of each patient oral request for covered medication;
- (b) The date of receipt of the written request for covered medication;
- (c) The attending physician's:
 - (1) Diagnosis and prognosis of the patient;
 - (2) Determination that the patient is a District resident and the documentation the patient supplied to support the determination;
 - (3) Determination that the patient is capable, is acting voluntarily, and has made an informed decision to request covered medication;

- (4) Offer to the patient to rescind the request for covered medication before the second oral request;
 - (5) Notation on the form provided by the Director that all requirements of the Act have been met;
 - (6) Notation on the form provided by the Director of all steps taken to carry out the patient's request for covered medication, including the medication dispensed or prescribed;
- (d) The consulting physician's:
- (1) Diagnosis and prognosis of the patient;
 - (2) Verification that the patient is capable, acting voluntarily, and has made an informed decision to request covered medication;
- (e) The report by the psychiatrist or psychologist of the outcome and determinations of counseling, if applicable; and
- (f) For a patient who died after using a covered medication;
- (1) The patient's age at death;
 - (2) The patient's education level, if known;
 - (3) The patient's race or ethnicity;
 - (4) The patient's sex;
 - (5) The patient's type of insurance, if known;
 - (6) The patient's terminal disease; and
 - (7) Whether the patient died due to using a covered medication.

302.7 When a patient has been referred to a consulting physician, as required by § 302.5(c), the consulting physician shall:

- (a) Examine the patient and the patient's medical records to confirm, in writing, the attending physician's diagnosis and prognosis that the patient has a terminal disease;
- (b) Verify, in writing, to the attending physician that the patient:

- (1) Is capable, including that patient does not suffer from a psychiatric or psychological disorder or depression that impairs the patient's judgment;
 - (2) Is acting voluntarily; and
 - (3) Has made an informed decision;
- (c) Complete the consult form provided by the Director and immediately submit the completed form to the attending physician; and
- (d) Refer the patient for counseling if the consulting physician believes the patient may have a psychiatric or psychological disorder or depression that impairs the patient's judgment.

302.8 The attending physician shall not dispense or prescribe covered medication to a patient who has been referred for counseling until the patient receives counseling and the psychologist or psychiatrist who counseled the patient determines and reports to the attending physician that the patient does not have a psychiatric or psychological disorder or depression that causes impaired judgment. The attending physician shall document the results of the psychological or psychiatric evaluation on the form to be submitted to the Department.

302.9 After the attending physician has completed all the requirements of §§ 302.5 and 302.6, and after the attending physician offers the patient another opportunity to rescind the patient's request, the attending physician may dispense directly to the patient, or prescribe, covered medication, including ancillary medication intended to minimize patient discomfort.

302.10 If the attending physician prescribes covered medication rather than dispensing it directly to the patient, the attending physician first shall offer the patient another opportunity to rescind the patient's request and then shall:

- (a) Contact a pharmacist who is licensed in the District and authorized to participate in the Program, and inform the pharmacist of the prescription;
- (b) Deliver the written prescription to the pharmacist personally, by telephone, by facsimile, or electronically; and
- (c) Record the date the prescription was delivered in the patient's medical record.

302.11 If the attending physician dispenses the medication, the attending physician shall immediately notify the Department on a form provided by the Director that covered medication has been dispensed. The Department shall provide the notification form, or information contained therein, to the OCME.

302.12 Within thirty (30) days after a patient dies from ingesting a covered medication, or as soon as practicable after the health care provider is made aware of a patient's death resulting from ingesting the covered medication, the health care provider shall notify the Department of the patient's death.

303 PHARMACIST PARTICIPATION

303.1 A pharmacist licensed in the District may participate in the Program after completing the training module approved by the Director.

303.2 A pharmacist shall only provide covered medication to a qualified patient when the pharmacist has received the prescription for covered medication from the attending physician.

303.3 After a pharmacist has prepared a prescription for covered medication, the pharmacist shall dispense the covered medication only to the following:

- (a) The qualified patient;
- (b) The attending physician; or
- (c) An agent the qualified patient has designated to the pharmacist verbally or in writing.

303.4 If the qualified patient has verbally designated an agent to receive covered medication, the pharmacist shall, as soon as practicable, document the name of the person the qualified patient has verbally designated as an agent.

303.5 Immediately upon dispensing covered medication, the pharmacist shall notify the attending physician by facsimile or electronically, and shall notify the Department by emailing the Pharmacy Dispensing Form to the address provided on the Form. The Department shall provide the Pharmacy Dispensing Form, or information contained therein, to the OCME.

304 FUNERAL SERVICES AND DEATH RECORDS REQUIREMENTS

304.1 Neither a funeral director nor any funeral services personnel shall disclose to anyone any information they may have that the decedent has participated in the Program.

304.2 Death record clearances by the OCME shall be required for all deaths occurring in the District of Columbia for which covered medications have been dispensed regardless of disposition type or place. Death record clearance includes review of the death certificate to ensure that the:

- (a) Cause of death is etiologically specific; and
 - (b) Manner of death is appropriate for a non-OCME physician (natural) or as determined by the Chief Medical Examiner.
- 304.3 Within forty-eight (48) hours after death, the physician in charge of a patient's care for the condition that resulted in death shall complete, sign, and return the medical certification portion of the death certificate to the funeral director.
- 304.4 An attending physician completing the death certificate for a decedent who participated in the Program shall identify the cause of death as the underlying medical condition consistent with the International Classification of Diseases without reference to the fact that the decedent ingested a covered medication.
- 304.5 An attending physician completing the death certification for a decedent who participated in the Program shall not include any of the following terms in the cause of death or manner of death sections:
- (a) PAS (physician assisted suicide);
 - (b) MAID (medical assistance in dying or medically assisted dying);
 - (c) Physician Assisted;
 - (d) DWD (death with dignity);
 - (e) Legally prescribed or legal prescription;
 - (f) Physician-assisted dying;
 - (g) The term for any covered medication; and
 - (h) Any reference to the Act or this chapter.
- 304.6 A death record related to a participant in the Program shall only list "natural" as the manner of death, or as otherwise determined by the Chief Medical Examiner.
- 304.7 The Registrar may require an attending physician for a patient who participated in the Program to furnish related information to the Registrar sooner than the thirty (30)-day notification deadline provided for in the Act if necessary to complete the certificate of death.

305 SAFE DISPOSAL OF COVERED MEDICATION

305.1 If a patient participating in the Program chooses not to use covered medication, the patient, or an agent the patient has designated to dispose of unused covered medication, shall not:

- (a) Dispose of covered medication by flushing it down a toilet, sink, sewer, or any other source that may result in the covered medication being conducted to the waters of the District; or
- (b) Return the covered medication to a pharmacy or the physician that dispensed the covered medication.

305.2 A person in possession of unused covered medication, regardless of whether the person is the patient or an agent of the patient, shall safely dispose of the covered medication. Safe disposal may consist of the following:

- (a) Take the covered medication out of the original container;
- (b) Mix the covered medication with an undesirable substance such as cat litter or used coffee grounds;
- (c) Place the mixture of covered medication and undesirable substance into a disposable container, such as a used plastic food container or sealable bag;
- (d) Conceal or remove personal information, including the prescription number, from the prescription container by scratching off the information or covering it with permanent black marker; and
- (e) Place the sealed container and the empty covered medication containers into the household trash.

306 CONFIDENTIALITY

306.1 No person may permit inspection of, disclose information contained in, or copy or issue a copy of any part of a record or related death record except as authorized by the Act and this chapter.

306.2 The Registrar may authorize the disclosure of information contained in death records, including Death with Dignity supporting documentation, for research purposes.

399 DEFINITIONS

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

Act—the Death with Dignity Act of 2016, effective February 18, 2017 (D.C. Law 21-182; D.C. Official Code §§ 7-661.01 *et seq.*), applicable as of June 6, 2017.

Agent—a person chosen by a qualified patient to receive covered medication on the patient’s behalf, to safely dispose of unused covered medication on the patient’s behalf, or both.

Attending physician—the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

Capable—having the mental capacity to make and communicate health care decisions to a health care provider.

Consulting physician—a physician who is qualified by specialty or experience to make a professional diagnosis and prognosis regarding the patient’s disease and who is willing to participate in the provision of covered medication to a qualified patient in accordance with the Act.

Covered medication—a drug, which when prescribed for a person with a terminal illness, is intended to result in humane and peaceful death. This term includes: Secobarbital, Pentobarbital, Phenobarbital, chloral hydrate, and morphine sulfate.

Day—Calendar day.

Department—Department of Health.

Director—Director of the Department of Health.

Health care professional—a physician who is a doctor of osteopathic medicine (DO), a doctor of allopathic medicine (MD), or a pharmacist (PharmD).

Health care provider—a person, partnership, corporation, facility, or institution that is licensed, certified, or authorized under District law to administer health care or dispense medication in the ordinary course of business or practice of a profession.

Oral request—means:

- (a) Spoken in-person communication or sign language interpretation;
- (b) Communication over the telephone;
- (c) Communication through an electronic speech generation device; or

- (d) A request, by a patient who is not capable of using the means of communication described in (a) and (b), that is written or typed by the patient in the attending physician's presence and is immediately given directly to the attending physician by the patient.

Program—the process authorized by the Act by which a qualified patient may request covered medication from a physician and self-administer covered medication to achieve humane and peaceful death.

Record—a certificate, report, or form submitted to the Director for the Program.

Registrar—the person appointed by the Director to administer the system of vital records for the District.

Terminal disease—an incurable and irreversible disease that has been medically confirmed and is expected, within reasonable medical judgment, to result in death within six (6) months.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-310
November 30, 2017

SUBJECT: Delegation - Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the District-owned Real Property, Located at 1125 Spring Road, N.W., and Known for Tax and Assessment Purposes as Lots 0804 and 0807 in Square 2902 (“**Property**”)

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.); section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939, 53 Stat. 1211, D.C. Official Code § 10-801 *et seq.*, (2013 Repl. and 2017 Supp.), and section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia and for other purposes, approved December 20, 1944, as amended, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2016 Repl.), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development (“**Deputy Mayor**”) is delegated the authority to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development or use of the Property, including, but not limited to, easements, license agreements, use agreements, deeds, lease agreements, right of entry agreements, covenants, and other associated documents and to take all actions necessary or useful for or incidental to the solicitation, disposition, and development of the Property.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to June 29, 2016.



MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-311
December 1, 2017

SUBJECT: Reappointments and Appointments — Metropolitan Washington Regional
Ryan White Planning Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2) 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 §§ 2602(a)(1) and (b)(1) of the Public Health Service Act, as amended by § 101 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, approved August 18, 1990, 104 Stat. 576, 42 U.S.C. 300ff-12(a)(1) and (b)(1), and pursuant to Mayor's Order 2016-001, dated January 8, 2016, it is hereby **ORDERED** that:


1. The following persons are reappointed as public members of the Metropolitan Washington Regional Ryan White Planning Council (“**Council**”) for terms to end November 5, 2019:
 - a. **SHERLA CANNON-WILLIAMS**
 - b. **DEBBIE CRISWELL**
 - c. **MELISSA TURNER**

2. The following persons are appointed as public members of the Council, for terms to end November 5, 2018:
 - a. **PHILIP SAIN**
 - b. **ANTONIO WASHINGTON**
 - c. **ANTIONETTE YOUNG**

3. **EFFECTIVE DATE:** This Order shall become effective immediately.



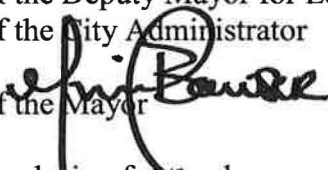
MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Memorandum 2017-003
December 1, 2017

TO: Office of the State Superintendent of Education
Office of the Deputy Mayor for Education
Office of the City Administrator

ORIGINATOR: Office of the Mayor 

SUBJECT: OSSE Analysis of Attendance and Graduation Outcomes at Public High Schools in the District of Columbia

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2), (3), and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), (3), and (11) (2016 Repl.), and section 103 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007, D.C. Law 17-9; D.C. Official Code § 38-172 (2012 Repl.), the following actions are hereby ordered.

1. The Office of the State Superintendent of Education (**OSSE**) shall conduct an analysis of student level attendance and graduation outcomes at public high schools in the District of Columbia.
2. Additionally, OSSE shall perform an in-depth investigation of the implementation of attendance, graduation, and credit recovery policies at DCPS high schools for twelfth (12th) graders, to determine whether there was appropriate compliance with those policies.
3. In order to ensure greater transparency for students, teachers, parents, and all other stakeholders, OSSE shall directly report to the Mayor its findings within 45 days of this Memorandum.
4. This Memorandum shall become effective immediately.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, DECEMBER 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-00063; Hoost, LLC, t/a Nomad Hookah Bar, 1200 H Street NE
License #87558, Retailer CT,ANC 6A
**Substantial Change (Change of Hours of Operation and Alcoholic Beverage
Sales for Sidewalk Café)**

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00064; Albo Corp, t/a Eleven Market, 1936 11th Street NW
License #60236, Retailer B, ANC 1B
Application to Renew the License

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00065; Four Brothers, LLC, t/a Rioja Market, 1813 Columbia
Road NW, License #103124, Retailer B, ANC1C
Request to Transfer License to a New Location

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00066; Fa Ren Chen, t/a China Hut, 7708 Georgia Ave NW
License #74002, Retailer B, ANC 4A
Application to Renew the License

Show Cause Hearing (Status) **9:30 AM**
Case # 17-CMP-00460; TMI International, Inc., t/a Sip, 1812 Hamlin Street NE
License #95164, Retailer CT, ANC 5C
**Substantial Change in Operation Without Board Approval, Failed to
Comply with hours of Operation, Violation of Settlement Agreement**

Board's Calendar
December 13, 2017

Show Cause Hearing (Status) 9:30 AM

Case # 17-CMP-00432; Bravo Lounge, LLC, t/a Bravo Lounge, 2917 Georgia Ave NW, License #92059, Retailer CT, ANC 1B
Failed to Comply with hours of Operation

Show Cause Hearing (Status) 9:30 AM

Case # 17-251-00100; Cady's Alley Restaurant Concepts, LLC, t/a Leopold's Kafe Konditorei/L2, 3315 Cady's Alley NW, License #25268, Retailer CR ANC 2E
Substantial Change in Operation Without Board Approval, Violation of Settlement Agreement

Show Cause Hearing (Status) 9:30 AM

Case # 17-AUD-00030; Café Ole, LLC, t/a Café Ole, 4000 Wisconsin Ave NW License #25526, Retailer CR, ANC 3C
Failed to Maintain Books and Records (Two Counts)

Show Cause Hearing (Status) 9:30 AM

Case # 17-CMP-00492; Bhullers Corporation, t/a JJ Mutts Wine and Spirits 643 Pennsylvania Ave SE, License #25523, Retailer A, ANC 6B
Advertisements Relating to Alcoholic Beverages Exceeded 25% of the Window Space

Show Cause Hearing (Status) 9:30 AM

Case # 17-CMP-00530; Fusion D&Q, LLC, t/a Hitching Post Restaurant, 200 Upshur Street NW, License #90258, Retailer CT, ANC 4C
Substantial Change in Operation Without Board Approval

Fact Finding Hearing* 10:00 AM

Case # 17-CMP-00568; 909 NJ, LLC, t/a Harry's Reserve, 909 New Jersey Ave SE, License #84834, Retailer A, ANC 6D
No ABC Manager on Duty, Interfered with an Investigation

Fact Finding Hearing* 10:30 AM

Steven B. Sargeant
Manager's Application

Fact Finding Hearing* 11:00 AM

Case # 17-CMP-00616; R-S, Inc., t/a Kitty's Saloon, 1208 H Street NE License #88675, Retailer CR, ANC 6A
No ABC Manager on Duty, Transfer of Ownership Without Board's Approval

Board's Calendar
December 13, 2017

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

Protest Hearing* **1:30 PM**
Case # 17-PRO-00057; California St. Hospitality, Inc., t/a Alfresco Tap and Grill, 2009 18th Street NW, License #107410, Retailer CR, ANC 1C
Application for a New License

Protest Hearing* **4:30 PM**
Case # 17-PRO-00041; NAI Saturn Eastern, LLC, t/a Safeway, 1701 Corcoran Street NW, License #105295, Retailer B, ANC 2B
Application for a New License

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

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

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

On Wednesday, December 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-CC-00081, 10th Street Market, 1000 S Street N.W., Retailer A, License # ABRA-095251

2. Case# 17-CMP-00081 (M), Tigest Adenew, ABC Manager, License # ABRA-093312

3. Case# 17-CC-00080, Lax Wine & Spirits, 3035 Naylor Road S.E., Retailer A, License # ABRA-082054

4. Case# 17-CMP-00681, Howard Theatre, 620 T Street N.W., Retailer CX, License # ABRA-088646

5. Case# 17-CMP-00684, Howard Theatre, 620 T Street N.W., Retailer CX, License # ABRA-088646

6. Case# 17-251-00206, MK Lounge & Restaurant, 1930 9th Street N.W., Retailer CT, License # ABRA-088787

7. Case# 17-CMP-00688, DC Grill Express, 1917 18th Street N.W., Retailer CR, License # ABRA-099452

8. Case# 17-CMP-00689, Mason Inn, 2408 Wisconsin Avenue N.W., Retailer CT, License # ABRA-104588

9. Case# 17-CMP-00687, Union Liquors, 1537 Good Hope Road S.E., Retailer A, License # ABRA-079922

10. Case# 17-CC-00117, Mason Inn, 2408 Wisconsin Avenue N.W., Retailer CT, License # ABRA-104588

11. Case# 17-CC-00118, Green Island Café/Heaven & Hell (The), 2327 18th Street N.W., Retailer CT, License # ABRA-074503

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

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

1. Request to Rescind Approval of 405.1 Establishment due to failure to pay annual fees. ANC 6E. SMD 6E02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Yard and Toast*, 1541-1543 7th Street NW, Retailer CT, License No. 101636.
-

***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.**

CEDAR TREE ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Multiples Services**

Cedar Tree Academy Public Charter School invites proposals for the following:

- 1. Legal Services – Real Estate**
- 2. Marketing**

Bid specifications may be obtained from our website at www.Cedartree-dc.org. Any questions regarding these bids must be submitted in writing to Lhenderson@Cedartree-dc.org before the RFP deadline. Bids must be submitted to Dr. LaTonya Henderson, Executive Director, Cedar Tree Academy PCS 701 Howard Road SE, Washington DC 20020.

Cedar Tree Academy will receive bids until Friday, December 22, 2017, no later than 2:00PM.

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Special Education Services**

City Arts + Prep is looking for organizations to provide special education and related services to students with 504s or IEPs, such as behavior support services, PT, OT and speech.

The person will be responsible for attending IEP/504/MDT/eligibility meetings, using the Districts Special Education Data System (SEDS) to draft IEP goals, quarterly progress reports service tracker notes and other duties related to the scope of work. The organization will be responsible for administering re-evaluations or initial assessments for the specific area you are providing services. All evaluations MUST be submitted to the LEA within a 30 day window.

City Arts reserves the right to award the full contract to a single provider.

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than 5:00 p.m. EST on Tuesday, December 19, 2017, unless otherwise stated in associated RFPs. Proposals should be emailed to bids@cityartspcs.org.

Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications related to the scope of work, proposed costs, and work plan. Please include any pertinent disclosures that may be present.

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

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

December 2017

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Grace Yeboah Ofori	Board of Accountancy	6	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	20	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	15	8:30 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	4	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	21	7:00-pm-8:30 pm
Pamela Hall	Board of Funeral Directors	7	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	No Meeting	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	12	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	19	1:00pm-3:30 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Architecture and Interior Design
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**December 15, 2017
9:30 AM**

1. Call to Order – 9:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, September 29, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 26, 2018 TBD at 9:30 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**December 7, 2017
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes
7. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 4, 2018 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Real Estate Appraisers
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**December 20, 2017
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, October 18, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 17, 2018 at 10:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Boxing and Wrestling Commission
1100 4th Street SW, 2nd Floor Conference Room
Washington, DC 20024**

MEETING AGENDA

**December 21, 2017
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes
7. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 18, 2018 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Wednesday, December 6, 2017
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – January 5, 2018 at 9:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Barber and Cosmetology
1100 4th Street SW, 3rd floor conference room
Washington, DC 20024**

**Meeting Agenda
Monday, December 4, 2017
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – TBD

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Industrial Trades
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
December 19, 2017**

1. Call to Order – 1:00 p.m.
2. Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code §2-575(b)(4)(A); D.C. Official Code 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
3. Attendance (Start of Public Session)
4. Comments from the Public
5. Minutes - Draft, November 21, 2017
6. Recommendations
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Board Meeting, January 16, 2017
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Real Estate Commission
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
December 12, 2017**

1. Call to Order - 9:30 a.m. (Public Session)
2. Attendance (Public Session)
3. Executive Session (Closed to the Public) pursuant to the authority of D.C. Official Code Section 2-575(b)(4)(A) to seek the advice of counsel, D.C. Official Code Section 2-575(b)(9) to discuss disciplinary matters, and D.C. Official Code Section 2-775(b)(13) to deliberate upon a decision in an adjudication action or proceeding) – 9:30 am-10:00 am
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
4. (Public Session) – 10:00 a.m.
5. Comments from the Public
6. Minutes - Draft, November 14, 2017
7. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2018 Calendar
 - F. Correspondence
8. Old Business
9. Report – Property Management Task Force
10. New Business
11. Adjourn

Next Scheduled Regular Meeting, January 9, 2018
1100 4th Street, SW, Room 300B, Washington, DC 2002

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF FUNDING AVAILABILITY****Nutrition Education and Physical Activity Grant**

Announcement Date: 12/08/2017

Request for Application Release Date and Time: 12/22/2017 at 12:00 pm

Pre-Application Question Period Ends: 01/23/2018

The Office of the State Superintendent of Education (OSSE) is soliciting applications to implement the Nutrition Education and Physical Activity grant pursuant to the Healthy Schools Act of 2010 (D.C. Code §§ 38-821.02(c)(6)), as amended by the Healthy Schools Emergency Amendment Act of 2017. The purpose of the grant is to build the capacity of schools to provide quality nutrition education and physical activity programming and services. The NEPA grant intends to achieve this goal by:

1. Providing funding, technical assistance, and training to grantees in order for them to support schools in building, developing, and sustaining quality nutrition education and physical activity programming and services; and
2. Increasing the delivery of training and professional development to educators in schools to consequently increase the delivery of nutrition education and physical activity programming and services to students.

Eligibility: OSSE will accept applications from non-profit entities in the District of Columbia having a 501(c)(3) status with the Internal Revenue Service (IRS). All applicants must submit their respective 501(c)(3) determination letter and any correspondence or other communication received from the IRS within three years before submission of the application that relates to the applicant's tax status. All applicants must have experience supporting school-based health initiatives.

Applicants must ensure that all self-reported data in the Healthy Schools Act School Health Profiles is accurate.

Length of Award: The grant period is two years, from the date of award to September 30, 2019. Funding for the second year of the grant award is contingent upon funding availability and the grantee's satisfactory implementation of the proposed program. Please note, all grantees will need to submit a continuation application in order to receive funds for year two.

Available Funding for Award: OSSE anticipates that the total amount of funding available for this award period is up to \$550,000 each year. Eligible organizations may apply for an award amount of up to \$55,000 per organization per year. At least 45 percent of the total funds allotted

to an eligible organization must be used for Nutrition Education. Additionally, no less than 35 percent of the allotted funds must be used for Physical Activity.

Anticipated Number of Awards: OSSE has funding available for 10 organizations for the Nutrition Education and Physical Activity grant.

The Request for Applications will be released on December 22, 2017 at 12:00pm through OSSE's Enterprise Grants Management System. The online system and training videos may be accessed by visiting <http://grants.osse.dc.gov>.

For additional information regarding this grant competition, please contact:

Carolina Arango, MS, RDN, LD

Nutrition Education Specialist
Health and Wellness Division
Office of the State Superintendent of Education (OSSE)
Government of District of Columbia
810 First Street N.E., Fourth Floor
Washington, DC 20002
Desk: (202) 727-3467
Cell: (202) 322-1713
Email: Carolina.Arango@dc.gov

Charles Rominiyi, MHS, CHES

Health Education Specialist
Health and Wellness Division
Office of the State Superintendent of Education (OSSE)
810 First Street, N.E., Fourth Floor
Washington, DC 20002
Desk: (202) 741-6487
Cell: (202) 215-5704
Email: Charles.Rominiyi@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: 8B03

Petition Circulation Period: Monday, December 11, 2017 thru Tuesday, January 2, 2017
Petition Challenge Period: Friday, January 5, 2017 thru Thursday, January 11, 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**.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections “Board” from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

William Sittig
Single-Member District 3F06

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND
GENERAL PERMIT FOR
ARMED FORCES RETIREMENT HOME - WASHINGTON**

Notice is hereby given that the Armed Forces Retirement Home – Washington has applied for a Title V air quality permit renewal pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following equipment at Armed Forces Retirement Home – Washington located at 3700 North Capitol Street NW, Washington, DC 20317

- Three (3) diesel fired emergency generators;
- Two (2) natural gas fired emergency generators;
- Two (2) woodworking areas;
- Five (5) storage tanks for diesel and propane;
- One (1) Non-VOC degreaser and
- Fourteen boilers and water heaters with ratings of less than five (5) million BTU per hour of heat input and burning natural gas and propane.

The contact person for the facility is Mr. Patrick Benjamin, Chief of Campus Operations at (202) 541-7547.

The Armed Forces Retirement Home – Washington has the potential to emit (PTE) the following air pollutants:

Plantwide Emissions Summary (tons per year)	
Pollutant	Potential Emissions
Sulfur Dioxide (SO ₂)	0.49
Oxides of Nitrogen (NO _x)	27.12
Particulate Matter (PM/PM10)	8.53
Volatile Organic Compounds (VOCs)	6.05
Carbon Monoxide (CO)	19.47
Total Hazardous Air Pollutants (HAPs)	1.47

The PTE of 27.12 tons per year (TPY) of NO_x exceeds the major source threshold in the District of Columbia of 25 TPY of NO_x or VOCs, and/or 100 TPY of any other criteria pollutant. No other major source thresholds are exceeded based on the above potential emissions. Because potential emissions of NO_x exceed the relevant major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all

applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft permit No. 017-R3 has been prepared.

The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5th Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://doee.dc.gov/service/public-notice-hearings>.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action.

Comments on the draft 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 January 8, 2018 will be accepted.

For more information, please contact Olivia Achuko at (202) 535-2997 or olivia.achuko@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, Washington, DC, intends to issue Permit No. 6347-R2 to the District of Columbia Water and Sewer Authority (DC Water) to operate the listed Enhanced Nitrogen Removal (ENR) equipment, located at 5000 Overlook Avenue SW, Washington DC 20032. The contact person for the facility is Meena Gowda, Principal Counsel, at (202) 787-2628.

ENR Equipment to be Permitted

The equipment consists of the following significant components:

- **Denitrification Carbon Storage and Feed System:**
 - Two (2) new Denitrification Carbon Methanol Vapor Scrubbers (DCMVS 1 and 2);
 - Four (4) new 60,000 gallon Denitrification Carbon Storage Tanks (DCST 1, 2, 3, and 4);
 - Three (3) Denitrification Carbon Storage Tanks Mixing Pumps;
 - Four (4) Denitification Carbon Feed Pumps;
 - Four (4) Denitrification Carbon Transfer Pumps;
 - Eight (8) Denitrification Reactors and two (2) post aeration tanks; and
 - Three (3) Methanol Unloading Pumps.

- **Alternate Carbon Storage and Feed System:**
 - Two (2) new Alternate Carbon Methanol Vapor Scrubbers (ACMVS 1 and 2);
 - One (1) new 30,000 gallon Alternate Carbon Storage Tank (ACST-1);
 - Two (2) Alternate Carbon Unloading Pumps; and
 - Five (5) Alternate Carbon Mixing and Transfer Pumps.

- **Blended Alternate Carbon (BAC) Storage and Feed System:**
 - Three (3) Blended Alternate Carbon Mixing Pumps;
 - Two (2) Blended Alternate Carbon Transfer Pumps;
 - Two (2) new Blended Alternate Carbon Feed Pumps;
 - One (1) 30,000 gallon Alternate Carbon Blend Storage Tank (ACST-2);
 - Three (3) 10,000 gallon Blended Alternate Carbon Storage Tanks (MST 5, 6, and 7) for storage of methanol or a blend (already existing); and
 - One (1) 650 gallon day tank for use with BAC or methanol (already existing).

The primary control devices consist of the following:

Emissions Control Device			
<u>Scrubber ID</u>	<u>Number</u>	<u>Scrubber Name</u>	<u>Description</u>
DCMVS	1, 2	Packed Tower Scrubber	Two (2) Duall Packed Tower Carbon Methanol Vapor Scrubbers used to control emissions of methanol by a factor of 99.0% from DCST 1, 2, 3, and 4.
ACMVS	1, 2	Packed Tower Scrubber	Two (2) Duall Packed Tower Alternate Carbon Methanol Vapor Scrubbers used to control emissions of methanol by a factor of 99.0% from ACST 1 and 2 as well as MST 5, 6, and 7 and the 650 gallon day tank.

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the emission units and control equipment, 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, if any, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1] *Note: This condition is District enforceable only.*
- c. The Permittee shall ensure that the vented methanol control system and handling procedures, and the closed vent system of the DCST at the facility are consistent with the optimal operation of the methanol scrubbing system so as to achieve a removal efficiency of at least 99.0 percent of methanol vapors from the storage tanks exhaust streams (including both working and breathing losses) so as to achieve a maximum methanol outlet concentration of 980 ppmv. [20 DCMR 201]

The application to operate the ENR system and the draft permit renewal 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 January 8, 2018 will be accepted.

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

Office of Government Ethics

2018 SCHEDULE OF ETHICS BOARD MEETINGS

In accordance with D.C. Official Code § 1-1162.04, the Office on Government Ethics provides notice of the 2018 Schedule of Meetings of the District of Columbia Board of Ethics and Government Accountability. All Meetings are scheduled on Thursdays at 10:00 a.m., and will be held at the Board of Ethics and Government Accountability, 441 4th Street, N.W., Suite 540S, Washington, DC 20001. The Board may exercise its discretion and reschedule a regular meeting or call special meetings when necessary with reasonable notice to the public.

- January 4, 2018
- February 8, 2018
- March 8, 2018
- April 5, 2018
- May 3, 2018
- June 7, 2018
- July 5, 2018
- August 2, 2018
- September 6, 2018
- October 4, 2018
- November 1, 2018
- December 6, 2018

EXCEL ACADEMY PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Communication and Media Support Services**

Excel Academy Public Charter School, a District of Columbia public charter school serving PreK thru 8th grade, is seeking bids for communication and media support services. It is located at 2501 Martin Luther King, Jr. Avenue, SE Washington, DC 20020. Proposals must be received in a PDF format no later than 5:00 pm (EST), Thursday, December 14, 2017. Questions, request for detailed service requirements/RFP, and complete proposals should be emailed to: bids@excelpcs.org. No phone call submissions or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only. Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications, proposed costs, and work plan. Please include clause(s) to protect against year-after-year increases in fees. Please include any pertinent disclosures that may be present.

EXCEL ACADEMY PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Early Childhood Academic Support Services**

Excel Academy Public Charter School, a District of Columbia public charter school serving PreK thru 8th grade, is seeking bids for early childhood academic support services. It is located at 2501 Martin Luther King, Jr. Avenue, SE Washington, DC 20020. Proposals must be received in a PDF format no later than 5:00 pm (EST), Thursday, December 14, 2017. Questions, request for detailed service requirements/RFP, and complete proposals should be emailed to: bids@excelpcs.org. No phone call submissions or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only. Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications, proposed costs, and work plan. Please include clause(s) to protect against year-after-year increases in fees. Please include any pertinent disclosures that may be present.

EXCEL ACADEMY PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Internal Contract for IT Services**

Excel Academy Public Charter School, a District of Columbia public charter school serving PreK thru 8th grade, is seeking bids for internal contract for IT services. It is located at 2501 Martin Luther King, Jr. Avenue, SE Washington, DC 20020. Proposals must be received in a PDF format no later than 5:00 pm (EST), Thursday, December 14, 2017. Questions, request for detailed service requirements/RFP, and complete proposals should be emailed to: bids@excelpcs.org. No phone call submissions or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only. Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications, proposed costs, and work plan. Please include clause(s) to protect against year-after-year increases in fees. Please include any pertinent disclosures that may be present.

DEPARTMENT OF HEALTH CARE FINANCE**PUBLIC NOTICE****MEDICAID FEE SCHEDULE UPDATES FOR CPT-HCPCS CODES**

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in Section 988 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations, published January 1, 2016 (63 DCR 40), announces changes to the codes and rates for reimbursement of medical services and procedures billed by physicians and other health care providers that will go into effect January 7, 2018.

Each year, the national HCPCS code changes are released in early to mid-November, and Medicare publishes updated fee schedules in November and December for medical services billed by physicians and other health care providers, including but not limited to physician services, physician-administered drugs, laboratory services, anesthesia, and Durable Medical Equipment (DME). Under the District of Columbia's State Plan for Medical Assistance, these services, with the exception of physician-administered chemotherapy drugs, primary care services, and certain DME items, are reimbursed at eighty percent (80%) of the Medicare rate as established by the Centers for Medicare and Medicaid Services. Due to the timing of the publications of the HCPCS code changes and Medicare fee schedules, DHCF will not be able to provide a listing of the changes to the Medicaid fee schedule thirty (30) days in advance of the changes. However, DHCF will provide a comprehensive listing of all changes on the DC Medicaid website <http://www.dc-medicaid.com> and through a transmittal no later than February 28, 2018.

For further information or questions regarding this fee schedule update, please contact Amy Xing, Reimbursement Analyst, Department of Health Care Finance, at amy.xing2@dc.gov, or via telephone at (202) 481-3375.

**HOWARD UNIVERSITY PUBLIC CHARTER MIDDLE SCHOOL OF
MATHEMATICS & SCIENCE**

REQUEST FOR PROPOSALS

Accounting & Financial Support

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science hereby post notice that it will be will be accepting bids for the following services:

Accounting & Financial Support:

To provide Accounting & Financial Support services for a contract period of **two (2) years**, with the ability to renew for **three (3) additional** consecutive years.

Email PDF copy of proposal for the furnishing of Accounting & Financial Services, for Howard University Public Charter School of Mathematics & Science (HU-(MS)²) to info@hums2.org. In addition to a PDF copy, one sealed copy of proposal marked "Accounting & Financial Support Proposal" must arrive to: 405 Howard Pl NW, Washington, DC 20059. **Both bids must arrive by December 22, 2017 at 2:00 P.M.** Please only consider the bid received when you received a confirmation email.

Bids received after the time established for the receipt of bids will not be considered regardless of the cause for the delay in the receipt of any such bid.

INTERAGENCY COUNCIL ON HOMELESSNESS**NOTICE OF PUBLIC MEETING****Full Council**

The DC Interagency Council on Homelessness (ICH) will be holding a meeting on Tuesday, December 12, 2017 at 2:00 pm. The meeting will be held at the Department of Employment Services (Address: 4058 Minnesota Avenue, NE, Washington, DC 20019).

Below is the draft agenda for this meeting.

For additional information, including updates on location, please visit the ICH calendar online at <http://ich.dc.gov/events>. You can also contact the ICH info line at (202) 724-1338 or ich.info@dc.gov.

Meeting Details

Date: Tuesday, December 12, 2017

Time: 12:30 – 1:30 pm Pre-Meeting for advocates, agencies, consumers, providers
2 – 3:30 pm Full Council

Location: Department of Employment Services (DOES), Community Room
4058 Minnesota Avenue, NE, Washington, DC 20019

Updates will be available online <http://ich.dc.gov/events>

Draft Agenda

- I. Welcome and Opening Remarks
- II. Public Comments
- III. Intersection of Employment Services and Homeless Services
- IV. Shallow Subsidy Program
- V. Other Announcements and Updates
- VI. Public Comments (*Time Permitting*)
- VII. Adjournment

KINGSMAN ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR QUALIFICATIONS****Design Build Services**

Kingsman Academy Public Charter School invites all interested parties to submit qualifications to provide design and construction services for a selective renovation project, a possible future addition, and execution of a construction scope to be determined by Kingsman Academy. Proposals are due no later than 4:00 PM on Monday, December 18, 2017. For the full request, email rfp@kingsmanacademy.org. **No phone calls please.**

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Office Furniture**

KIPP DC is soliciting proposals from qualified vendors for Office Furniture. The RFP can be found on KIPP DC's website at <http://www.kippdc.org/procurement>. Proposals should be uploaded to the website no later than 5:00 P.M., EST, on January 3, 2018. Questions can be addressed to tania.honig-silbiger@kippdc.org.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

**NOTICE OF APPROVED ISSUANCE OF STOCK OR EVIDENCES OF
INDEBTEDNESS****FORMAL CASE NO. 1147, IN THE MATTER OF THE APPLICATION OF POTOMAC
ELECTRIC POWER COMPANY FOR A CERTIFICATE AUTHORITY TO ISSUE
DEBT SECURITIES**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Official Code §§ 2-505, 34-502, and 34-503 (2001), of its final rulemaking action taken approving the Application of Potomac Electric Power Company (“Pepco” or “Company”) for a certificate authorizing the Company to issue and sell up to \$600,000,000 of long-term secured or unsecured debt securities.¹

2. In its Application, filed on September 21, 2017, Pepco requests authority to issue and sell up to \$600 million of long-term secured and unsecured debt securities for a three year period.² The Company states that it plans to use the proceeds from the financing for six (6) primary purposes: (1) to refund maturing debt securities; (2) for redemptions; (3) to refund outstanding securities of the Company, should future market conditions make refinancings feasible; (4) to refund short-term debt incurred to finance utility construction and operations on a temporary basis; (5) to fund ongoing capital requirements of the Company; and (6) for other general corporate purposes.³ Pepco further states that the precise timing and types of financing selected will depend on factors such as prevailing and anticipated market conditions, the costs and volume of the Company’s anticipated and outstanding short-term debt, the costs of the Company’s outstanding securities, and capital structure considerations.⁴ Pepco also seeks expedited review of its Application under the Commission’s expedited review process in Chapter 35 of the Commission’s rules (15 DCMR §§ 3500-3505 (2000)).⁵

3. A Notice of Proposed Issuance of Stock or Evidences of Indebtedness (“NOPI”) was published in the *D.C. Register* on October 13, 2017, inviting public comments or objections to the Application.⁶ No public comments or objections were filed in response to the NOPI.

¹ *Formal Case No. 1147, In the Matter of the Application of Potomac Electric Power Company for a Certificate of Authority to Issue Debt Securities (“Formal Case No. 1147”),* filed Sept. 21, 2017 (“Pepco’s Application”).

² Pepco’s Application at 1-2.

³ Pepco’s Application at 2.

⁴ Pepco’s Application at 2.

⁵ Pepco’s Application at 1.

⁶ 64 *D.C. Reg.* 10387-10388 (Oct. 13, 2017).

Thereafter, the Commission, at its open meeting held on November 29, 2017, took final action to approve Pepco's Application as filed.⁷

4. Pepco's Application and supporting documentation are on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, or may be viewed on the Commission's website at www.dcpsc.org and, under the "eDocket System" tab, selecting "Search Current Dockets" and typing "FC1147" in the field labeled "Select Case Number." Copies of the Application are available, upon request, at a per-page reproduction fee. Person with questions concerning this Notice should call 202-626-5150.

⁷

Formal Case No. 1147, Order No. 19190, rel. November 30, 2017.

**DISTRICT DEPARTMENT OF TRANSPORTATION
METROPOLITAN POLICE DEPARTMENT**

Notice of Meeting – Major Crash Review Task Force

The Metropolitan Police Department (MPD) and the District Department of Transportation (DDOT) have scheduled the first meeting of the Major Crash Review Task Force. The meeting will take place on **Wednesday, December 13, 2017 from 3:00 p.m. to 5:30 p.m. at the MPD Traffic Safety and Specialized Enforcement Branch, located at 501 New York Avenue, NW.**

The Major Crash Review Task Force is part of Mayor Bowser’s Vision Zero initiative and is a provision of the Bicycle and Pedestrian Safety Amendment Act of 2016. The mission of the Major Crash Review Task Force is to recommend to the Mayor and the Council changes to the District's statutes, regulations, policies, and infrastructure that the Task Force believes would reduce the number of traffic crashes in the District resulting in serious injury or death.

For additional information, please contact:

Sam Zimbabwe
Chief Project Delivery Officer
District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003
202.671.2542
sam.zimbabwe@dc.gov

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

D.C. Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) D.C. Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, December 19, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

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

DRAFT AGENDA

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|-----------|--------------------|-------------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | Monthly Updates | Chief Financial Officer |
| 3. | Committee Workplan | Chief Financial Officer |
| 4. | Other Business | Chief Financial Officer |
| 5. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, December 21, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

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

DRAFT AGENDA

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|-----|-------------------------------|---|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates | Assistant General Manager,
Plant Operations |
| | 1. BPAWTP Performance | |
| 3. | Status Updates | Chief Engineer |
| 4. | Project Status Updates | Director, Engineering &
Technical Services |
| 5. | Action Items | Chief Engineer |
| | - Joint Use | |
| | - Non-Joint Use | |
| 6. | Water Quality Monitoring | Assistant General Manager,
Consumer Services |
| 7. | Action Items | Chief Engineer
Assistant General Manager,
Consumer Services |
| 8. | Emerging Items/Other Business | |
| 9. | Executive Session | |
| 10. | Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Tuesday, December 19, 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 lmanley@dcwater.com.

DRAFT AGENDA

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|---|------------------------------|
| 1. Call to Order | Committee Chairman |
| 2. November 2017 Financial Report | Director of Finance & Budget |
| 3. Agenda for January Committee Meeting | Committee Chairman |
| 4. Adjournment | Committee Chairman |

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, December 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 | 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 | Chairperson |
| 6. Agenda for Upcoming Committee Meeting (TBD) | Chairperson |
| 7. Executive Session | |
| 8. Adjournment | Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Special Meeting of the 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, December 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

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|----------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Union Presidents | |
| 4. Other Business | |
| 5. Executive Session | Committee Chairperson |
| 6. Adjournment | Committee Chairperson |

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

Order No. 18997-A of Chris and Paola Lobb, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved in BZA Order No. 18997 in order to remove a previously approved covered walkway and to retain a rear porch that was to be demolished on a one-family dwelling in the RF-1 (formerly R-4)¹ Zone at premises 148 11th Street S.E. (Square 989, Lot 26).

The original application (No. 18997) was pursuant to 11 DCMR § 3104.1 for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, and the rear yard requirements under § 404.1, to allow the construction of a two-story rear addition with accessory apartment connected to the dwelling by a covered walkway in the R-4 District at premises 148 11th Street S.E. (Square 989, Lot 26).

HEARING DATE (Case No. 18997):	May 12, 2015
DECISION DATE (Case No. 18997):	May 12, 2015
ORDER ISSUANCE DATE (18997):	May 14, 2015
MODIFICATION DECISION DATE:	November 15, 2017

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE

BACKGROUND

On May 12, 2015, in Application No. 18997, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by Chris and Paola Lobb (the “Applicant”) for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, and the rear yard requirements under § 404.1, to allow the construction of a two-story rear addition with accessory apartment connected to the dwelling by a covered walkway in the RF-1 (formerly R-4) District at premises 148 11th Street S.E. (Square 989, Lot 26).

The approval was under the 1958 Zoning Regulations which were then in effect. In the original case, the both the Office of Planning and Advisory Neighborhood Commission (“ANC”), ANC 6B, submitted a report in support of the application. A party status request from the adjacent property owner was submitted to the record, but it was withdrawn based on revisions to the project at that time.

¹ The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the “1958 Zoning Regulations”) but which were repealed on September 6, 2016 and replaced with new text of Title 11, DCMR (the “2016 Regulations”). Also, all of the zone district names have been changed in the 2016 Zoning Regulations. Other than the description of the original application and its caption, the other references in this Order to provisions contained in Title 11 DCMR are to the 2016 Regulations. The zone district has been changed from R-4 to RF-1. The repeal of the 1958 Regulations and change of zone district name has no effect on the validity of the Board’s decision in Application No. 18997 or the validity of this order.

The Board issued Order No. 18997 on May 14, 2015. (Exhibit 3 of the record for Case No. 18997A.)

MOTION FOR MODIFICATION OF CONSEQUENCE

On October 6, 2017, the Applicant submitted a request for a modification of consequence to remove an architectural feature, a covered walkway, that was previously approved by the Board in Summary Order No. 18997 (the "Order"). (Exhibits 1-7.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant is requesting approval to remove the covered walkway from the scope of the approved plans at Exhibit 32 of the record of Application No. 18997 and to keep their existing rear porch. (Exhibit 4.)

The Merits of the Request for the Modification of Consequence

The Applicant's request complies with 11 DCMR Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board."

In the application herein, the Applicant is requesting a modification of consequence to the Order to revise previously approved plans in order to allow removal of the covered walkway and retention of the existing rear porch. The covered walkway was to have been constructed between the principal dwelling on the lot and a now constructed accessory building to create one structure with two dwelling units, or a flat in the R-4 zone district. Under the 1958 Zoning Regulations, this architectural element was required to create a "meaningful" connection to the second dwelling in the rear yard with the main dwelling, resulting in a flat. Second dwelling units were not permitted to be established within accessory structures in the R-4 zone under the 1958 Zoning Regulations.

Since the adoption of the 2016 Zoning Regulations and the subject property's reclassification to RF-1, Subtitle E § 302.1 allows for one dwelling unit in the principal structure and a second in an accessory structure, eliminating the need for the construction of the covered walkway. According to the Applicant and the Office of Planning, this would reduce the lot occupancy of the subject property to less than 70%, the amount approved under Order No. 18997. This allows the Applicant the opportunity to retain the existing porch at the rear of the principal dwelling and reduce the proposed lot occupancy to 64.9%, in excess of the maximum 60% permitted as a matter-of-right within the RF-1 zone, but less than the 70% permitted by special exception. (Exhibits 4 and 9.) Other than these revisions to the approved plans, the project will be constructed as approved by the Board.

Pursuant to Subtitle Y §§ 703.8-703.9, the request for a modification of consequence shall be served on all other parties to the original application and those parties are allowed to submit comments within ten days after the request has been filed with the Office of Zoning and served on all parties. The Applicant provided proper and timely notice of the request for modification of

consequence to Advisory Neighborhood Commission (“ANC”) 6B, the only other party to Application No. 18997. ANC 6B did not submit a report regarding the Modification of Consequence request. As discussed above, the ANC was in support of Application No. 18997.

The Applicant also served its request on OP. OP submitted a report dated November 3, 2017, recommending the Board approve the modification requested by the Applicant and noting that the request does not affect the material facts on which the Board based its original approval. (Exhibit 9.)

On November 15, 2017, the Board deliberated on and approved the modification request.

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a modification of consequence. Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a modification of consequence to the plans approved in Case No. 18997, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

As noted, the only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant the request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Therefore, pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification of consequence of the Board’s approval in Application No. 18997 is hereby **GRANTED SUBJECT TO APPROVED PLANS AT EXHIBIT 5 IN THE RECORD OF CASE NO. 18997A.**

In all other respects, Order No. 18997 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON MAY 12, 2015: 4-0-1

(Lloyd L. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Michael G. Turnbull to Approve; one Board seat vacant.)

VOTE ON MODIFICATION OF CONSEQUENCE ON NOVEMBER 15, 2017: 4-0-1

(Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Anthony J. Hood to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: November 22, 2017

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

**BZA APPLICATION NO. 18997-A
PAGE NO. 4**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 16-05**

Z.C. Case No. 16-05

**Fifth and Morse L/Cal, LLC and Sixth and Morse L/Cal, LLC
(Consolidated Planned Unit Development and Related Zoning Map Amendment
@ Square 3591, Lot 2, Parcel 129/104, and Lot 7)¹
September 11, 2017**

Pursuant to proper notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on July 17, 2017, to consider an application by Fifth and Morse L/Cal, LLC and Sixth and Morse L/Cal, LLC (collectively, the “Applicant”) for review and approval of a consolidated planned unit development (“PUD”) and a related Zoning Map amendment (collectively, the “Application”). The Commission considered the Application pursuant to Chapter 24 of the District of Columbia Zoning Regulations, which were repealed on September 6, 2017 and were codified in Title 11 of the District of Columbia Municipal Regulations (“DCMR”).² The public hearing was conducted in accordance with the provisions of Subtitle X, Chapter 3 and Subtitle Z, Title 11 of the DCMR (2016). For the reasons stated below, the Commission hereby approves the Application with conditions.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The project site consists of Lots 2 and 7 in Square 3591 and Parcel 129/104 in the Northeast quadrant of the District of Columbia (“Property”).
2. On March 11, 2016, the Applicant filed an application for review and approval of a consolidated PUD and a related Zoning Map amendment to rezone the Property from the C-M-1 Zone District to the C-3-C Zone District. (Exhibits [“Ex.”]1, 2, 2A-2I.)
3. On June 3, 2016, the Office of Planning (“OP”) filed a report recommending that the Application be set down for a public hearing. OP’s report noted that the Applicant submitted two possible development options, option one included an additional 9,000 square foot parcel to be acquired from Gallaudet University, and option two omitted the additional parcel. OP’s report explained that the main difference between the two development options was the design along 6th Street and the placement of a shared alley/driveway. OP noted that the proposed development would have a height of 120 feet and a density of 8.0 floor area ratio (“FAR”); and would consist of ground-floor retail plus nine stories of residential providing up to 270 dwelling units. OP found the design of the project was problematic in that the projections did not comply with public space requirements, which potentially affects all street elevations. However, OP found both

¹ Note that the application was filed to include a specific portion of Parcel 129/106. That portion of Parcel 129/106 was subdivided into a new record lot – Lot 7, Square 3591 – on August 23, 2017.

² The standards of Chapter 24 and the substantive requirements of the 1958 Zoning Regulations were used because the Application was filed prior to the date that those regulations were repealed.

development options not to be inconsistent with the Comprehensive Plan and to generally further the goals and objectives of the Florida Avenue Market Small Area Plan through the provision of uses that are anticipated and complimentary to existing Market uses and an improved public realm. Finally, OP recommended that a public hearing not be scheduled until the Applicant had settled on one of the development options and revised its application to remove the other option. (Ex. 10.)

4. During its public meeting on June 13, 2016, the Commission expressed concerns about the proposed project's design, noting that the roof curving feature may not comply with setback requirements, and may pose challenges with penthouse setbacks and compliance with Height Act requirements. The Commission endorsed OP's recommendation that the Applicant consider modifying the design to break up massing along street façades and create façade depth by including balconies. After requiring the Applicant to revise its Application to include only one development option before authorizing the scheduling of a public hearing, the Commission voted to set down the Application for a public hearing. Notice of the public hearing was published in the *D.C. Register* on January 20, 2017, and was mailed to Advisory Neighborhood Commission ("ANC") 5D, and ANC which the project is located, and to owners of property within 200 feet of the Property. (Ex. 13, 14, 15; 6/13/2016 Transcript ["Tr."] at 119.)
5. The Application was further updated by a pre-hearing submission that the Applicant filed on January 3, 2017. In this submission, the Applicant clarified that development option one including the 9,000-square-foot parcel was the final development option for the proposed project. (Ex. 11, 11A-11E8.)
6. Proper notice of the proposed PUD was provided in accordance with the requirements of the Zoning Regulations
7. On February 23, 2017, the Applicant requested a postponement of the hearing until June 15, 2017 (Ex. 20), which was approved. Notice of the rescheduled public hearing was published in the *D.C. Register* on March 10, 2017, and was mailed to ANC 5D and to owners of property within 200 feet of the Property. (Ex. 21, 22, 23, 24, 25.)
8. The Application was further updated by a pre-hearing submission in response to the Commission's requests concerning the rooftop design and the massing along street façade façades. The Applicant filed the pre-hearing submission on May 26, 2017; the submission included a redesigned rooftop and a bay projection along the 6th Street building façade. (Ex. 27, 27A, 27B.)
9. At the June 15, 2017 hearing, the Commission indicated specific issues for the Applicant to address prior to a full public hearing in lieu of a full public hearing on such date. The Commission stated that the Applicant's submission seemed incomplete and asked that several issues be clarified or finalized at the time of the public hearing including: (1) project drawings, including final design elements for the balconies, exterior, rooftop, canopies, signage, and materials; (2) Inclusionary Zoning (IZ) affordable dwelling units; (3) Little Tavern costs analysis illustrating its effect on the Applicant's internal rate of return; (4) CBE and First Source Employment Agreement participation; (5) incorporation

- of solar panels; (6) transportation demand management (TDM) enhancements; and (7) LEED rating. The public hearing was rescheduled for July 17, 2017.
10. The Applicant further updated the Application with additional information filed on July 3, 2017. The submission included narrower design flexibility language; clarification of the signage plan; clarification that the bay projections comply with building code requirements; clarification of the approach to the canopies; an updated streetscape design; and detailed responses to comments from the Commission and other DC agencies about the proposed project. (Ex. 41, 41A-41D6.)
 11. The Commission held a public hearing on the Application on July 17, 2017. On behalf of the Applicant, the Commission accepted Dennis Connors as an expert in architecture, Daniel Van Pelt as an expert in traffic engineering, Jeff Lee as an expert in landscape architecture, and Kate Curll as an expert in civil engineering. (Ex. 11C, 43.) The Applicant provided testimony from these experts as well as from others.
 12. In addition to the Applicant, ANC 5D was automatically a party in this proceeding.
 13. No other individuals or organizations testified in support or opposition of the Application. The reports and testimony of OP and the District Department of Transportation (“DDOT”) are discussed in that portion of the Order entitled “Agency Reports.”
 14. At the close of the public hearing, the Commission requested that the Applicant respond to some outstanding comments and questions from the Commission. Specifically, the Commission asked the Applicant to correct a rendering in their presentation materials that showed an inaccurate projection from a façade. The Commission also requested that the Applicant increase the affordability component of the project. With that, the Commission took Proposed Action to approve the application. Subsequently, the Commission referred the Application to the National Capital Planning Commission (NCPC) for review and comment, pursuant to § 492 of the Home Rule Act. (Ex. 47.)
 15. The Applicant responded to the Commission’s comments and questions in a post-hearing filing dated August 28, 2017. (Ex. 49-49C.) The Applicant’s post-hearing submission included additional architectural diagrams and plans, confirmation regarding the possible location of the Project’s “maker,” arts, or creative economy space from the adjacent property owner, and a revised affordable housing proffer, among other items.
 16. The Executive Director of NCPC, by delegated action dated September 8, 2017 found that the proposed consolidated planned unit development and related map amendment would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests. (Ex. 51.)
 17. At a public meeting on September 11, 2017, the Commission deliberated on the merits of the Application and the outstanding issues, and it took Final Action to approve the Application.

THE MERITS OF THE APPLICATION

Overview of the Property

18. The Property contains approximately 33,565 square feet of land area in the Union Market neighborhood of the northeast quadrant of the District. The Property is generally bounded by a commercial building and parking lot to the north, 6th Street, N.E. to the east, Morse Street, N.E. to the south, and 5th Street, N.E. to the west. (Ex. 11, 11E.) As such, the proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1. (Ex. 2E.)
19. The western portion of the Property is currently improved with a two-story under-utilized commercial building and the eastern portion of the Property is currently improved with the “Little Tavern,” a small, one-story restaurant building, currently operating as a Subway restaurant. The balance of the Property is utilized for vehicular parking. (Ex. 2, 2A.)
20. The surrounding area is the Union Market District, a warehouse district that historically accommodated the city’s food wholesalers. Today, the Union Market District is a conglomeration of wholesalers and retailers of a variety of products along with a burgeoning “maker” economy. The area surrounding the Property has been the subject of significant recent development, including many recently approved or currently pending PUD projects. The Union Market District is zoned C-M-1, but many individual parcels have been rezoned to the C-3-C Zone District in accordance with the recommendations of the Florida Avenue Market Small Area Plan (“FASAP”). (Ex. 2, 2A.)
21. The Property is located in the C-M-1 Zone District. The Applicant requested a Zoning Map amendment to the C-3-C Zone District to allow the construction of residential and commercial uses. (Ex. 2, 2A.)

The Project

22. The Applicant proposes to redevelop the Property as a mixed-use building with retail and residential uses (“Project”). The Project will consist of a 10-story building fronting on Morse Street, with ground-floor retail and rooftop amenity space. The building will have a height of 120 feet, a gross floor area of up to approximately 268,520 square feet for a density of up to 8.0 FAR, and occupy approximately 100% of the lot at the ground level and approximately 79% of the lot on the upper levels. (Ex. 2, 41D1.)
23. The building will include approximately 280 residential units above approximately 20,023 square feet of retail or commercial space. (Ex. 41D1.)
24. The Project will provide 2,000 square feet of “maker,” arts, or creative economy use, to be located on the Property or on the immediately adjacent property. (Ex. 41.)
25. The building façades communicate an industrial character, augmenting the identity and personality of the Union Market District. The building includes a denser mullion pattern

- and real bricks on its façades. The building has defined black metal framed projection elements to articulate the façade in an industrial fashion. Finally, the building has a tower element to frame the Project and serve as a visual anchor for this important intersection which will act as a primary entrance to the Union Market area. (Ex. 2, 27, 27A, 41, 41D1-41D6.)
26. The ground-floor retail and commercial space includes high ceilings and expansive glass windows along the building perimeter to provide prime commercial space and foster a more active street presence. This ground-floor design is separated from the residential floors above with a continuous metal recess running horizontally between such components. (Ex. 2, 27, 27A, 41, 41D1-41D6.)
 27. The Project includes the restoration of the Little Tavern building and incorporation of the Little Tavern into the Project. The restoration of the Little Tavern will include design elements similar to those that previously existed on the site. Most the Little Tavern structure will remain open to the sky, with the new construction being adjacent to the structure. The new portion of the building will be constructed only over the northern part of the Little Tavern, allowing the Little Tavern to maintain its own identity but still be incorporated within the Project. The Applicant has worked with the Historic Preservation Office of OP regarding the restoration and incorporation of the Little Tavern. The Applicant will apply to nominate the Little Tavern as a historic landmark. (Ex. 27, 27A, 41, 41D1-41D6.)
 28. The Project will provide approximately 160 parking spaces in two levels of below-grade parking at the Property, accessed from a curb cut off 6th Street, N.E. Loading and a shared service alley will be accessed from a curb cut off Morse Street. (Ex. 41, 41D1-41D6.)
 29. The Project includes construction of two shared curb cuts: one for parking and one for a loading and service alley that can be utilized by adjacent property owners. The Project will also include the parking garage entrance and the alley segment for use by adjacent owners. (Ex 11, 41, 41D1-41D6.)
 30. The Project will be designed and constructed, and will obtain, the Gold Certification level under the LEED NC v.2009 rating system. (Ex. 11.) The Project will also include the installation of a minimum of 2,800 square feet of solar arrays on the roof to generate solar energy for the Project. (Ex. 41.)
 31. The Project will satisfy the requirements for stormwater management, including both the on-site retention volume and the public right-of-way retention volume. The extensive green roof at the Project will assist in the stormwater management goals of the District. (Ex. 11, 41, 41D1-41D6.)
 32. The Project includes construction of new utility infrastructure to service the Project/site. Existing water mains, sanitary sewer mains, and storm sewer mains will serve the site as well as communication lines, gas mains, and electric service. The Applicant will continue to work with utilities, including D.C. Water, during the permitting phase of the Project

relating to the water and sewer infrastructure related to the Project as necessary. (Ex. 11, 11A, 41, 41D1-41D6.)

PUD Flexibility

33. Rooftop Structures of Unequal Heights. Pursuant to 11 DCMR § 411.18, the Applicant requested flexibility from the uniform penthouse height requirement – both for habitable penthouse components and for mechanical space components. The Project includes penthouse habitable space at two heights. For such habitable space areas, the relief is necessitated by the incorporation of the Little Tavern into the Project, resulting in a setback at the corner of the building over the Little Tavern. This setback reduced the footprint of the penthouse structures, and in order to provide appropriate amenity space for tenants, the Applicant raised the internal height of a portion of the penthouse. For the penthouse mechanical space, the Applicant has proposed two heights, the taller of which is necessary for elevator overrides and other similar mechanical needs. However, to minimize the overall penthouse, the Applicant proposed to step down the remainder of the mechanical portions of the penthouse. The Commission finds that the flexibility is appropriate for the Project. (Ex. 27, 41, 41D1-41D6.)
34. Compact Parking Spaces. Pursuant to 11 DCMR § 2115.4., the Applicant requested flexibility from the requirement that compact car space groupings contain no less than five compact car spaces. Given the shared alley and parking garage access arrangement with adjacent neighbors and the removal of one of the parking garage levels, these restrictions strain the configuration of the garage. Further, the accommodation of the Little Tavern building triggered the reconfiguration of the layout of the garage in a manner that further limited the ability to comply with this requirement. The Commission finds that the flexibility is appropriate for the Project. (Ex. 2, 41, 41D1-41D6.)
35. Open Court Width. Pursuant to 11 DCMR § 776, the Applicant requested flexibility from the open court width requirement because of the incorporation of the Little Tavern into the Project. The Zoning Regulations require an open court width of 36 feet, eight inches for the setback over the Little Tavern, if one is provided. The Little Tavern is approximately 21 feet in width, thereby driving the 21-foot width of the court at this location. The proposed open court width provides sufficient light and air for the Little Tavern, and the court is buffered by open streets on two sides. Therefore, the Commission finds that the flexibility is appropriate for the Project. (Ex. 27, 27A, 41, 41D1-41D6.)
36. Loading. Pursuant to 11 DCMR § 2201.1, the Applicant requested flexibility from the loading requirements to provide one less 55-foot loading berth, one less 30-foot loading berth, and one less 100-square-foot platform for the Project than would be required for the proposed use mix. The shared service alley and the anticipated frequency of deliveries for the Project will be accommodated by the Project's proposed loading, and the Project includes a robust Loading Management Plan to ensure optimal operation. Therefore, the Commission finds that the flexibility is appropriate for the Project. (Ex. 2, 19, 41, 41B, 41D1-41D6.)

37. The Applicant also requested design flexibility for the Project, including but not limited to:
- The allowance to vary the size, location, and design of windows, doors, awnings, signage, the residential entrance, and similar features on the ground floor to accommodate the needs of specific retail tenants and storefront design within the parameters set forth in the commercial component tenant guidelines submitted as Exhibit 27B in the record. Regarding the Little Tavern, design modifications that might result from working with Historic Preservation Office staff and/or review by the Historic Preservation Review Board, as applicable;
 - The allowance to vary the roof plan as it relates to the configuration of solar panels and green roof areas, including the walking paths around such elements for maintenance; and
 - The Applicant requested flexibility to design and construct canopies projecting four or 10 feet into public space along the Property's Morse Street frontage, subject to required permit review and approval including Construction Code modifications.

(Ex. 27B, 41, 41D1-41D6.)

Project Amenities and Public Benefits

38. As detailed in the Applicant's testimony and written submissions, the proposed Project will generate the following project amenities and public benefits:
- a. Exemplary urban design, architecture, and landscaping, including high-quality materials, superior architecture and design, streetscape improvements, and a transformative project. This includes ground-floor retail, streetscape improvements along Morse, 5th, and 6th Streets consistent with the streetscape guidelines for the Union Market District, and an attractive building façade and glass storefronts creating an inviting atmosphere for pedestrians; (Ex. 2, 29, 41D1-41D6.)
 - b. Site planning and efficient land utilization, through the redevelopment of an industrial and underutilized site. The current commercial and parking uses on the Property are greatly inefficient for a dense urban environment. The replacement of these uses with a mixed-use Project will enhance the use of the land. Further, the shared curb cut, alley, and loading system will result in an improvement in the site planning and efficient use of land; (Ex. 2, 29, 41D1-41D6.)
 - c. Effective and safe vehicular and pedestrian access and transportation management measures. Some specific features include:
 - i. The TDM as set forth in the Applicant's Comprehensive Transportation Review, filed into the record as Exhibit 19 and as amended by Exhibit

- 41A, and including various means to encourage the use of public transport as the primary means of access to the Project; (Ex. 18, 19, 41A, 41B.)
- ii. At least 94 long term bicycle parking spaces, including a bicycle repair facility and showers and changing facilities for retail employees at the Project; and (Ex. 2, 18, 19, 41A.)
 - iii. Loading activities occurring via the shared alley system to minimize conflicts; (Ex. 2, 41B.)
- b. Employment and training opportunities, including a First Source Agreement, or, in the event a First Source Agreement is not available, an Employment Agreement with Jubilee Jobs; (Ex. 2, 11B, 41C.)
 - c. Housing benefits, including the creation of approximately 280 new residential units in the Union Market District, as well as 10% of the gross residential floor area of the Project as affordable housing, with half of the affordable units reserved for households making 50% of the Area Median Income (“AMI”) and half reserved for households making 80% of the AMI; (Ex. 2, 41, 48.)
 - d. Environmental benefits, including a commitment to design the Project to achieve Gold certification under LEED NC v. 2009. The Project will also include at least 2,800 square feet of solar arrays on the roof. In addition, the Project will include a green roof and significant tree plantings; and (Ex. 2, 11, 41.)
 - e. Uses of special value at the Project, which include:
 - i. Incorporating DeafSpace principles in the public space surrounding the Property to provide intuitive notification of potential conflicts;
 - ii. Restoration and integration of the Little Tavern structure into the Project in coordination with the Historic Preservation Office; and
 - iii. Providing 2,000 square feet of “maker,” arts, or creative economy uses.

(Ex. 2, 11, 27, 41.)

Consistency with the Comprehensive Plan

- 39. The PUD is not inconsistent with the Comprehensive Plan. The Future Land Use Map (“FLUM”) of the Comprehensive Plan designates the Property for mixed-use High-Density Commercial/Medium-Density Residential/Production, Distribution, and Repair use. The Generalized Policy Map (“GPM”) includes the Property in the Multi-Neighborhood Center category. (Ex. 2.)
- 40. The Project will advance policies embedded in the FLUM and the GPM of the Plan. The Project is not inconsistent with the FLUM, as it includes residential and retail/commercial

uses consistent with the site's mixed-use designation. Although the Project does not include industrial uses consistent with the site's PDR designation, it does include significant retail space and 2,000 square feet of "maker," arts, or creative economy uses, reflecting the PDR striping at the Property, as these uses are consistent with PDR uses. Additionally, the FLUM is a generalized depiction of intended uses, but it is not a directive. The FLUM should be interpreted in conjunction with the text of the Comprehensive Plan. Based on a thorough review of the Comprehensive Plan, the Florida Avenue Small Area Plan (FASAP) policies, and the *Ward 5 Works: Ward 5 Industrial Land Transformation* study (the "Ward 5 Works Study"), the Project is not inconsistent with the FLUM and other guidance documents. (Ex. 2, 27, 41.)

41. The Property's use change from underutilized commercial space and surface parking to an active, vibrant mixed-use retail and residential building is consistent with the GMP's goals of developing underutilized land with new retail and additional housing.
42. The Land Use Element of the Comprehensive Plan includes the following policies advanced by the Project:
 - **Policy LU-1.2.6: New Neighborhoods and the Urban Fabric** – On those large sites that are redeveloped as new neighborhoods, integrate new development into the fabric of the city to the greatest extent feasible. Incorporate extensions of the city street grid, public access and circulation improvements, new public open spaces, and building intensities and massing that complement adjacent developed areas. Such sites should not be developed as self-contained communities, isolated or gated from their surroundings;
 - **Policy LU-1.3.1: Station Areas as Neighborhood Centers** – Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide;
 - **Policy LU-1.3.2: Development Around Metrorail Stations** – Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas;

- **Policy LU-1.3.4: Design to Encourage Transit Use** – Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots;
- **Policy LU-1.3.6: Parking Near Metro Stations** – Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all-day commuters;
- **Policy LU-1.4.1: Infill Development** – Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern; and
- **Policy LU-2.2.4: Neighborhood Beautification** – Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

The PUD will allow for the redevelopment of property located in close proximity to the NOMA-Gallaudet Metrorail station with retail/commercial and residential uses on parcels that are currently underutilized. The Project will also include streetscape improvements that will upgrade the visual quality of the neighborhood and help promote the Metrorail station as an anchor for neighborhood development. (Ex. 2, 27, 29, 41.)

43. The Project will advance the following policies of the Transportation Element of the Comprehensive Plan:
- **Policy T-1.1.4: Transit-Oriented Development** – Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points; and
 - **Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning** – Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks.

The PUD is located less than half a mile from the NOMA-Gallaudet Metrorail station and in close proximity to several Metrobus stops. The Project also provides significant bicycle facilities and improved pedestrian corridors, promoting efficient pedestrian movement, pedestrian and bicycle safety, and increased bicycle use. (Ex. 2, 27, 29, 41.)

44. The Project will advance the following policies of the Urban Design Element:

- **Policy UD-2.1.4: Architectural Excellence** – Promote excellence in the design of Downtown buildings and landscapes. Particular attention should be focused on ground floor (street) levels, with greater architectural details used to improve visual image;
- **Policy UD-2.2.3: Neighborhood Centers** – Undertake strategic and coordinated efforts to create neighborhood centers, civic buildings, and shopping places that reinforce community identity;
- **Policy UD-2.2.5: Creating Attractive Facades** – Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street;
- **Policy UD-3.1.1: Improving Streetscape Design** – Improve the appearance and identity of the District’s streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street “furniture,” and adjacent building façades;
- **Policy UD-3.1.2: Management of Sidewalk Space** – Preserve the characteristically wide sidewalks of Washington’s commercial districts. Sidewalk space should be managed in a way that promotes pedestrian safety, efficiency, comfort, and provides adequate space for tree boxes. Sidewalks should enhance the visual character of streets, with landscaping and buffer planting used to reduce the impacts of vehicle traffic;
- **Policy UD-3.1.3: Streetscape Design and Street Function** – Use variations in lighting and landscaping to highlight and clarify the function of different streets. The design features of streets should make the city’s circulation system easier to navigate and understand for residents and visitors;
- **Policy UD-3.1.4: Street Lighting** – Provide street lighting that improves public safety while also contributing to neighborhood character and image;
- **Policy UD-3.1.6: Enhanced Streetwalls** – Promote a higher standard of storefront design and architectural detail along the District’s commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort; and

- **Policy UD-3.1.7: Improving the Street Environment** – Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall.

The PUD includes ground-floor retail providing an inviting interface with pedestrians and is designed to merge the streetscape and building elements. Additionally, the streetscape design of the Project will enhance the pedestrian experience by introducing enhanced canopies, wide sidewalks, trees and plantings for shade, and outdoor seating areas. The Project will support the development of the surrounding Market area and contribute to the creation of a neighborhood center. Finally, the Project includes excellent architectural design atypical for Washington, DC and appropriate for the unique industrial aesthetic of the Union Market District. In addition, the Project will employ the to-be-issued Union Market Streetscape Design Guidelines. (Ex. 2, 27, 29, 41.)

45. The Housing Element of the Comprehensive Plan includes the following policies that the Project will advance:

- **H-1.1 Expanding Housing Supply** – Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs;
- **Policy H-1.1.1: Private Sector Support** – Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives;
- **Policy H-1.1.3: Balanced Growth** – Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing;
- **Policy H-1.1.4: Mixed-Use Development** – Promote mixed use development, including housing, on commercially-zoned land, particularly in neighborhood commercial centers and around appropriate Metrorail stations;

- **Policy H-1.2.1: Affordable Housing Production as a Civic Priority** – Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city; and
- **Policy H-1.2.7: Density Bonuses for Affordable Housing** – Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed.

The Project will introduce approximately 280 new residential units to the District's housing supply. These housing units will be provided in a neighborhood with limited residential offerings and will introduce new residents to the Union Market District. Additionally, the Project will bring in new residents without displacing any existing residents since no residents live on or immediately adjacent to the Property (or in the Union Market District yet). Finally, the Project includes significant affordable housing, with 10% of the residential gross floor area of the Project being set-aside as affordable units, with half of those affordable units set aside for residents earning up to 50% of the Area Median Income ("AMI") and half of the affordable units set aside for residents earning up to 80% of the AMI. (Ex. 2, 27, 29, 41, 46, 48, 49, and 49A3.)

46. The PUD will advance the following action from the Economic Development Element of the Comprehensive Plan:

- **Policy ED-2.2.1: Expanding the Retail Sector** – Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas;
- **Policy ED-2.2.3: Neighborhood Shopping** – Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites;
- **Policy ED-2.2.4: Destination Retailing** – Continue to encourage "destination" retail districts that specialize in unique goods and services, such as furniture districts, arts districts, high-end specialty shopping districts, and wholesale markets. Support the creative efforts of local entrepreneurs who seek to enhance the District's destination retailing base;
- **Policy ED-3.1.1: Neighborhood Commercial Vitality** – Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents; and

- **Policy ED-3.1.2: Targeting Commercial Revitalization** – Continue to target government economic development programs to areas of greatest need, including older business areas and commercial centers that inadequately serve surrounding areas. Focus on those areas where the critical mass needed to sustain a viable neighborhood commercial center can be achieved.

The PUD includes a significant retail and commercial component providing over 20,000 square feet of retail space, including 2,000 square feet of “maker,” arts, or creative economy uses. Furthermore, the Applicant will enter into a First Source Agreement with the Department of Employment Services (“DOES”) or, if it is not possible to enter into a First Source Agreement with DOES, into a similar employment agreement with Jubilee Jobs, Inc. (Ex. 2, 11B, 27, 29, 41, 41C, 46, 48, 49, and 49B).

47. The PUD will advance the following policy from the Environmental Protection Element of the Comprehensive Plan:

- **Policy E-1.1.1: Street Tree Planting and Maintenance** – Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District’s neighborhoods; and
- **Policy E-4.1.5: Improving Air Quality Through Transportation Efficiency** – Promote strategies that reduce motor vehicle emissions in the District and surrounding region. As outlined in the Land Use and Transportation Elements of this Comprehensive Plan, this includes the development of a fully integrated regional system of buses, streetcars, rail transit, bicycles, taxis, and pedestrian facilities to make it easier and more convenient to travel without an automobile.

The PUD will result in the development of a Project including pedestrian and bicycle amenities in the streetscape and on-site facilities, improving the pedestrian infrastructure around the site to encourage the use of public transit, and an environmentally friendly Project. The Project will include the planting of street trees along the Property’s street frontages, where in compliance with the Union Market Streetscape Guidelines. The Project includes such sustainable elements including the approximately 2,800 square feet of solar panels to be included on the Project, as demonstrated by the Gold certification under LEED NC v. 2009. (Ex. 2, 11, 27, 29, 41, 44A-44B, 46, 48).

48. The PUD will promote the following policies from the Upper Northeast Area Element of the Comprehensive Plan:

- **Policy UNE-1.1.2: Compatible Infill** – Encourage compatible residential infill development throughout Upper Northeast neighborhoods, especially in Brentwood, Ivy City, and Trinidad, where numerous scattered vacant residentially-zoned properties exist. Such development should be consistent with

the designations on the Future Land Use Map. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low- and very-low-income as well as those of moderate- and higher-incomes;

- **Policy UNE-1.1.6: Neighborhood Shopping** – Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12th Street, N.E. in Brookland as a walkable neighborhood shopping street and encourage similar pedestrian-oriented retail development along Rhode Island Avenue, Bladensburg Road, South Dakota Avenue, West Virginia Avenue, Florida Avenue, and Benning Road. New pedestrian-oriented retail activity also should be encouraged around the area’s Metro stations;
- **Policy UNE-1.1.8: Untapped Economic Development Potential** – Recognize the significant potential of the area’s commercially and industrially-zoned lands, particularly along the New York Avenue corridor, V Street N.E., and Bladensburg Road, and around the Capital City Market, to generate jobs, provide new shopping opportunities, enhance existing businesses, create new business ownership opportunities, and promote the vitality and economic well-being of the Upper Northeast community. The uses, height, and bulk permitted under the existing M and CM-1 zones are expected to remain for the foreseeable future;
- **Policy UNE-1.2.1: Streetscape Improvements** – Improve the visual quality of streets in Upper Northeast, especially along North Capitol Street, Rhode Island Avenue, Bladensburg Road, Eastern Avenue, Michigan Avenue, Maryland Avenue, Florida Avenue, and Benning Road. Landscaping, street tree planting, street lighting, and other improvements should make these streets more attractive community gateways;
- **Policy UNE-1.2.5: Increasing Economic Opportunity** – Create new opportunities for small, local, and minority businesses within the Planning Area, and additional community equity investment opportunities as development takes place along New York Avenue, Bladensburg Road, Benning Road, and around the Metro stations;
- **Policy UNE-2.1.2: Capital City Market** – Redevelop the Capital City Market into a regional destination that may include residential, dining, entertainment, office, hotel, and wholesale food uses. The wholesale market and the adjacent DC Farmers Market are important but undervalued amenities that should be preserved, upgraded, and more effectively marketed;
- **Action UNE-2.1.A: Capital City Market** – Develop and implement plans for the revitalization and development of the Capital City Market into a mixed-use residential and commercial destination. Redevelopment plans for the site shall be achieved through a collaborative process that involves the landowners and tenants, the project developers, the District government, and the community; and

- **Policy UNE-2.1.4: Northeast Gateway Urban Design Improvements** – Improve the image and appearance of the Northeast Gateway area by creating landscaped gateways into the community, creating new parks and open spaces, upgrading key streets as specified in the Northeast Gateway Revitalization Strategy, and improving conditions for pedestrians along Florida Avenue and other neighborhood streets.

The Project will facilitate the development of a retail/commercial and residential building on a site that currently contains only small, underutilized commercial buildings and a parking lot. The Project will include significant affordable housing, improved streetscapes, and the incorporation of a local icon in the Little Tavern, all serving the goals of the Upper Northeast Area Element. (Ex. 2, 27, 29, 41, 44A-44A, 46, 48.)

49. The Project will align with and advance the goals of the FASAP. The FASAP envisions the area as a mixed-use neighborhood that respects the historic character of the area as a retail market center but also contains new commercial and residential development. The FASAP designates the Property for Medium-High-Density development, which corresponds to the Project's proposed 8.0 FAR and height of 120 feet. The Project also supports the transportation vision of the FASAP by improving the pedestrian circulation around the Property. Additionally, the FASAP envisions Morse Street containing ground floors "filled with neighborhood-scaled retail shops and restaurants" and serving as "a major east/west pedestrian connection between Gallaudet University, Florida Avenue Market, the New York Avenue Metro Station, and the NoMa Neighborhood." The Project promotes these aspects of the FASAP by introducing ground-floor retail/commercial and service uses along this area of Morse Street and providing an improved and enhanced pedestrian realm. (Ex. 2, 27, 29, 41.)
50. The Project is also compatible with the Ward 5 Works Study. The Ward 5 Works Study focuses on the importance of the industrial history, uses, and aesthetic in the Ward 5 area. The Project furthers the objectives of the Ward 5 Works Study by (1) providing 2,000 square feet of "maker", arts, or creative economy uses; (2) contributing to the "great space" of the Florida Avenue Market area; (3) helping produce the creative/maker hub envisioned for the area; (4) providing community amenities including streetscape improvements and employment and training opportunities; (5) increasing retail space in the area; (6) enhancing sustainable development in the District; and (7) incorporating the industrial aesthetic into the Project. (Ex. 27, 29, 41.)

Agency Reports

51. In addition to its June 3, 2016 setdown report discussed earlier in this Order, the OP report dated June 5, 2017 recommended approval of the PUD, but requested that the Applicant (1) provide maker space, arts space, or other space designed and dedicated to the creative economy as recommended by the *Ward 5 Industrial Land Transformation Study* and the *Florida Avenue Small Area Plan*; (2) increase the percentage of affordable units; (3) furnish additional information on the Deaf Space Design Principles to be incorporated into the development; (4) provide additional description and rationale for

- the requested areas of zoning relief; (5) resolve street design issues raised in preliminary public space review by OP staff, including street and sidewalk design, ground-level canopies, and vaults in public space consistent with the Florida Avenue Market Streetscape Guidelines; and (6) reconcile building projections which do not appear to comply with the construction code. (Ex. 29.)
52. At the public hearing on July 17, 2017, OP testified in support of the Application, including the Applicant's requested flexibility, and noted that their outstanding issues had been addressed. The OP report and testimony focused on the improved building design and the increased benefits and amenities, including a commitment to provide space for "maker," arts, or creative economy uses, among other items. In addition, OP clarified that the projections on page 10 of the Applicant's presentation at the public hearing met current code requirements, but the projections on page 30 of the Applicant's presentation differed and were not supported by OP. (7/17/17 Tr. at 77-79.)
53. The Applicant agreed to the conditions and addressed the outstanding items with additional information at the public hearing and in two submissions
54. OP concluded that the PUD is not inconsistent with the Comprehensive Plan, including the FLUM and GPM, and that it would further the objectives of the Land Use, Transportation, Housing, Environmental Protection, Economic Development, Urban Design, and Upper Northeast Area elements. Also, OP testified that the Project would align with the goals of the FASAP and the Ward 5 Works Study. OP concluded that the Project will offer benefits and amenities with respect to urban design, site planning, housing and affordable housing, effective and safe vehicular and pedestrian access, employment and training opportunities, and uses of special value including the incorporation of the Little Tavern, the streetscape improvements, the Deaf Space Design Principles, and "maker," arts, or creative economy uses. (7/17/17 Tr. at 77-79; Ex. 29.)
55. On September 1, 2017, OP filed a supplemental report that responded to the Commission's question, posed at the July 17, 2017 public hearing as to why the Applicant was not required to comply with an amendment to the Inclusionary Zoning regulation that became effective on June 5, 2017, and which imposed deeper affordability requirements on rental units. The supplemental report explained that because this application was set down for hearing before the repeal of the Zoning Regulations of 1958 on September 6, 2016, the PUD is considered a vested project within the meaning 11-A DCMR § 102.1, and subject only to the substantive requirements of those regulations, including Chapter 24 Inclusionary Zoning. (Ex. 50.)
56. On June 5, 2017, DDOT issued a report in general support of the Application and noted the following main concerns: (1) the proposed loading facilities do not provide direct loading access to the east retail bay nor adequate maneuvering space to ensure trucks can access the loading berths; (2) it is unlikely that DDOT will support the proposed 10 foot canopies on Morse Street because they will require a code modification from DCRA; (3) if access to a second parking garage entrance on 5th Street, N.E. through the adjacent property owner is not established, the Applicant's Comprehensive Transportation Review

- (“CTR”) must be revised to reflect access from 6th Street, N.E. In addition, DDOT’s report included a list of transportation demand management plan enhancements and site designs on which its support of the Application was conditioned
57. DDOT cited the significant transit facilities that service the site and well and transportation infrastructure improvements coming on line as part of the Project and other developments expected in the future. DDOT concurred with the Applicant’s comprehensive transportation review (“CTR”) mode split and trip generation assumptions. DDOT concluded that the CTR appropriately reviewed the Project’s impacts and trip distribution methodologies. DDOT agreed that the walking distances to the Project from the Metrorail stations are reasonable, and noted pedestrian infrastructure improvements that would be coming in the area based on the Project and other developments.
58. On July 10, 2017, DDOT issued a supplemental report indicating that all issues except an issue regarding canopies along Morse Street had been resolved and DDOT continued to support the application. DDOT testified in support of the Application at the public hearing, noting that the Morse Street canopies were the only outstanding issue. The DDOT reports described the Application’s traffic impact on the area and noted that the Transportation Demand Management Plan (“TDM”) would mitigate the Project’s traffic impacts. (7/17/17 Tr. at 79; Ex. 28, 42.)
59. The Applicant agreed to the following DDOT mitigation conditions, which are made part of this Order: (1) shall identify TDM Leaders (for planning, construction, and operations); (2) provide TDM materials to new residents; (3) meet or exceed long-term and short-term bicycle parking space requirements; (4) provide showers and lockers for use by retail employees; (5) provide a bicycle repair station in the bicycle storage room; (6) unbundle parking costs from leasing apartments or purchasing condos; (7) charge market-rate costs for retail parking; (8) install a transit information screen in the residential lobby; (9) dedicate two vehicle parking spaces within the garage for car sharing services to use with right of first refusal; (10) offer an annual car sharing or Capital Bikeshare membership to each residential unit for a period of five years; and (11) supply 10 shopping carts for tenants to use for daily errands. Additionally, the Applicant agreed to work with DDOT regarding the finalized canopy design. Based on these revisions, DDOT submitted a supplemental report noting that all the outstanding issues had been resolved by the Applicant except the final canopy design. (Ex. 42; 7/17/17 Tr. at 79.)
60. As to the canopies along Morse Street, the Commission believes that the resolution of the issue does not affect its decision on the PUD and therefore affords the Applicant the flexibility to project canopies projecting four or ten feet into the public space, with the understanding that the extent of the projections permitted will be resolved through the public space review process.

ANC 5D Report

61. Through a letter dated January 19, 2017, the Chair of ANC 5D indicated that at a regularly-scheduled and duly-noticed public meeting on January 10, 2017, with a quorum present, ANC 5D voted unanimously to support the proposed PUD, having no issues or concerns with the development. The ANC requested that the Applicant continue to update it on the establishment of the Project. (Ex. 34.)

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process provides a means for creating a “well-planned development.” The objectives of the PUD process are to promote “sound project planning, efficient and economical land utilization, attractive urban design and the provision of desired public spaces and other amenities.” (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.)
2. The Commission finds that the character, scale, uses, and design of the Project are appropriate, and finds that the Project is consistent with the intent and purposes of the PUD process to encourage high quality developments that provide public benefits
3. The Applicant has the burden of showing that the PUD Standards are met. There are three principal standards that apply:
 - § 2403.3 The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project;
 - § 2403.4 The Commission shall find that the proposed PUD is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site; and
 - § 2403.5 In the context of the Comprehensive Plan, the Commission shall also evaluate the specific public benefits and project amenities of the proposed development, which features may in some instances overlap.
4. Finally, the Commission must “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” (11 DCMR § 2403.8.)

The Impact of the Project.

5. Based on the Applicant's expert testimony, TDM, DDOT's reports and testimony, and the Findings of Fact, the Commission finds that the traffic, parking, and other transportation impacts of the Project on the surrounding area will not be unacceptable and are capable of being mitigated through the measures proposed by the Applicant and DDOT and are acceptable given the quality of the public benefits of the PUD. Further, the shared alley and parking garage entrance system is deemed to provide a great degree of public benefit. The proposed height and density will not cause an adverse effect on nearby properties, and will create a more appropriate and efficient utilization of a prominent, largely vacant parcel

Comprehensive Plan.

6. The Commission concludes that approval of the PUD is not inconsistent with the Comprehensive and with other adopted public policies and active programs related to the subject site. The Commission agrees with the determination of OP regarding the Property's Comprehensive Plan FLUM designation and finds that the Project is not inconsistent with the Property's High-Density Commercial/Medium-Density Residential/Production, Distribution, and Repair FLUM designation and with the Property's designation as a Multi-Neighborhood Center on the GPM. Nor is it inconsistent with the Ward 5 Works Study, given that the Project includes 2,000 square feet of "maker," arts, or creative economy use, provides additional retail in the area, and incorporates the industrial aesthetic in the Project.

Evaluation of Public Benefits and Amenities.

7. The Commission finds that the Project is acceptable in all proffered categories of public benefits and project amenities, and includes superior public benefits and project amenities relating to superior architecture, site planning, transportation planning and management, environmentally sustainable features, employment opportunities, and uses of special value of the Project all constitute acceptable project amenities and public benefits. The preservation and incorporation of the Little Tavern on site, the enhanced affordable housing, the shared alley system, the employment agreement, and the 2,000 square feet of "maker", arts, or creative economy uses are particularly noteworthy.

The Degree of Development Incentives Requested.

8. The PUD related Map amendment will change the Project site's zoning designation from C-M-1 to C-3-C, increasing matter-of-right allowable height from 40 feet to 90 feet and increasing matter of right FAR from 3.0 to 6.0. In addition, §§ 2402.2 and 2403.2 permit a C-3-C PUD to achieve a height of 120 feet and FAR of 8.0 respectively. The Applicant also requested flexibility from compact parking spaces, rooftop structure height uniformity, open court, and loading requirements. The height, character, scale, uses, and design of the proposed PUD are appropriate. The proposed construction of a new mixed-use building with significant residential uses, including affordable housing, and retail/commercial space, including "maker," arts, or creative economy uses will improve

an underutilized parcel and be compatible with the citywide and area plans of the District of Columbia.

Judging, balancing, and reconciling.

9. The public benefits discussed above, including the preservation and incorporation of the Little Tavern on site, the affordable housing, the shared alley system, the employment agreement, and the 2,000 square feet of “maker”, arts, or creative economy uses, all taken together, are commensurate with this requested flexibility and increase in height and density. Any potential adverse impacts of the PUD are capable of being mitigated. As noted, the PUD is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.
10. The Commission therefore judges that the PUD will promote orderly development of the Property in conformance with the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia and therefore grants the Application,

Great Weight.

11. The Commission is required under D.C. Official Code § 6-623.04 to give great weight to OP recommendations. OP recommended approval with conditions to which the Applicant agreed. Accordingly, the Commission concludes that approval of the consolidated PUD should be granted in accordance with OP’s recommendation.
12. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the written issues and concerns of the affected ANC. The ANC’s written report expressed no issues or concerns accordingly, there is nothing for the Commission to give great weight to

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission of the District of Columbia **ORDERS APPROVAL** of the Application for a consolidated PUD and the related Zoning Map amendment for the Property for the mixed-use development described herein. This approval is subject to the following guidelines, conditions, and standards of this Order:

A. Project Development

1. The Project shall be developed in accordance with the architectural plans and drawings submitted on July 3, 2017 (Ex. 41D1-41D6), as amended and modified by the architectural plans and drawings submitted on July 17, 2017 (Ex. 44A1-44AC), as amended and modified by the architectural plans and drawings submitted on August 28, 2017 (Ex. 49A1-49A3) and as modified by the guidelines, conditions, and standards herein (collectively, the "Plans").

2. The Project shall include a mixed-use building containing up to approximately 268,520 gross square feet (“GSF”), which is equivalent to a density of up to 8.0 FAR. Such GSF will be composed of up to approximately 20,023 GSF of commercial, retail and service uses and up to approximately 280 residential units, comprising up to approximately 245,027 GSF, along with additional common and support areas. The Project will contain a parking garage containing up to approximately 160 parking spaces for both commercial and residential parking. The building will have a height of 120 feet.
3. The C-M-1 Zone District designation for the Property shall be amended to become the C-3-C Zone District. Pursuant to 11-Z DCMR § 604.10, such amendment of zoning shall be effective upon the recordation of the covenant discussed in Condition No. D(2).
4. The Applicant shall have flexibility relating to the roof structure uniform height, compact parking, open court width, and loading requirements as shown on the Plans.
5. **Prior to the issuance of the first Certificate of Occupancy for the building**, the Applicant shall construct a service alley segment running north/south across the Property and a related curb cut on Morse Street, N.E. (“Alley”) and a ramp into the Applicant’s parking garage in a segment running east/west on the Property and a related curb cut on 6th Street, N.E. (“Garage Entrance”) as shown on pages A-101, A-106, and L-102 of Exhibit 41D. Applicant shall permit other property owners (“Owners”) on the block bounded by Morse Street, 5th Street, Neal Place, and 6th Street, N.E. (the “Block”) to share the Alley for purposes of reciprocal ingress and egress to loading and service areas and emergency access to such areas upon any such Owner’s (i) extension of the Alley so that it is accessible from their respective property, and (ii) joinder into the related easement agreement to be recorded by the Applicant and JBG/6th Street Associates, LLC. in accordance with the terms thereof. Applicant shall permit JBG/6th Street Associates, LLC and any other Owners who may access their parking garage(s) through the Garage Entrance to share the Garage Entrance upon any such Owner’s (i) completion of a parking garage which is accessible to the Garage Entrance in the areas shown on pages A-102 and A-104 of Exhibit 41D (“Knockout Panel”), and (ii) joinder into the related easement agreement to be recorded by the Applicant and JBG/6th Street Associates, L.L.C. in accordance with the terms thereof. In the event that an Owner constructs a parking garage that is not accessible to the Garage Entrance through the Knockout Panel, such Owner shall be permitted to share the Alley for purposes of ingress and egress to such parking garage, conditioned on (i) such Owner’s joinder into the related easement agreement to be recorded by the Applicant and JBG/6th Street Associates, L.L.C. in accordance with the terms thereof, (ii) such Owner separately obtaining agency approvals, as necessary, for such Alley use, at its cost, and (iii) such vehicular access not materially interfering with the primary function of the Alley as providing loading and ingress/egress thereto and not

requiring alteration of the improvements on the Property. Costs of maintenance and repair of the areas subject to such easements may be allocated proportionally based upon relative size and type of use.

6. **Prior to the issuance of the first Certificate of Occupancy for the building**, the Applicant shall restore and rehabilitate the Little Tavern into the Project as shown on pages A-004, A-006, A-008, A-106a, and A-106b of Exhibit 41D. The Applicant shall work with the D.C. Historic Preservation Office to prepare a detailed preservation plan for the Little Tavern. The preservation plan shall include appropriately documenting, labeling, dismantling, and moving the Little Tavern to a nearby location and reconstruction back onto its original location according to the preservation plan. **Prior to the issuance of the first Certificate of Occupancy for the building**, the Applicant shall file a historic landmark designation application for the Little Tavern for the area shown in light pink on Pages A-106a and A-106b of Exhibit 41D.
7. The Project's LEED and solar panel requirements shall be as follows:
 - a. The Applicant shall submit with its building permit application a LEED checklist indicating that the Project includes sustainable design features such that the building achieves a LEED v.2009 NC level of Gold. **Within 12 months after the issuance of the first Certificate of Occupancy for the building**, the Applicant shall provide evidence that it has secured Gold Certification or higher from the U.S. Green Building Council under the LEED v.2009 NC rating system; and
 - b. **Prior to the issuance of the first Certificate of Occupancy for the building**, the Applicant shall demonstrate to the Zoning Administrator that it has designed and constructed a minimum of approximately 2,800 square feet of solar arrays located on Project.

B. Public Benefits

1. The affordable housing component of the PUD shall be 10% of the residential gross floor area of the Project. **Prior to the issuance of the first Certificate of Occupancy for the building**, and for the life of the Project, the Applicant shall demonstrate that it has set aside a minimum of 10% of the residential gross floor area of the Project as affordable housing:
 - a. The Applicant shall provide affordable housing in accordance with the following chart:

Residential Unit Type	GFA / Percentage of Total	Units (apprx)	Income Type	Affordable Control Period	Affordable Unit Type*
Total	245,027 sf/100%	280			
Market Rate	220,524 sf/90%	250	Market		
IZ	12,252 sf/5%	15 ³	50% AMI	Life of project	Rental
IZ	12,252 sf/5%	15 ⁴	80% AMI	Life of project	Rental

- b. The Applicant shall distribute the mix of affordable housing unit types as shown on Page A-507 of Exhibit 49A. The size of the affordable units shall generally be of a size substantially similar to the market rate units although more two bedroom units shall be designated as affordable units as shown on Page A-507 of Exhibit 49A;
 - c. The Applicant shall distribute affordable housing units throughout the Project on all floors except that the Applicant shall not be required to locate any affordable units on the top three floors of the building as shown on Pages A-501 - A-507 of Exhibit 49A; and
 - d. The IZ covenant required by the Inclusionary Zoning Act shall include a provision requiring compliance with all terms of this condition.
2. **Prior to the issuance of the first above-grade building permit for the building**, the Applicant shall enter into a First Source Employment Agreement with the Department of Employment Services (“DOES”), substantially in the form submitted into the record as Exhibit 11B, to make good faith efforts to utilize District of Columbia residents for at least 51% of the new construction jobs created by the Project, or, in the event DOES will not enter into such First Source Employment Agreement, the Applicant shall enter into an Employment Agreement with Jubilee Jobs, Inc., substantially in the form submitted into the record as Exhibit 41C.
 3. **Prior to the issuance of the first Certificate of Occupancy for the building allowing commercial tenant occupancy and for the life of the Project**, the Applicant shall

³ The final number of IZ units is subject to the 10% plus or minus flexibility range in number of residential units noted in Condition D.1.d of this Order, provided that the minimum GFA as required by this condition to be set-aside for IZ Units (i.e., a minimum of 10% of the residential gross floor area of the Project) shall not be reduced nor shall the allocation of that GFA between the 80% and 50% MFI income levels be altered.

⁴ See Footnote No. 3.

provide evidence to the Zoning Administrator that it has reserved no less than 2,000 square feet of the Project's commercial space for "maker", arts, or creative economy uses. "Maker" uses shall be defined as the following: production, sale, and/or distribution of food and beverages (provided that the onsite consumption of food and beverages shall be permitted only as an accessory use of such production, sale, and/or distribution user); small-scale production, distribution or repair of goods and related accessory sales; media/communications production and distribution; arts and entertainment; traditional crafts and trades; specialty sports and recreation uses (not including traditional gyms or fitness clubs); fashion design; graphic design; product or industrial design; engineering and design; and technology design and production. The Applicant may locate such 2,000 square feet of use on the immediately adjacent parcels that are the subject of Z.C. Case No. 15-24/15-24A, provided that such square footage is in addition to the square footage required for any "maker", arts, creative or similar use space required under Z.C. Order No. 15-24/15-24A or subsequent amendments or modifications to that Order.

C. Transportation Mitigation

1. **For the life of the Project**, the Applicant shall provide the following transportation demand management ("TDM") measures:
 - a. The Applicant shall identify TDM Leaders (for planning, construction, and operations);
 - b. The Applicant shall provide TDM materials to new residents in the residential welcome package;
 - c. The Applicant shall meet or exceed zoning requirements to provide bicycle parking/storage facilities at the Project, including secure long-term bicycle parking located on-site and short-term bicycle parking around the perimeter of the site;
 - d. The Applicant shall provide showers and corresponding changing facilities within the building for retail employees;
 - e. The Applicant shall provide a bicycle repair station within each long-term bicycle storage room;
 - f. The Applicant shall unbundle the cost of parking from the cost of lease or purchase of each unit;
 - g. The Applicant shall charge market-rate pricing for retail parking;
 - h. The Applicant shall install a Transportation Information Center Display (electronic screen) within the residential lobby;

- i. The Applicant shall reserve two parking spaces within the garage for car-sharing services to use with right of first refusal, if the demand exists from car share companies;
 - j. The Applicant shall offer either a one-year membership to Capital Bikeshare or a one-year membership to a carsharing service to each residential unit for a total of five years from the date of the first Certificate of Occupancy for residential use of the building; and
 - k. The Applicant shall supply 10 shopping carts for tenants to use for daily errands and grocery shopping
2. The Applicant shall provide loading facilities as shown on the Plans and as described on Page A-106 of Exhibit 41D. The Applicant shall undertake loading in accordance with the Loading Management Plan submitted into the record as Exhibit 41B.

D. Miscellaneous

1. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - a. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, signage, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the building;
 - b. To vary the final selection of the exterior materials within the color ranges of the material types as proposed, based on availability at the time of construction without reducing the quality of the materials;
 - c. To make minor refinements to exterior details, dimensions, and locations, including belt courses, sills, bases, cornices, railings, balconies, trim, frames, mullions, spandrels, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or are needed to address the structural mechanical, or operational needs of the building uses or systems that otherwise do not significantly alter the exterior design;
 - d. To be able to provide a range in the number of residential units of plus or minus 10%;
 - e. To vary the size, location, and design of windows, doors, awnings, signage, the residential entrance, and similar features on the ground floor as depicted on pages A-106a, A-201, A-202, A-204, and A-212 in Exhibit 41D, to accommodate the needs of specific retail tenants and storefront

design within the parameters set forth in the commercial component tenant guidelines submitted as Exhibit 27B in the record and, further, with regard to the Little Tavern, as might result from working with Historic Preservation Office staff and/or review by HPRB, as applicable;

- f. To adjust the final location of affordable housing units to reflect the final unit layout and count, provided that the distribution of affordable units by floor will remain constant with the plans and unit tabulations shown on Pages A-501-A507 of Exhibit 49A;
 - g. To reconfigure the garage layout provided that no additional relief is required beyond the requested flexibility from § 2115.4;
 - h. To vary the features, means and methods of achieving the required Green Area Ratio (“GAR”) of 0.20 and to obtain a LEED v. 2009 NC Gold certification;
 - i. To vary the roof plan as it relates to the configuration of solar panels and green roof areas, including the walking paths around such elements for maintenance, provided that the square footage of the solar panels and green roof are not reduced;
 - j. To design and construct canopies projecting four or ten feet into public space along the Property’s Morse Street frontage, subject to required permit review and approval including Construction Code modifications; if necessary to make minor deviations in the location of the service alley shown on Page A-101 of Exhibit 41D to improve the alignment of such service alley segment with the service alley and parcels to the north of the Property;
 - k. To delete and replace all or portions of the north façade of the building, including windows and masonry, in the event that a structure is built adjacent to the Property within any portion of the dashed areas shown above, the facade within such areas to the extent of the Property’s façade meeting such adjacent structure; and
 - l. To revise the design of the public space surrounding the Property and elements of the Property ground-floor landscaping and hardscaping to be consistent with the forthcoming Union Market Streetscape Guidelines for the public space adjacent to the Property.
2. No building permit shall be issued for this Project until the Applicant has recorded a covenant among the land records of the District of Columbia between the owner and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant

shall bind the Applicant and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Commission.

3. The Application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11 DCMR § 2409.1. Construction must commence no later than three years after the effective date of this Order.
4. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
5. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity and expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this order.

On July 17, 2017, upon the motion of Vice Chairman Miller, as seconded by Commissioner Shapiro, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the Application at the conclusion of its public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Michael G. Turnbull, and Peter G. May to approve).

On September 11, 2017, upon the motion of Vice Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** this Application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Michael G. Turnbull, and Peter G. May to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on December 8, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 17-22
(Soapstone Valley Ventures, LLC – Consolidated PUD and
Related Map Amendment @ Square 2041, Lots 22 and 23)
November 27, 2017**

THIS CASE IS OF INTEREST TO ANC 3F

On November 20, 2017, the Office of Zoning received an application from Soapstone Valley Ventures, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 22 and 23 in Square 2041 in northwest Washington, D.C. (Ward 3), on property located at 3101 Albemarle Street, N.W. The property is currently zoned R-8. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the R-3 zone.

The property is currently improved with one building, the former Polish Embassy, which is a designated historic landmark. The Applicant proposes to convert the Landmark Building into a single-family house and to develop the rest of the property with one detached single-family house along Appleton Street, N.W. and five row houses. The project will contain at least one parking space for each house. The total gross floor area for the project will be approximately 20,780 square feet; the lot occupancy will be approximately 25%; and the maximum height for the new buildings will be 34 feet – the existing Landmark Building is 44 feet in height.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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