



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Resolution 22-430, Changes to District Government Employee Pay Schedules Approval Resolution of 2018
- Department of Energy and Environment solicits applicants to manage a citizen science program to monitor water quality in the District's waterways
- Department of Energy and Environment solicits public comments on the Anacostia River Sediment Project Final Draft documents
- Department of Human Services solicits grant applications for the SNAP Employment and Training Program
- Department of Small and Local Business Development announces funding availability for the Ward 7 and 8 Microbusiness Dream Grants
- Office of Tax and Revenue establishes eligibility guidelines for receiving a reduced recordation tax rate on deeds transferring real property to a revocable trust

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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

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The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at [dcdocuments@dc.gov](mailto:dcdocuments@dc.gov) to request the *District of Columbia Register* publication schedule.

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MURIEL E. BOWSER  
MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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## COUNCIL OF THE DISTRICT OF COLUMBIA

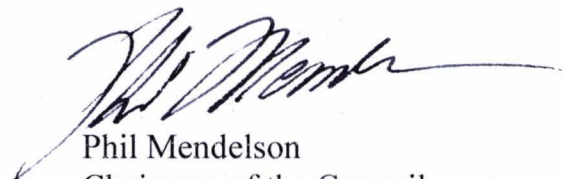
## NOTICE

## D.C. LAW 22-67

**"Paul Devroux Way Designation Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-219 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on January 25, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-231 and was published in the February 2, 2018 edition of the D.C. Register (Vol. 65, page 804). Act 22-231 was transmitted to Congress on February 5, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-231 is now D.C. Law 22-67, effective March 20, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-68

**"Historic Anacostia Vacant Properties Surplus Declaration and Disposition Authorization Temporary Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-608 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on January 25, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-232 and was published in the February 2, 2018 edition of the D.C. Register (Vol. 65, page 806). Act 22-232 was transmitted to Congress on February 5, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-232 is now D.C. Law 22-68, effective March 20, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28  
March 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-283**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 21, 2018**

To approve, on an emergency basis, Modification Nos. 7 and 8 to Contract No. DCKA-2014-D-0053-A01 with Excel Tree Expert Co., Inc. for pruning services, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCKA-2014-D-0053-A01 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1–204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18–371; D.C. Official Code § 2–352.02), the Council approves Modification Nos. 7 and 8 to Contract No. DCKA-2014-D-0053-A01 with Excel Tree Expert Co., Inc. for pruning services, and authorizes payment in the not-to-exceed amount of \$2,269,125 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
March 21, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-284**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 21, 2018**

To approve, on an emergency basis, Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025C with Paige Industrial Services, Inc. for on-call construction, maintenance, and repair services, and to authorize payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCAM-17-CS-0025C Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025C with Paige Industrial Services, Inc. for on-call construction, maintenance, and repair services, and authorizes payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.


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

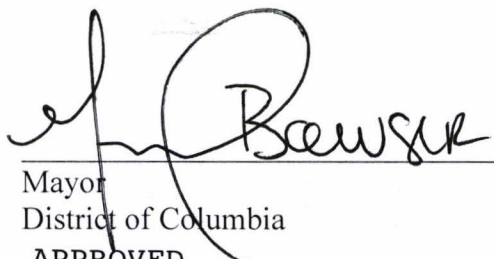
Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED  
March 21, 2018

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-285**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 21, 2018**

To approve, on an emergency basis, Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025K with DC General Construction, Inc. for on-call construction, maintenance, and repair services, and to authorize payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCAM-17-CS-0025K Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025K with DC General Construction, Inc. for on-call construction, maintenance, and repair services, and authorizes payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

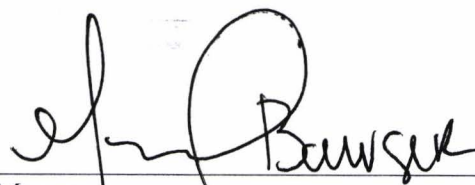
ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
March 21, 2018



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-286**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 21, 2018**

To approve, on an emergency basis, Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025D with Keystone Plus Construction Corporation for on-call construction, maintenance, and repair services, and to authorize payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCAM-17-CS-0025D Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025D with Keystone Plus Construction Corporation for on-call construction, maintenance, and repair services, and authorizes payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

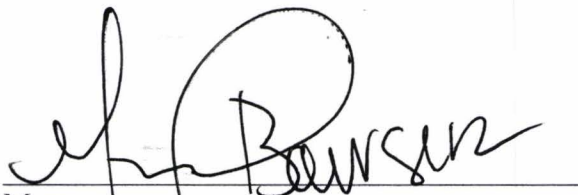
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
March 21, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-287**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 26, 2018**

To amend, on an emergency basis, due to congressional review, the Personal Delivery Device Pilot Program Act of 2016 to extend the personal delivery device pilot program through December 31, 2018, and to provide that a registration, including a renewal, issued before December 31, 2017, shall be valid for one year from the date of registration, unless the registration is revoked by the Director of the District Department of Transportation.

BE IN ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Personal Delivery Device Pilot Program Extension Congressional Review Emergency Amendment Act of 2018”.

Sec. 2. The Personal Delivery Device Pilot Program Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 50-1551 *et seq.*), is amended as follows:

(a) Section 6193 (D.C. Official Code § 50-1552) is amended by striking the phrase “December 31, 2017” and inserting the phrase “December 31, 2018” in its place.

(b) Section 6195(b) (D.C. Official Code § 50-1554(b)) is amended by striking the phrase “December 31, 2017, whichever is first.” and inserting the phrase “December 31, 2018, whichever is first; provided, that a registration, including a renewal, issued before December 31, 2017, shall be valid for one year from the date of registration, unless the registration is revoked pursuant to subsection (d) of this section.” in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

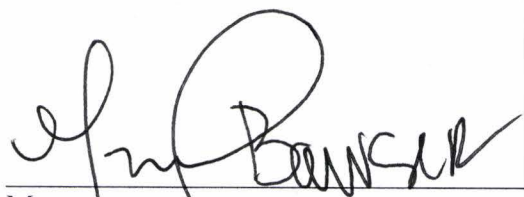
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
March 26, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-288**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 26, 2018**

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to exempt the current Executive Director of the District of Columbia Board of Elections from the domicile requirement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Board of Elections Domicile Requirement Emergency Amendment Act of 2018”.

Sec. 2. Section 5(e)(1) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 700; D.C. Official Code § 1-1001.05(e)(1)), is amended by adding a new subparagraph (B-i) to read as follows:

“(B-i) The requirements of subparagraph (B) of this paragraph shall not apply to Executive Director Alice Miller, beginning on her hire date of July 6, 2016.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
March 26, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-289**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 26, 2018**

To approve, on an emergency basis, Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025F with Broughton Construction Company LLC for on-call construction, maintenance, and repair services, and to authorize payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCAM-17-CS-0025F Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025F with Broughton Construction Company LLC for on-call construction, maintenance, and repair services, and authorizes payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

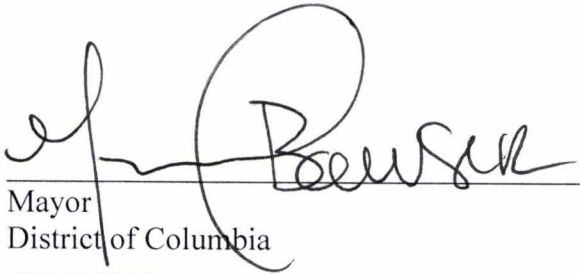
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
March 26, 2018



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-290**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 26, 2018**

To approve, on an emergency basis, Modification Nos. 6 and 7 to Contract No. DCKA-2014-D-0053-A02 with C&D Tree Service, Inc. for pruning services, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCKA-2014-D-0053-A02 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1–204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18–371; D.C. Official Code § 2–352.02), the Council approves Modification Nos. 6 and 7 to Contract No. DCKA-2014-D-0053-A02 with C&D Tree Service, Inc. for pruning services, and authorizes payment in the not-to-exceed amount of \$2.275 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

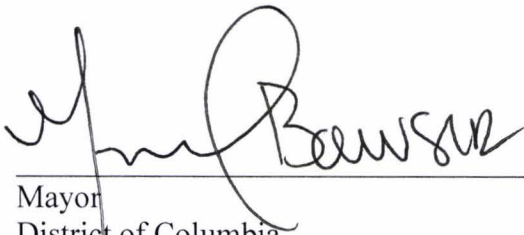
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
March 26, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-291**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 21, 2018**

To approve, on an emergency basis, Contract No. DCAM-17-CS-0075 and Change Order Nos. 1 through 3 to Contract No. DCAM-17-CS-0075 with Consys, Inc. for renovation and upgrade services for the Department of Motor Vehicles Inspection Station located at 1001 Half Street, S.W., and to authorize payment in the aggregate amount of \$1,150,045.55 for the goods and services received and to be received under the contract and change orders.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Contract No. DCAM-17-CS-0075 and Change Orders to Contract No. DCAM-17-CS-0075 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. DCAM-17-CS-0075 and Change Order Nos. 1 through 3 to Contract No. DCAM-17-CS-0075 with Consys, Inc. for renovation and upgrade services for the Department of Motor Vehicles Inspection Station located at 1001 Half Street, S.W., and authorizes payment in the aggregate amount of \$1,150,045.55 for the goods and services received and to be received under the contract and change orders.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
March 21, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-292**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 26, 2018**

To approve, on an emergency basis, Modification Nos. 03 and 04 to Contract No. DCAM-17-CS-0025I with HRGM Corporation for on-call construction, maintenance, and repair services, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCAM-17-CS-0025I Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 03 and 04 to Contract No. DCAM-17-CS-0025I with HRGM Corporation for on-call construction, maintenance, and repair services, and authorizes payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

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

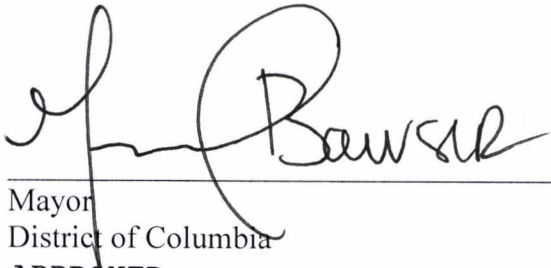
ENROLLED ORIGINAL

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



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia  
APPROVED  
March 26, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-293**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 26, 2018**

To approve, on an emergency basis, Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025L with Corenic Construction Group LLC for on-call construction, maintenance, and repair services, and to authorize payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. DCAM-17-CS-0025L Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 01 and 02 to Contract No. DCAM-17-CS-0025L with Corenic Construction Group LLC for on-call construction, maintenance, and repair services, and authorizes payment in the not-to-exceed amount of \$2.5 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED  
March 26, 2018



ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-294**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 26, 2018**

To approve, on an emergency basis, Modification Nos. 040, 041, 042, and 043 to Contract No. POKV-2006-C-0064 with Conduent State and Local Solutions, Inc. to provide ticket processing services, and to authorize payment for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. POKV-2006-C-0064 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1–204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18–371; D.C. Official Code § 2–352.02), the Council approves Modification Nos. 040, 041, 042, and 043 to Contract No. POKV-2006-C-0064 with Conduent State and Local Solutions, Inc. to provide ticket processing services, and authorizes payment in the not-to-exceed amount of \$10,936,667 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED  
March 26, 2018

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 22-295**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**MARCH 26, 2018**

To officially designate, on an emergency basis, due to congressional review, a portion of the public alley system in Square 762, bounded by 2nd Street, S.E., C Street, S.E., 3rd Street, S.E., and Pennsylvania Avenue, S.E., in Ward 6, as “Lincoln Court;” and to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to exempt one of the Council appointments to the District of Columbia Corrections Information Council from the District of Columbia residency requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Lincoln Court Designation Congressional Review Emergency Act of 2018”.

Sec. 2. Pursuant to sections 401, 403, and 421 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, 9-204.03, and 9-204.21), the Council officially designates the portion of the public alley system in Square 762, which is bounded by 2nd Street, S.E., C Street, S.E., 3rd Street, S.E., and Pennsylvania Avenue, S.E., as shown on the Surveyor’s plat in the committee report for the Lincoln Court Designation Act of 2017, enacted on December 20, 2017 (D.C. Act 22-217; 64 DCR 13440), as “Lincoln Court”.

Sec. 3. Section 11201a(b)(2)(D) of the National Capital Revitalization and Self-Government Improvement Act of 1997, effective October 2, 2010 (D.C. Law 18-233; D.C. Official Code § 24-101.01(b)(2)(D)), is amended by striking the phrase “District of Columbia” and inserting the phrase “District of Columbia; provided, that one of the Council appointments may be a non-resident of the District” in its place.

Sec. 4. Transmittal.

The Council shall transmit a copy of this act, upon its effective date, to the Mayor, the District Department of Transportation, and the Office of the Surveyor.

ENROLLED ORIGINAL

Sec. 5. Applicability.

This act shall apply as of March 20, 2018.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Lincoln Court Designation Act of 2017, enacted on December 20, 2017 (D.C. Act 22-217; 64 DCR 13440), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. 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  
March 26, 2018

## ENROLLED ORIGINAL

## A RESOLUTION

22-420

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 6, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to declare that 4 District-owned real properties located within historic Anacostia are no longer required for public purposes and to authorize the disposition of the properties to the L'Enfant Trust for the purpose of rehabilitating the properties in accordance with historic preservation standards and developing workforce housing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Historic Anacostia Vacant Properties Surplus Declaration and Disposition Authorization Congressional Review Emergency Declaration Resolution of 2018”.

Sec. 2. (a) On December 5, 2017, the Council passed the Historic Anacostia Vacant Properties Surplus Declaration and Disposition Authorization Emergency Act of 2017, effective December 13, 2017 (D.C. Act 22-205; 64 DCR 12879) (“Emergency Act”), to declare surplus and authorize the disposition to the L'Enfant Trust of 4 properties located within historic Anacostia that are in need of extensive repair:

(1) 1220 Maple View Place, S.E., known for tax and assessment purposes as Lot 811 in Square 5800;

(2) 1648 U Street, S.E., known for tax and assessment purposes as Lot 884 in Square 5765;

(3) 1518 W Street, S.E., known for tax and assessment purposes as Lot 814 in Square 5779; and

(4) 1326 Valley Place, S.E., known for tax and assessment purposes as Lot 849 in Square 5799.

(b) On January 9, 2018, the Council passed the Historic Anacostia Vacant Properties Surplus Declaration and Disposition Authorization Temporary Act of 2018, enacted on January 25, 2018 (D.C. Act 22-232; 65 DCR 806) (“Temporary Act”), which has been transmitted to Congress for the mandatory 30-day review period.

(c) The Emergency Act will expire on March 13, 2018. However, the congressional-review period for the Temporary Act is not expected to conclude until March 17, 2018. Therefore, a congressional review emergency act is necessary to prevent a gap in the law.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Historic Anacostia Vacant Properties Surplus Declaration and Disposition Authorization Congressional Review Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

22-430

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 6, 2018

To approve the proposed compensation system changes submitted by the Mayor for certain Career, Educational, Excepted, Management Supervisory, Legal, and Executive Service employees not covered by collective bargaining.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Changes to District Government Employee Pay Schedules Approval Resolution of 2018”.

Sec. 2. (a) Pursuant to sections 858, 956, 1052, 1105, 1106, and 1111 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-608.58, 1-609.56, 1-610.52, 1-611.05, 1-611.06, and 1-611.11), the Council approves the proposed compensation system changes recommended by the Mayor for a salary increase of 3% for current non-union Career, Excepted, Management Supervisory, Legal, and Executive Service employees, Educational Service employees of the Office of the State Superintendent of Education, and non-instructional and WAE instructional Educational Service employees of the District of Columbia Public Schools.

(b) The compensation system changes approved by this resolution are not applicable to:

- (1) Former employees; or
- (2) Employees of the Board of Trustees of the University of the District of Columbia.

Sec. 3. The compensation system changes referred to in section 2(a) of this resolution are approved as outlined in the attached pay schedules and shall become effective retroactively to October 1, 2017, for all current employees.

Sec. 4. Transmittal.

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

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 resolution shall take effect immediately.

**District of Columbia Government Salary Schedule: Career Service (General)**



**Fiscal Year:** 2018      **Service Code Definition:** Career Service (General)

**Effective Date:** October 1, 2017

**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA A01, XAA A06, XAA A90, XAA A93, XAA C88, XAA A03, XAA A15, XAA A22, DOC A01, DOC A06, DOC A15, XAA A10, XAB A10, XFA A01, XAA A21

**Pay Plan/Schedule:** CS  
**Peoplesoft Schedule:** DS0087

**% Increase:** 3%

**Resolution Number:**

**Date of Resolution:**

Grade	1	2	3	4	Step 5	6	7	8	9	10	Between Steps
1 \$	24,612	\$ 25,440	\$ 26,268	\$ 27,096	\$ 27,924	\$ 28,752	\$ 29,580	\$ 30,408	\$ 31,236	\$ 32,064	\$ 828
2 \$	26,503	\$ 27,433	\$ 28,363	\$ 29,293	\$ 30,223	\$ 31,153	\$ 32,083	\$ 33,013	\$ 33,943	\$ 34,873	\$ 930
3 \$	28,892	\$ 29,894	\$ 30,896	\$ 31,898	\$ 32,900	\$ 33,902	\$ 34,904	\$ 35,906	\$ 36,908	\$ 37,910	\$ 1,002
4 \$	30,300	\$ 31,330	\$ 32,360	\$ 33,390	\$ 34,420	\$ 35,450	\$ 36,480	\$ 37,510	\$ 38,540	\$ 39,570	\$ 1,030
5 \$	32,778	\$ 33,917	\$ 35,056	\$ 36,195	\$ 37,334	\$ 38,473	\$ 39,612	\$ 40,751	\$ 41,890	\$ 43,029	\$ 1,139
6 \$	36,304	\$ 37,571	\$ 38,838	\$ 40,105	\$ 41,372	\$ 42,639	\$ 43,906	\$ 45,173	\$ 46,440	\$ 47,707	\$ 1,267
7 \$	40,234	\$ 41,632	\$ 43,030	\$ 44,428	\$ 45,826	\$ 47,224	\$ 48,622	\$ 50,020	\$ 51,418	\$ 52,816	\$ 1,398
8 \$	44,184	\$ 45,592	\$ 47,000	\$ 48,408	\$ 49,816	\$ 51,224	\$ 52,632	\$ 54,040	\$ 55,448	\$ 56,856	\$ 1,408
9 \$	48,598	\$ 50,152	\$ 51,706	\$ 53,260	\$ 54,814	\$ 56,368	\$ 57,922	\$ 59,476	\$ 61,030	\$ 62,584	\$ 1,554
10 \$	53,321	\$ 55,030	\$ 56,739	\$ 58,448	\$ 60,157	\$ 61,866	\$ 63,575	\$ 65,284	\$ 66,993	\$ 68,702	\$ 1,709
11 \$	58,557	\$ 60,439	\$ 62,321	\$ 64,203	\$ 66,085	\$ 67,967	\$ 69,849	\$ 71,731	\$ 73,613	\$ 75,495	\$ 1,882
12 \$	72,457	\$ 74,705	\$ 76,953	\$ 79,201	\$ 81,449	\$ 83,697	\$ 85,945	\$ 88,193	\$ 90,441	\$ 92,689	\$ 2,248
13 \$	83,481	\$ 86,156	\$ 88,831	\$ 91,506	\$ 94,181	\$ 96,856	\$ 99,531	\$ 102,206	\$ 104,881	\$ 107,556	\$ 2,675
14 \$	98,665	\$ 101,825	\$ 104,985	\$ 108,145	\$ 111,305	\$ 114,465	\$ 117,625	\$ 120,785	\$ 123,945	\$ 127,105	\$ 3,160
	<b>MINIMUM</b>				<b>MIDPOINT</b>				<b>MAXIMUM</b>		
15/16 \$	104,708				\$ 126,240				\$ 147,771		OPEN RANGE
17/18 \$	126,937				\$ 158,800				\$ 190,662		OPEN RANGE



**District of Columbia Government Salary Schedule: Management Supervisory Service (MSS)**



**Fiscal Year:** 2018      **Service Code Definition:** Management Supervisory Service (MSS)

**Effective Date:** October 1, 2017

**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** MSS A51, MSS A53, MSS A65, XAA A51

**Pay Plan/Schedule:** MS  
**Peoplesoft Schedule:** DS0086

**% Increase:** 3%

**Resolution Number:**

**Date of Resolution:**

<b>Grade</b>	<b>MINIMUM</b>	<b>MIDPOINT</b>	<b>MAXIMUM</b>
11 \$	65,777	\$ 78,933	\$ 92,088
12 \$	77,617	\$ 93,140	\$ 108,664
13 \$	89,260	\$ 107,111	\$ 124,963
14 \$	102,649	\$ 123,178	\$ 143,708
15 \$	113,940	\$ 136,727	\$ 159,515
16 \$	126,433	\$ 151,719	\$ 177,004

**District of Columbia Government Salary Schedule: Excepted Service (ES)**



**Fiscal Year:** 2018      **Service Code Definition:** Excepted Service(ES)

**Effective Date:** October 1, 2017

**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA A40, XAA A80

**Pay Plan/Schedule:** ES  
**Peoplesoft Schedule:** XS0001

**% Increase:** 3%

**Resolution Number:**

**Date of Resolution:**

	<b>Grade</b>	<b>MINIMUM</b>	<b>MIDPOINT</b>	<b>MAXIMUM</b>	<b>CS Grade Allocation</b>
	ES1	\$ 34,628	\$ 43,285	\$ 51,942	5/6
	ES2	\$ 41,792	\$ 52,241	\$ 62,688	7/8
	ES3	\$ 47,762	\$ 59,703	\$ 71,644	9
	ES4	\$ 53,732	\$ 67,166	\$ 80,599	10
	ES5	\$ 59,702	\$ 74,629	\$ 89,553	11
	ES6	\$ 68,061	\$ 85,077	\$ 102,092	12
	ES7	\$ 83,585	\$ 104,479	\$ 125,375	13
	ES8	\$ 95,524	\$ 119,405	\$ 143,286	14/15
	ES9	\$ 107,465	\$ 134,331	\$ 161,197	15/16
	ES10	\$ 119,406	\$ 149,256	\$ 179,108	16/17
	ES11	\$ 149,257	\$ 186,571	\$ 223,885	17/18

*District of Columbia Government Salary Schedule: Executive Service Schedule*



<b>Fiscal Year:</b>	2018	<b>Service Code Definition:</b>	Executive Service (DX)
<b>Effective Date:</b>	October 1, 2017		
<b>Union/Nonunion:</b>	Non-union	<b>Affected CBU/Service Code(s):</b>	XXX A87
<b>Pay Plan/Schedule:</b>	DX		
<b>Peoplesoft Schedule:</b>	DX0000		
<b>% Increase:</b>	3%		
<b>Resolution Number:</b>			
<b>Date of Resolution:</b>			

<i>Grade</i>	<i>MINIMUM</i>	<i>MIDPOINT</i>	<i>MAXIMUM</i>
E1	\$ 98,868	\$ 123,585	\$ 148,301
E2	\$ 107,518	\$ 134,361	\$ 161,204
E3	\$ 116,910	\$ 146,027	\$ 175,144
E4	\$ 127,045	\$ 158,657	\$ 190,270
E5	\$ 137,549	\$ 172,586	\$ 207,621

**District of Columbia Government Salary Schedule: Nurses (Non-union)**



**Fiscal Year:** 2018      **Service Code Definition:** Registered Nurses  
**Effective Date:** October 1, 2017  
**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA A28  
**Pay Plan/Schedule:** CS      **Occupational Series:** 0610  
**Peoplesoft Schedule:** DS0096  
**% Increase:** 3%  
**Resolution Number:**  
**Date of Resolution:**

Grade	Steps										Classification
	1	2	3	4	5	6	7	8	9	10	
5	\$57,061	\$58,273	\$59,488	\$60,703	\$63,131	\$65,558	\$67,985	\$70,415	\$72,844	\$75,271	Nurse Graduate
7	\$67,130	\$68,558	\$69,985	\$71,413	\$74,271	\$77,127	\$79,985	\$82,841	\$85,697	\$88,553	Clinical Nurse I (Registered Nurse)
9	\$72,500	\$74,043	\$75,584	\$77,127	\$80,212	\$83,299	\$86,382	\$89,468	\$92,553	\$95,638	Clinical Nurse II (Occupational Health Nurse Community Health Nurse, Lead Registered Nurse)
10	\$75,399	\$77,005	\$78,609	\$80,212	\$83,422	\$86,630	\$89,838	\$93,048	\$96,255	\$99,464	Clinical Nurse III (Nurse Team Leader)
11	\$78,793	\$80,471	\$82,146	\$83,822	\$87,175	\$90,527	\$93,880	\$97,234	\$100,587	\$103,939	Nurse Specialist I (Nurse Consultant I, Nurse Specialist I)
12	\$82,734	\$84,492	\$86,253	\$88,012	\$91,534	\$95,055	\$98,576	\$102,095	\$105,616	\$109,137	Nurse Specialist II (Nurse Consultant II- Team Leader, Nurse Specialist II- Team Leader)

District of Columbia Government Salary Schedule: PUBLIC SAFETY EXECUTIVE PAY SCHEDULE

Public Safety and Justice Cluster



<i>Effective Date:</i>	<i>October 1, 2017</i>	<i>Fiscal Year:</i>	2018
<i>Nonunion:</i>	Non-Union	<i>% Increase:</i>	3%
<i>Service Code Definition:</i>			

<i>CBU/Service Code:</i>	XXX/A87	<i>PeopleSoft Plan:</i>	DX0001
<i>Resolution #:</i>			
<i>Date of Resolution:</i>			

Level	Minimum	Midpoint	Maximum
PS 1	\$180,081	\$207,094	\$234,106
PS 2	\$210,695	\$242,299	\$273,904
PS 3	\$246,513	\$283,490	\$320,467
PS 4	\$288,421	\$331,684	\$374,947

District of Columbia Government Salary Schedule: PUBLIC SAFETY EXCEPTED PAY SCHEDULE



Public Safety and Justice Cluster (Medical Services)

Effective Date: October 1, 2017 Fiscal Year: 2018
Nonunion: Non-Union % Increase: 3%
Service Code Definition:

CBU/Service Code: XAA A80
Resolution #: PeopleSoft Plan: XS0002
Date of Resolution:

Table with 4 columns: Level, Minimum, Midpoint, Maximum. Rows include PS 1 through PS 4 with corresponding salary values.

The levels on this pay Schedule are 1, 2, 3 AND 4
Levels 1,2,3 AND 4 = (fully trained/board eligible)/Supervisory Public Safety Medical Officer Positions
The following factors will be considered when making salary placements:
Area of Specialized Expertise and Education
As it pertains to Supervisory Medical Positions only:
Board Certified In Primary
Board certified in primary specialty and in a subspecialty or a second primary specialty
Each year spent in a fellowship related to the specialty area generally practiced for the employer shall be counted as one year of "post training experience"

**District of Columbia Government Salary Schedule: Fire Service (Non-Union)**



**Fiscal Year:** 2018  
**Effective Date:** October 1, 2017  
**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA D02, XAA D03, XAA D12, XAA D13  
**Pay Plan/Schedule:** Fire Service (FS)  
**Peoplesoft Schedule:** DS0052, FS0003

**% Increase:** 3%

**Resolution Number:**

**Date of Resolution:**

Grade		Steps			
		1	2	3	4
Class 08 Battalion Chief	Base Annual Salary October 2, 2016	\$ 110,233	\$ 115,964	\$ 121,993	\$ 128,339
	Base Pay with 3% Increase as of October 1, 2016= Base Pay #1	\$ 113,540	\$ 119,443	\$ 125,653	\$ 132,189
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 119,217	\$ 125,415	\$ 131,936	\$ 138,799
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 124,894	\$ 131,387	\$ 138,218	\$ 145,408
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 130,571	\$ 137,359	\$ 144,501	\$ 152,018
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 136,248	\$ 143,331	\$ 150,784	\$ 158,627
Class 09 Deputy Chief	Base Annual Salary October 2, 2016	\$ 129,363	\$ 138,030	\$ 147,280	\$ 157,149
	Base Pay with 3% Increase as of October 1, 2017= Base Pay #1	\$ 133,244	\$ 142,171	\$ 151,698	\$ 161,864
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 139,906	\$ 149,280	\$ 159,283	\$ 169,957
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 146,568	\$ 156,388	\$ 166,868	\$ 178,050
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 153,230	\$ 163,497	\$ 174,453	\$ 186,143
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 159,893	\$ 170,605	\$ 182,038	\$ 194,236
Class 10 Assistant Chief	Base Annual Salary October 2, 2016	\$ 152,333	\$ 162,481	\$ 173,308	
	Base Pay with 3% Increase as of October 1, 2017= Base Pay #1	\$ 156,903	\$ 167,356	\$ 178,507	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #1= Pay #2	\$ 164,748	\$ 175,723	\$ 187,432	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #1= Pay #3	\$ 172,593	\$ 184,091	\$ 196,358	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #1= Pay #4	\$ 180,438	\$ 192,459	\$ 205,283	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #1= Pay #5	\$ 188,283	\$ 200,827	\$ 214,208	



**District of Columbia Government Salary Schedule: Police Service (Non-Union)**

**Fiscal Year:** 2018  
**Effective Date:** October 1, 2017  
**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA D01, XAA D11  
**Pay Plan/Schedule:** Police Service  
**Peoplesoft Schedule:** PS0002

**% Increase:** 3%

**Resolution Number:**

**Date of Resolution:**

Grade		Steps				
		1	2	3	4	5
Class 05 Lieutenant	Base Annual Salary October 2, 2016	\$ 87,079	\$ 91,887	\$ 96,922	\$ 102,255	\$ 107,878
	Base Pay with 3% Increase as of October 1, 2017= Base Pay #1	\$ 89,691	\$ 94,644	\$ 99,830	\$ 105,323	\$ 111,114
	Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$ 93,458	\$ 98,619	\$ 104,023	\$ 109,746	\$ 115,781
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3	\$ 98,131	\$ 103,292	\$ 108,695	\$ 114,419	\$ 120,454
	Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4	\$ 98,131	\$ 103,550	\$ 109,224	\$ 115,234	\$ 121,570
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5	\$ 107,944	\$ 113,363	\$ 119,037	\$ 125,047	\$ 131,383
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6	\$ 112,851	\$ 118,269	\$ 123,943	\$ 129,953	\$ 136,290
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7	\$ 117,758	\$ 123,176	\$ 128,850	\$ 134,860	\$ 141,196
Class 07 Captain	Base Annual Salary October 2, 2016	\$ 103,163	\$ 108,529	\$ 114,172	\$ 120,110	
	Base Pay with 3% Increase as of October 1, 2017= Base Pay #1	\$ 106,258	\$ 111,785	\$ 117,597	\$ 123,713	
	Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$ 110,721	\$ 116,480	\$ 122,536	\$ 128,909	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3	\$ 116,257	\$ 122,016	\$ 128,072	\$ 134,445	
	Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4	\$ 116,257	\$ 122,304	\$ 128,663	\$ 135,355	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5	\$ 127,882	\$ 133,930	\$ 140,289	\$ 146,980	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6	\$ 133,695	\$ 139,742	\$ 146,102	\$ 152,793	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7	\$ 139,508	\$ 145,555	\$ 151,914	\$ 158,606	



District of Columbia Government Salary Schedule: Police Service (Non-Union)



Fiscal Year: 2018  
 Effective Date: October 1, 2017  
 Union/Nonunion: Non-union Affected CBU/Service Code(s): XAA D01, XAA D11  
 Pay Plan/Schedule: Police Service  
 Peoplesoft Schedule: PS0002

% Increase: 3%

Resolution Number:

Date of Resolution:

Grade		Steps				
		1	2	3	4	5
Class 08 Inspector	Base Annual Salary October 2, 2016	\$ 114,794	\$ 120,766	\$ 127,042	\$ 133,652	
	Base Pay with 3% Increase as of October 1, 2017= Base Pay #1	\$ 118,238	\$ 124,389	\$ 130,853	\$ 137,662	
	Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$ 123,204	\$ 129,613	\$ 136,349	\$ 143,443	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3	\$ 129,364	\$ 135,774	\$ 142,509	\$ 149,604	
	Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4	\$ 129,364	\$ 136,094	\$ 143,167	\$ 150,616	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5	\$ 142,300	\$ 149,030	\$ 156,103	\$ 163,552	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6	\$ 148,769	\$ 155,499	\$ 162,571	\$ 170,020	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7	\$ 155,237	\$ 161,967	\$ 169,039	\$ 176,488	
Class 09 Commander	Base Annual Salary October 2, 2016	\$ 134,718	\$ 143,744	\$ 153,373	\$ 163,652	
	Base Pay with 3% Increase as of October 1, 2017= Base Pay #1	\$ 138,760	\$ 148,056	\$ 157,974	\$ 168,562	
	Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$ 144,587	\$ 154,275	\$ 164,609	\$ 175,641	
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3	\$ 151,817	\$ 161,504	\$ 171,838	\$ 182,871	
	Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4	\$ 151,817	\$ 161,988	\$ 172,840	\$ 184,423	
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5	\$ 166,998	\$ 177,170	\$ 188,021	\$ 199,605	
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6	\$ 174,589	\$ 184,761	\$ 195,612	\$ 207,196	
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7	\$ 182,180	\$ 192,352	\$ 203,203	\$ 214,787	
Class 10 Assistant Chief	Base Annual Salary October 2, 2016	\$ 158,636	\$ 169,210	\$ 180,480		
	Base Pay with 3% Increase as of October 1, 2017 = Base Pay #1	\$ 163,395	\$ 174,286	\$ 185,894		
	Retention Allowance less than 20 yrs: Pay #1 + 4.2% = Pay #2	\$ 170,258	\$ 181,606	\$ 193,702		
	Service Longevity Payment- 15 YOS @ 5% of Step 1 Pay #2= Pay #3	\$ 178,771	\$ 190,119	\$ 202,215		
	Base Retention Differential- 20 or more YOS: Pay #2 + 5%= Pay #4	\$ 178,771	\$ 190,687	\$ 203,387		
	Service Longevity Payment- 20 YOS @ 10% of Step 1 Pay #4= Pay #5	\$ 196,648	\$ 208,564	\$ 221,264		
	Service Longevity Payment- 25 YOS @ 15% of Step 1 Pay #4= Pay #6	\$ 205,586	\$ 217,502	\$ 230,203		
	Service Longevity Payment- 30 YOS @ 20% of Step 1 Pay #4= Pay #7	\$ 214,525	\$ 226,441	\$ 239,141		

*District of Columbia Government Salary Schedule: Legal Supervisory Service (LX)*



**Fiscal Year:** 2018      **Service Code Definition:** Legal Service Attorney Managers and Attorneys in the Senior Executive Service (includes both OAG and other agencies)

**Effective Date:** October 1, 2017

**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA A34

**Pay Plan/Schedule:** LX (Legal Service)      **Occupational Series:** 905  
**Peoplesoft Schedule:** LX0001

**% Increase:** 3%

**Resolution Number:**

**Date of Resolution:**

<i>Grade</i>	<i>MINIMUM</i>	<i>MIDPOINT</i>	<i>MAXIMUM</i>
LX1 \$	111,732	\$ 141,296	\$ 170,862
LX2 \$	124,177	\$ 155,920	\$ 187,662
LX3 \$	138,769	\$ 173,260	\$ 207,750

ENROLLED ORIGINAL

*District of Columbia Government Salary Schedule: Legal Services (Non-union)*



**Fiscal Year:** 2018      **Service Code Definition:** Attorneys (includes both OAG and other agencies)  
**Effective Date:** October 1, 2017  
**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA A35  
**Pay Plan/Schedule:** LS (Legal Service)  
**Peoplesoft Schedule:** LA0001  
**% Increase:** 3.00%  
**Resolution Number:**  
**Date of Resolution:**

Grade	Steps										Between Steps
	1	2	3	4	5	6	7	8	9	10	
09 \$	56,687 \$	58,577 \$	60,467 \$	62,357 \$	64,247 \$	66,137 \$	68,027 \$	69,917 \$	71,807 \$	73,697 \$	1,890
10 \$	62,429 \$	64,510 \$	66,591 \$	68,672 \$	70,753 \$	72,834 \$	74,915 \$	76,996 \$	79,077 \$	81,158 \$	2,081
11 \$	68,588 \$	70,876 \$	73,164 \$	75,452 \$	77,740 \$	80,028 \$	82,316 \$	84,604 \$	86,892 \$	89,180 \$	2,288
12 \$	82,204 \$	84,946 \$	87,688 \$	90,430 \$	93,172 \$	95,914 \$	98,656 \$	101,398 \$	104,140 \$	106,882 \$	2,742
13 \$	97,762 \$	101,020 \$	104,278 \$	107,536 \$	110,794 \$	114,052 \$	117,310 \$	120,568 \$	123,826 \$	127,084 \$	3,258
14 \$	115,520 \$	119,372 \$	123,224 \$	127,076 \$	130,928 \$	134,780 \$	138,632 \$	142,484 \$	146,336 \$	150,188 \$	3,852
15 \$	135,893 \$	140,421 \$	144,949 \$	149,477 \$	154,005 \$	158,532 \$	163,060 \$	167,588 \$	170,023 \$	173,455 \$	Varies

**District of Columbia Government Salary Schedule: Regular/Leader/Foreman**



**Fiscal Year:** 2018      **Service Code Definition:** Regular/Leader/Foreman Non-Supervisory Service  
**Effective Date:** October 1, 2017      **L- Leader    F= Foreman**  
**Union/Nonunion:** Non-union      **Affected CBU/Service Code(s):** XAA B01, XAA B02, XAA B03, MSS B13  
**Pay Plan/Schedule:** RW/LW/SW/MW  
**Peoplesoft Schedule:** WS0028- Regular/MSS  
    WS0036- Leaders  
    WS0035- Foreman (up to grade 10)  
**% Increase:** 3%  
**Resolution Number:**  
**Date of Resolution:**

Grade	Step										Between Steps
	1	2	3	4	5	6	7	8	9	10	
02	\$ 14.96	\$ 15.46	\$ 15.96	\$ 16.46	\$ 16.96	\$ 17.46	\$ 17.96	\$ 18.46	\$ 18.96	\$ 19.46	\$ 0.50
02L	\$ 16.22	\$ 16.79	\$ 17.36	\$ 17.93	\$ 18.50	\$ 19.07	\$ 19.64	\$ 20.21	\$ 20.78	\$ 21.35	\$ 0.57
02F	\$ 19.40	\$ 20.07	\$ 20.74	\$ 21.41	\$ 22.08	\$ 22.75	\$ 23.42	\$ 24.09	\$ 24.76	\$ 25.43	\$ 0.67
03	\$ 16.05	\$ 16.60	\$ 17.15	\$ 17.70	\$ 18.25	\$ 18.80	\$ 19.35	\$ 19.90	\$ 20.45	\$ 21.00	\$ 0.55
03L	\$ 17.51	\$ 18.13	\$ 18.75	\$ 19.37	\$ 19.99	\$ 20.61	\$ 21.23	\$ 21.85	\$ 22.47	\$ 23.09	\$ 0.62
03F	\$ 20.40	\$ 21.11	\$ 21.82	\$ 22.53	\$ 23.24	\$ 23.95	\$ 24.66	\$ 25.37	\$ 26.08	\$ 26.79	\$ 0.71
04	\$ 17.17	\$ 17.77	\$ 18.37	\$ 18.97	\$ 19.57	\$ 20.17	\$ 20.77	\$ 21.37	\$ 21.97	\$ 22.57	\$ 0.60
04L	\$ 18.78	\$ 19.44	\$ 20.10	\$ 20.76	\$ 21.42	\$ 22.08	\$ 22.74	\$ 23.40	\$ 24.06	\$ 24.72	\$ 0.66
04F	\$ 21.44	\$ 22.18	\$ 22.92	\$ 23.66	\$ 24.40	\$ 25.14	\$ 25.88	\$ 26.62	\$ 27.36	\$ 28.10	\$ 0.74
05	\$ 18.31	\$ 18.95	\$ 19.59	\$ 20.23	\$ 20.87	\$ 21.51	\$ 22.15	\$ 22.79	\$ 23.43	\$ 24.07	\$ 0.64
05L	\$ 19.98	\$ 20.68	\$ 21.38	\$ 22.08	\$ 22.78	\$ 23.48	\$ 24.18	\$ 24.88	\$ 25.58	\$ 26.28	\$ 0.70
05F	\$ 22.48	\$ 23.25	\$ 24.02	\$ 24.79	\$ 25.56	\$ 26.33	\$ 27.10	\$ 27.87	\$ 28.64	\$ 29.41	\$ 0.77
06	\$ 19.46	\$ 20.13	\$ 20.80	\$ 21.47	\$ 22.13	\$ 22.80	\$ 23.47	\$ 24.14	\$ 24.81	\$ 25.48	\$ 0.67
06L	\$ 21.34	\$ 22.08	\$ 22.82	\$ 23.56	\$ 24.30	\$ 25.04	\$ 25.78	\$ 26.52	\$ 27.26	\$ 28.00	\$ 0.74
06F	\$ 23.45	\$ 24.26	\$ 25.07	\$ 25.88	\$ 26.69	\$ 27.50	\$ 28.31	\$ 29.12	\$ 29.93	\$ 30.74	\$ 0.81
07	\$ 20.71	\$ 21.43	\$ 22.15	\$ 22.87	\$ 23.59	\$ 24.31	\$ 25.03	\$ 25.75	\$ 26.47	\$ 27.19	\$ 0.72
07L	\$ 22.67	\$ 23.45	\$ 24.23	\$ 25.01	\$ 25.79	\$ 26.57	\$ 27.35	\$ 28.13	\$ 28.91	\$ 29.69	\$ 0.78
07F	\$ 24.52	\$ 25.37	\$ 26.22	\$ 27.07	\$ 27.92	\$ 28.77	\$ 29.62	\$ 30.47	\$ 31.32	\$ 32.17	\$ 0.85
08	\$ 21.84	\$ 22.60	\$ 23.36	\$ 24.12	\$ 24.88	\$ 25.64	\$ 26.40	\$ 27.16	\$ 27.92	\$ 28.68	\$ 0.76
08L	\$ 24.01	\$ 24.84	\$ 25.67	\$ 26.50	\$ 27.33	\$ 28.16	\$ 28.99	\$ 29.82	\$ 30.65	\$ 31.48	\$ 0.83
08F	\$ 25.53	\$ 26.41	\$ 27.29	\$ 28.17	\$ 29.05	\$ 29.93	\$ 30.81	\$ 31.69	\$ 32.57	\$ 33.45	\$ 0.88
09	\$ 23.01	\$ 23.80	\$ 24.59	\$ 25.38	\$ 26.17	\$ 26.96	\$ 27.75	\$ 28.54	\$ 29.33	\$ 30.12	\$ 0.79
09L	\$ 25.16	\$ 26.04	\$ 26.92	\$ 27.80	\$ 28.68	\$ 29.56	\$ 30.44	\$ 31.32	\$ 32.20	\$ 33.08	\$ 0.88
09F	\$ 26.50	\$ 27.42	\$ 28.34	\$ 29.26	\$ 30.18	\$ 31.10	\$ 32.02	\$ 32.94	\$ 33.86	\$ 34.78	\$ 0.92
10	\$ 24.17	\$ 25.00	\$ 25.83	\$ 26.66	\$ 27.49	\$ 28.32	\$ 29.15	\$ 29.98	\$ 30.81	\$ 31.64	\$ 0.83
10L	\$ 26.52	\$ 27.43	\$ 28.34	\$ 29.25	\$ 30.16	\$ 31.07	\$ 31.98	\$ 32.89	\$ 33.80	\$ 34.71	\$ 0.91
10F	\$ 27.61	\$ 28.55	\$ 29.49	\$ 30.43	\$ 31.37	\$ 32.31	\$ 33.25	\$ 34.19	\$ 35.13	\$ 36.07	\$ 0.94

OPEN RANGE	MINIMUM	MIDPOINT	MAXIMUM
11	\$ 31.13	\$ 36.89	\$ 42.65
12	\$ 32.09	\$ 38.03	\$ 43.96
13	\$ 33.31	\$ 39.48	\$ 45.64
14	\$ 34.84	\$ 41.28	\$ 47.72
15	\$ 35.62	\$ 42.20	\$ 48.79
16	\$ 36.97	\$ 43.81	\$ 50.63

District of Columbia Government Salary Schedule: NONUNION SUPERVISORY MEDICAL OFFICERS PAY SCHEDULE  
DEPARTMENT OF BEHAVIORAL HEALTH



Effective Date: October 1, 2017  
Nonunion: Non-Union  
Service Code Definition:  
Fiscal Year: 2018  
% Increase: 3%

CBU/Service Code: CMH/A94  
Resolution #:  
Occupational Series: 0602, 0668, 0680  
Date of Resolution: Peoplesoft Plan: DS0033

Level	Minimum	Midpoint	Maximum	Level of Supervision
MD 1	\$113,436	\$131,347	\$149,257	1st Level Supervision
MD 2	\$131,346	\$143,287	\$155,228	2nd Level Supervision
MD 3	\$149,257	\$170,153	\$191,047	3rd Level Supervision
MD 4	\$173,138	\$188,064	\$202,989	4th Level Supervision
MD 5	\$185,079	\$202,990	\$220,901	5th Level Supervision
MD 6	\$202,989	\$220,900	\$238,810	6th Level Supervision

The levels on this pay Schedule are 1, 2, 3, 4, 5, and 6.  
Levels 1,2,3,4,5 and 6 = (fully trained/board eligible)/Supervisory Medical Officer Positions  
The following factors will be considered when making salary placements:  
Board Certified In Primary  
Board certified in primary specialty and in a subspecialty or a second primary specialty  
Each year spent in a fellowship related to the specialty area generally practiced for the employer shall be counted as one year of "post training experience"  
Except when based on completion of two residency programs, certification in Clinical and Anatomical Pathology will constitute a certification in a primary specialty  
Except when based on completion of two residency programs, certification by the American Board of Neurology and Psychiatry will constitute a certification in a primary specialty

District of Columbia Public Schools

Fiscal Year: 2018

Service Code Definition: Non-Union Educational Service Employees Non-Instructional (WAE)

Effective Date: 10/01/2017 or the first full pay period

Union/Non-Union: Non-Union

Affected CBU(s): WAA and Service Codes: A60

Increase: 3%

Sched. ID: PS1

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
EG-01	\$8.35	\$8.60	\$8.86	\$9.11	\$9.37	\$9.62	\$9.87	\$10.13	\$10.38	\$10.64
EG-02	\$9.30	\$9.58	\$9.87	\$10.15	\$10.43	\$10.71	\$11.00	\$11.28	\$11.56	\$11.84
EG-03	\$10.07	\$10.38	\$10.70	\$11.01	\$11.32	\$11.63	\$11.94	\$12.25	\$12.57	\$12.88
EG-04	\$11.22	\$11.57	\$11.92	\$12.26	\$12.61	\$12.96	\$13.31	\$13.66	\$14.00	\$14.35
EG-05	\$12.46	\$12.85	\$13.24	\$13.63	\$14.02	\$14.41	\$14.81	\$15.20	\$15.59	\$15.98
EG-06	\$13.80	\$14.24	\$14.67	\$15.11	\$15.54	\$15.98	\$16.41	\$16.84	\$17.28	\$17.71
EG-07	\$15.25	\$15.73	\$16.21	\$16.70	\$17.18	\$17.67	\$18.15	\$18.63	\$19.12	\$19.60
EG-08	\$16.81	\$17.34	\$17.88	\$18.41	\$18.95	\$19.48	\$20.02	\$20.55	\$21.09	\$21.63
EG-09	\$18.48	\$19.08	\$19.67	\$20.26	\$20.85	\$21.45	\$22.04	\$22.63	\$23.22	\$23.82
EG-10	\$20.29	\$20.93	\$21.58	\$22.23	\$22.88	\$23.53	\$24.18	\$24.83	\$25.48	\$26.13
EG-11	\$22.29	\$23.00	\$23.71	\$24.43	\$25.14	\$25.85	\$26.57	\$27.28	\$27.99	\$28.71
EG-12	\$26.71	\$27.57	\$28.42	\$29.28	\$30.13	\$30.99	\$31.84	\$32.70	\$33.55	\$34.41
EG-13	\$31.76	\$32.78	\$33.79	\$34.81	\$35.83	\$36.85	\$37.87	\$38.89	\$39.91	\$40.93
EG-14	\$37.53	\$38.73	\$39.94	\$41.14	\$42.34	\$43.55	\$44.75	\$45.96	\$47.16	\$48.37
EG-15	\$42.44	\$43.80	\$45.17	\$46.53	\$47.89	\$49.25	\$50.62	\$51.98	\$53.34	\$54.70
EG-16	\$49.73	\$51.33	\$52.93	\$54.52	\$56.12	\$57.72	\$59.32	\$60.92	\$62.52	\$64.11

Crystal Jefferson  
Chief  
Office of Talent and Culture  
Date: 1/4/18

Scott Barash, Esq.  
General Counsel  
Office of General Counsel  
Date: 1/4/18

Deforas Shepherd  
Associate Chief Financial Officer  
Primary and Secondary Education Cluster  
Office of the Chief Financial Officer  
Date:

District of Columbia Public Schools

Fiscal Year: 2018

Service Code Definition: WAE Educational Services (Instructional)

Effective Date: 10/01/2017 or the first full pay period

Union/Non-Union: Non-Union

Affected CBU: WAA and Service Code: W01

Sched ID: W01

Increase: 3%

Grade	Step 1	Step 2	Step 3
ET-16	\$ 27.18	\$ 30.85	\$ 34.89

Crystal Jefferson  
Chief  
Office of Talent and Culture  
Date: 1/4/18

Scott Barash, Esq.  
General Counsel  
Office of the General Counsel  
Date: 1/4/18

Deloras Shepherd  
Associate Chief Financial Officer  
Primary and Secondary Education Cluster  
Office of the Chief Financial Officer  
Date:

District of Columbia Public Schools

Fiscal Year: 2018

Effective Date: 10/01/2017 or the first full pay period

Union/Non-Union: Non-Union

Service Code Definition: Non-Union Educational Service Employees Non-Instructional

Affected CBU(s): WAA and XGA; Service Codes: A01, A06, A17 and K10

Sched. ID: PS1

Increase: 3%

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
EG-01	\$17,362	\$17,892	\$18,421	\$18,951	\$19,479	\$20,009	\$20,539	\$21,067	\$21,597	\$22,127
EG-02	\$19,348	\$19,936	\$20,523	\$21,112	\$21,698	\$22,286	\$22,874	\$23,461	\$24,049	\$24,637
EG-03	\$20,949	\$21,597	\$22,246	\$22,895	\$23,543	\$24,191	\$24,840	\$25,488	\$26,137	\$26,785
EG-04	\$23,341	\$24,064	\$24,788	\$25,511	\$26,234	\$26,957	\$27,680	\$28,403	\$29,127	\$29,849
EG-05	\$25,907	\$26,722	\$27,537	\$28,350	\$29,165	\$29,980	\$30,795	\$31,608	\$32,423	\$33,238
EG-06	\$28,713	\$29,616	\$30,519	\$31,422	\$32,325	\$33,228	\$34,131	\$35,034	\$35,936	\$36,841
EG-07	\$31,714	\$32,719	\$33,727	\$34,734	\$35,740	\$36,748	\$37,754	\$38,760	\$39,768	\$40,775
EG-08	\$34,961	\$36,074	\$37,188	\$38,301	\$39,414	\$40,527	\$41,640	\$42,754	\$43,868	\$44,981
EG-09	\$38,445	\$39,677	\$40,910	\$42,142	\$43,374	\$44,607	\$45,839	\$47,071	\$48,303	\$49,536
EG-10	\$42,194	\$43,545	\$44,896	\$46,248	\$47,599	\$48,950	\$50,302	\$51,653	\$53,004	\$54,356
EG-11	\$46,356	\$47,840	\$49,325	\$50,809	\$52,293	\$53,778	\$55,260	\$56,745	\$58,229	\$59,714
EG-12	\$55,563	\$57,340	\$59,118	\$60,896	\$62,675	\$64,453	\$66,230	\$68,009	\$69,786	\$71,564
EG-13	\$66,055	\$68,175	\$70,293	\$72,412	\$74,531	\$76,649	\$78,768	\$80,887	\$83,006	\$85,124
EG-14	\$78,057	\$80,563	\$83,068	\$85,573	\$88,077	\$90,582	\$93,087	\$95,593	\$98,097	\$100,603
EG-15	\$88,281	\$91,114	\$93,948	\$96,782	\$99,615	\$102,449	\$105,283	\$108,116	\$110,949	\$113,783
EG-16	\$103,437	\$106,762	\$110,086	\$113,411	\$116,735	\$120,059	\$123,384	\$126,707	\$130,032	\$133,357



Crystal Jefferson  
 Chief  
 Office of Talent and Culture  
 Date: 1/4/18



Scott Barash, Esq.  
 General Counsel  
 Office of General Counsel  
 Date: 1/4/18



Deloras Shepherd  
 Associate Chief Financial Officer  
 Primary and Secondary Education Cluster  
 Office of the Chief Financial Officer  
 Date:



District of Columbia Public Schools

Fiscal Year: 2018

Service Code Definition: Executive Service - Central Office (EX)

Effective Date: 10/01/2017 or the first full pay period

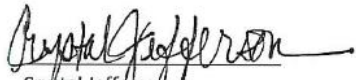
Union/Non-Union: Non-Union


Affected CBU: WAA and Service Code: A07

Sched. ID: PS1

Increase: 3%

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
EX-1	\$115,951	\$117,707	\$119,463	\$121,219	\$122,976	\$124,732	\$126,488	\$128,245	\$130,001
EX-2	\$124,217	\$125,974	\$127,730	\$129,486	\$131,243	\$132,999	\$134,755	\$136,511	\$138,268
EX-3	\$132,308	\$134,064	\$135,821	\$137,577	\$139,333	\$141,089	\$142,846	\$144,602	\$146,358
EX-4	\$138,690	\$140,446	\$142,202	\$143,959	\$145,715	\$147,471	\$149,228	\$150,984	\$152,740
EX-5	\$162,810	\$164,566	\$166,322	\$168,079	\$169,835	\$171,591	\$173,347	\$175,104	\$176,860
EX-6	\$175,630	\$177,386	\$179,143	\$180,899	\$182,655	\$184,412	\$186,168	\$187,924	\$189,680

  
 Crystal Jefferson  
 Chief  
 Office of Talent and Culture  
 Date: 1/4/18

  
 Scott Barash, Esq.  
 General Counsel  
 Office of General Counsel  
 Date: 1/4/18

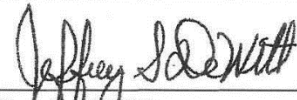
  
 Deloras Shepherd  
 Associate Chief Financial Officer  
 Primary and Secondary Education Cluster  
 Office of the Chief Financial Officer  
 Date:

Government of the District of Columbia  
Office of the Chief Financial Officer

OCFO PAY TABLE

Status: Active  
Affected CBU/Service Codes: CFO/AO1  
Non Union  
Pay Plan: DS  
Effective Date: October 1, 2017

Grade/Step	1	2	3	4	5	6	7	8	9	10
2	\$ 28,669	\$ 29,674	\$ 30,679	\$ 31,684	\$ 32,689	\$ 33,694	\$ 34,699	\$ 35,705	\$ 36,710	\$ 37,715
3	\$ 31,251	\$ 32,335	\$ 33,419	\$ 34,502	\$ 35,586	\$ 36,670	\$ 37,754	\$ 38,838	\$ 39,922	\$ 41,006
4	\$ 32,771	\$ 33,886	\$ 35,000	\$ 36,114	\$ 37,228	\$ 38,343	\$ 39,457	\$ 40,571	\$ 41,685	\$ 42,800
5	\$ 35,447	\$ 36,680	\$ 37,914	\$ 39,147	\$ 40,381	\$ 41,615	\$ 42,848	\$ 44,082	\$ 45,315	\$ 46,549
6	\$ 39,272	\$ 40,641	\$ 42,010	\$ 43,378	\$ 44,747	\$ 46,115	\$ 47,484	\$ 48,853	\$ 50,221	\$ 51,590
7	\$ 43,519	\$ 45,030	\$ 46,542	\$ 48,053	\$ 49,565	\$ 51,077	\$ 52,588	\$ 54,100	\$ 55,611	\$ 57,123
8	\$ 47,789	\$ 49,312	\$ 50,835	\$ 52,358	\$ 53,880	\$ 55,403	\$ 56,926	\$ 58,449	\$ 59,972	\$ 61,494
9	\$ 52,569	\$ 54,248	\$ 55,928	\$ 57,607	\$ 59,286	\$ 60,965	\$ 62,645	\$ 64,324	\$ 66,003	\$ 67,682
10	\$ 57,665	\$ 59,516	\$ 61,366	\$ 63,216	\$ 65,067	\$ 66,917	\$ 68,767	\$ 70,618	\$ 72,468	\$ 74,318
11	\$ 63,334	\$ 65,370	\$ 67,406	\$ 69,442	\$ 71,478	\$ 73,514	\$ 75,550	\$ 77,586	\$ 79,622	\$ 81,658
12	\$ 78,367	\$ 80,799	\$ 83,231	\$ 85,664	\$ 88,096	\$ 90,528	\$ 92,960	\$ 95,392	\$ 97,825	\$ 100,257
13	\$ 90,288	\$ 93,183	\$ 96,078	\$ 98,973	\$ 101,867	\$ 104,762	\$ 107,657	\$ 110,552	\$ 113,446	\$ 116,341
14	\$ 106,711	\$ 110,130	\$ 113,549	\$ 116,969	\$ 120,388	\$ 123,807	\$ 127,226	\$ 130,646	\$ 134,065	\$ 137,484
15	\$ 125,311	\$ 129,320	\$ 133,329	\$ 137,336	\$ 141,344	\$ 145,350	\$ 149,358	\$ 153,366	\$ 157,373	\$ 161,382
16	\$ 149,647	\$ 154,433	\$ 159,220	\$ 164,006	\$ 168,794	\$ 173,580	\$ 178,368	\$ 181,585	\$ 181,585	\$ 181,585
17	\$ 173,686	\$ 179,247	\$ 186,062	\$ 186,062	\$ 186,062	\$ 186,062	\$ 190,370	\$ 190,370	\$ 190,370	\$ 190,370
18	\$ 192,903	\$ 196,520	\$ 200,435	\$ 203,754	\$ 207,371	\$ 210,988	\$ 212,521	\$ 213,985	\$ 213,985	\$ 218,222

  
Jeffrey S. DeWitt  
Chief Financial Officer

**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](http://www.dccouncil.us).

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

- |         |  |
|---------|--|
| B22-705 | Behavioral Health Third Party Payor Amendment Act of 2018<br><br>Intro. 2-14-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health  |
| <hr/>   |  |
| B22-748 | Insurance Claims Consumer Protection Amendment Act of 2018<br><br>Intro. 3-20-18 by Councilmember Cheh and referred to the Committee on Business and Economic Development  |
| <hr/>   |  |
| B22-749 | Deferred Retirement Option Program Amendment Act of 2018<br><br>Intro. 3-20-18 by Councilmembers Allen, Cheh, Bonds, Gray, and Chairman Mendelson and referred to the Committee of the Whole with comments from the Committee on Judiciary and Public Safety |
| <hr/>   |  |
| B22-750 | Injured Public Workers Fairness Amendment Act of 2018<br><br>Intro. 3-20-18 by Councilmembers Todd and R. White and referred to the Committee on Labor and Workforce Development with comments from the Committee on Government Operations                   |
-

B22-751	Newborn Screening Amendment Act of 2018 Intro. 3-20-18 by Councilmember Todd and referred to the Committee on Health
B22-752	Warnings Before Citations Amendment Act of 2018 Intro. 3-20-18 by Councilmember Todd and referred to the Committee on Transportation and the Environment
B22-753	Fiscal Year 2019 Budget Support Act of 2018 Intro. 3-21-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
B22-754	Fiscal Year 2019 Local Budget Act of 2018 Intro. 3-21-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
B22-755	Fiscal Year 2019 Federal Portion Budget Request Act of 2018 Intro. 3-21-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
B22-758	Better Access for Babies to Integrated Equitable Services Act of 2018 Intro. 3-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
B22-759	14th Street NW International House of Pancakes Real Property Tax Exemption Act of 2018 Intro. 3-22-18 by Councilmember Nadeau and referred to the Committee on Finance and Revenue
B22-760	The Alabama Avenue International House of Pancakes Real Property Tax Exemption Act of 2018 Intro. 3-23-18 by Councilmembers T. White and Evans and referred to the Committee on Finance and Revenue

B22-761      Golden Triangle Business Improvement District Amendment Act of 2018  
Intro. 3-23-18 by Councilmember Evans and referred to the Committee on  
Finance and Revenue

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-014405

License Class/Type: A / Retail - Liquor Store

Applicant: Best Way Liquors, Inc.

Trade Name: Bestway Liquors

ANC: 1B12

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

2011 14TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-106207

License Class/Type: A Retail - Liquor Store

Applicant: Pushpjan INC

Trade Name: Angels Share Wines and Liquors

ANC: 6E01

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

1748 7TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-103855

License Class/Type: A / Retail - Liquor Store

Applicant: RPRK LLC

Trade Name: Rocket Liquors

ANC: 4D01

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

900 KENNEDY ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-087818

License Class/Type: A / Retail - Liquor Store

Applicant: Asmara Incorporated

Trade Name: Kenilworth Market

ANC: 7D03

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

1612 KENILWORTH AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-093799

License Class/Type: A / Retail - Liquor Store

Applicant: Hannanias Food Service, Inc.

Trade Name: Reyna Mkt & Deli

ANC: 3D10

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

4201 MASSACHUSETTS AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-001926

License Class/Type: A / Retail - Liquor Store

Applicant: Gabriel, Inc.

Trade Name: Potomac Wines And Spirits

ANC: 2E05

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

3100 M ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 7 pm	10 am - 7 pm
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-026226

License Class/Type: A / Retail - Liquor Store

Applicant: ZSM, Inc

Trade Name: Papa's Liquors

ANC: 3C07

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

3703 MACOMB ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-105207

License Class/Type: A / Retail - Liquor Store

Applicant: Haben Liquors, Inc

Trade Name: Spar Liquor

ANC: 8C05

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

3916 SOUTH CAPITOL ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-074972

License Class/Type: A / Retail - Liquor Store

Applicant: Duk Lee

Trade Name: Lee Tower Market

ANC: 3D08

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

4201 CATHEDRAL AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-060177

License Class/Type: A / Retail - Liquor Store

Applicant: Sanghera Corporation

Trade Name: King Avenue Liquors

ANC: 8C02

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

2757 Martin Luther King Jr. AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10 am - 9 am	10 am - 9 am
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	10 am - 10 pm	10 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-098972

License Class/Type: A / Retail - Liquor Store

Applicant: Hard Oak, Inc

Trade Name: Colony Liquors

ANC: 4D04

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

4901 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-098506

License Class/Type: A / Retail - Liquor Store

Applicant: BT & G Inc.

Trade Name: Franklin Liquors & Market

ANC: 5E02

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

2723 7TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-100882

License Class/Type: A / Retail - Liquor Store

Applicant: Edgy Crafts LLC

Trade Name: Craft Beer Cellar DC

ANC: 6C04

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

301 H ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	12 pm - 6 pm	12 pm - 6 pm
Monday:	10 am - 10 pm	10 am - 10 pm
Tuesday:	10 am - 10 pm	10 am - 10 pm
Wednesday:	10 am - 10 pm	10 am - 10 pm
Thursday:	10 am - 10 pm	10 am - 10 pm
Friday:	10 am - 10 pm	10 am - 10 pm
Saturday:	10 am - 10 pm	10 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-060496

License Class/Type: A / Retail - Liquor Store

Applicant: LAL, Inc.

Trade Name: Roha Liquors

ANC: 4D01

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

620 KENNEDY ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am - 12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 112 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-073058

License Class/Type: A / Retail - Liquor Store

Applicant: In Ja Kim

Trade Name: Chinatown Liquor

ANC: 2C01

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

602 H ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5:30am - 12am	9am - 12am
Monday:	5:30 am - 12 am	9 am - 12 am
Tuesday:	5:30 am - 12 am	9 am - 12 am
Wednesday:	5:30 am - 12 am	9 am - 12 am
Thursday:	5:30 am - 12 am	9 am - 12 am
Friday:	5:30 am - 12 am	9 am - 12 am
Saturday:	5:30 am - 12 am	9 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-089200

License Class/Type: A / Retail - Liquor Store

Applicant: Arrowine DC, Inc.

Trade Name: Arrowine

ANC: 2A06

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

2175 K ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-089004

License Class/Type: A / Retail - Liquor Store

Applicant: Woodner Market LLC

Trade Name: The Woodner Market

ANC: 1D02

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

3636 16TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	8am - 11pm	9am - 10pm
Monday:	8am - 11pm	9am - 10pm
Tuesday:	8am - 11pm	9am - 10pm
Wednesday:	8am - 11pm	9am - 10pm
Thursday:	8am - 11pm	9am - 10pm
Friday:	8am - 11pm	9am - 10pm
Saturday:	8am - 11pm	9am - 10pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-106515

License Class/Type: A / Retail - Liquor Store

Applicant: Zachys DC, Inc

Trade Name: Zachys

ANC: 5C04

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

3521 V ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-060563

License Class/Type: A / Retail - Liquor Store

Applicant: Arlington Beverage Corp

Trade Name: Sheffield Wine And Liquors

ANC: 3F05

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

5025 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	-	-
Monday:	10 am - 8:30 pm	10 am - 8:30 pm
Tuesday:	10 am - 8:30 pm	10 am - 8:30 pm
Wednesday:	10 am - 8:30 pm	10 am - 8:30 pm
Thursday:	10 am - 8:30 pm	10 am - 8:30 pm
Friday:	10 am - 8:30 pm	10 am - 8:30 pm
Saturday:	10 am - 8:30 pm	10 am - 8:30 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-015699

License Class/Type: A / Retail - Liquor Store

Applicant: F & A Enterprises, Inc

Trade Name: Wagshals Liquor & Deli

ANC: 3E02

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

4855 MASSACHUSETTS AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-098591

License Class/Type: A / Internet

Applicant: Sommpicks LLC

Trade Name: Sommpicks

ANC: 3F02

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

4221 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10AM - 7PM	10AM - 5PM
Monday:	10AM - 7PM	10AM - 5PM
Tuesday:	10AM - 7PM	10AM - 5PM
Wednesday:	10AM - 7PM	10AM - 5PM
Thursday:	10AM - 7PM	10AM - 5PM
Friday:	10AM - 7PM	10AM - 5PM
Saturday:	10AM - 7PM	10AM - 5PM

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-079241

License Class/Type: A / Retail - Liquor Store

Applicant: Y.O.K., Inc.

Trade Name: Super Liquors

ANC: 5E04

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

1633 NORTH CAPITOL ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	Closed - Closed	Closed - Closed
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-060424

License Class/Type: A / Retail - Liquor Store

Applicant: Nara Incorporated

Trade Name: Bloomingdale Wine and Spirits

ANC: 5E07

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

1836 1ST ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-023116

License Class/Type: A / Retail - Liquor Store

Applicant: Young Myung Kim

Trade Name: CC's Liquor

ANC: 1A02

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

3401 14TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-101774

License Class/Type: A / Internet

Applicant: R Squared Selections LLC

Trade Name: R Squared Selections

ANC: 3F02

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

4221 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-013855

License Class/Type: A / Retail - Liquor Store

Applicant: Union Wine & Liquor, Inc.

Trade Name: Union Wine & Liquor

ANC: 6C04

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

**50 MASSACHUSETTS AVE NE**

**PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018**

**A HEARING WILL BE HELD ON:  
5/29/2018**

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	12 pm - 8 pm	12 pm - 8 pm
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 9 pm	9 am - 9 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	10 am - 9 pm	10 am - 9 pm

**ENDORSEMENT(S): Tasting**

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-104374

License Class/Type: A / Retail - Liquor Store

Applicant: Brook Georgia Enterprises, LLC

Trade Name: Georgia Avenue Food Barn

ANC: 4B03

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

6205 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/30/2018

Notice is hereby given that:

License Number: ABRA-023501

License Class/Type: A / Retail - Liquor Store

Applicant: New Da Hsin Trading, Inc.

Trade Name: New Da Hsin Trading, Inc

ANC: 2C01

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

811 7TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/14/2018

A HEARING WILL BE HELD ON:  
5/29/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11 am - 7 pm	11 am - 7 pm
Monday:	10 am - 7 pm	10 am - 7 pm
Tuesday:	10 am - 7 pm	10 am - 7 pm
Wednesday:	10 am - 7 pm	10 am - 7 pm
Thursday:	10 am - 7 pm	10 am - 7 pm
Friday:	10 am - 7 pm	10 am - 7 pm
Saturday:	10 am - 7 pm	10 am - 7 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

ON

3/16/2018

**\*\*CORRECTION**

Notice is hereby given that:

License Number: ABRA-084240

License Class/Type: A Retail - Liquor Store

Applicant: Lin's spirit, Inc.

Trade Name: JB Liquors

ANC: 4C04

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

3914 14TH ST NW

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

4/30/2018

A HEARING WILL BE HELD ON:

5/14/2018

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

<b>Days</b>	<b>**Hours of Operation</b>	<b>**Hours of Sales/Service</b>
Sunday:	Closed - Closed	Closed - Closed
Monday:	9 am - 9 pm	9 am - 9 pm
Tuesday:	9 am - 9 pm	9 am - 9 pm
Wednesday:	9 am - 9 pm	9 am - 9 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	10 am - 10 pm	10 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/16/2018

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-084240

License Class/Type: A / Retail - Liquor Store

Applicant: Lin's spirit, Inc.

Trade Name: JB Liquors

ANC: 4C04

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

3914 14TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
4/30/2018

A HEARING WILL BE HELD ON:  
5/14/2018

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

<b>Days</b>	<b>**Hours of Operation</b>	<b>**Hours of Sales/Service</b>
Sunday:	10am - 10pm	10am - 10pm
Monday:	10 am - 10 pm	10 am - 10 pm
Tuesday:	10 am - 10 pm	10 am - 10 pm
Wednesday:	10 am - 10 pm	10 am - 10 pm
Thursday:	10 am - 10 pm	10 am - 10 pm
Friday:	10 am - 11 pm	10 am - 11 pm
Saturday:	10 am - 11 pm	10 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
3/23/2018

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-097707

License Class/Type: A / Retail - Liquor Store

Applicant: NAI SATURN EASTERN LLC

Trade Name: Safeway

ANC: 6B06

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

415 14TH ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR  
BEFORE:  
5/7/2018

A HEARING WILL BE HELD ON:  
5/21/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	5 am - 12 am	7 am - 12 am
Monday:	5 am - 12 am	7 am - 12 am
Tuesday:	5 am - 12 am	7 am - 12 am
Wednesday:	5 am - 12 am	7 am - 12 am
Thursday:	5 am - 12 am	7 am - 12 am
Friday:	5 am - 12 am	7 am - 12 am
Saturday:	5 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**DEPARTMENT OF ENERGY AND ENVIRONMENT****NOTICE OF PUBLIC MEETING****ANACOSTIA RIVER SEDIMENT PROJECT**

Notice is hereby given that the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, is announcing its intention to hold a Public Meeting on the Anacostia River, with a special presentation on the Anacostia River Sediment Project at the Department of Employment Services Community Room, 4058 Minnesota Ave NE, Community Room #1, Washington, DC 20019.

The public comment period is currently underway (March 30, 2018 through May 14, 2018) for the following documents for the Anacostia River Sediment Project:

- Final Draft Remedial Investigation Report
- Final Draft Human Health Risk Assessment
- Final Draft Ecological Risk Assessment

Information on the public comment period can be found at: [ww.doe.dc.gov/Anacostiasediment](http://ww.doe.dc.gov/Anacostiasediment).

The public meeting will be held as follows:

**Public Meeting**

**DATE:** Tuesday, April 24, 2018  
**TIME:** 7:00 pm to 9:00 pm  
**PLACE:** Department of Employment Services Community Room  
4058 Minnesota Ave NE, Community Room #1, Washington, DC 20019  
**Minnesota Ave Metro Station**

For more information, please contact Gretchen Mikeska at (202) 535-2972 or [gretchen.mikeska@dc.gov](mailto:gretchen.mikeska@dc.gov)

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, MAY 9, 2018  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

**TIME: 9:30 A.M.**

**WARD TWO**

19633A      **Application of VI 3629 T Street LLC**, pursuant to 11 DCMR Subtitle Y § 703,  
ANC 2E      for a minor modification to the relief approved by BZA Order No. 19633 to  
include a special exception under Subtitle D § 5201 from the front setback  
requirements of Subtitle D § 1205.2, to construct a three-story rear addition to an  
existing principal dwelling unit in the R-20 Zone at premises 3629 T Street N.W.  
(Square 1296, Lot 804).

**WARD TWO**

19739      **Application of Ben Safran and Margot Locker**, pursuant to 11 DCMR Subtitle  
ANC 2B      X, Chapter 9, for special exceptions under the use the requirements of Subtitle U  
§ 301.1(e), under Subtitle E § 5201 from the lot occupancy requirements of  
Subtitle E § 404.1, and under Subtitle E § 5007 from the accessory building rear  
yard setback requirements of Subtitle E § 5004.1, to construct a two-story rear  
addition to the existing principal dwelling unit and to construct a two-story  
accessory structure in the RF-2 Zone at premises 1828 15th Street N.W. (Square  
191, Lot 58).

**WARD ONE**

19740      **Application of Francisca Vigaud-Walsh**, pursuant to 11 DCMR Subtitle X,  
ANC 1B      Chapter 10, for an area variance from the lot occupancy requirements of Subtitle  
F § 304.1, to construct a second story, rear addition to an existing principal  
dwelling unit in the RA-2 at premises 2241 13th Street N.W. (Square 271, Lot  
232).

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WARD FOUR

19745            **Application of Fort Totten South LLC**, pursuant to 11 DCMR Subtitle X, ANC 4B            Chapter 9, for special exceptions under the zone boundary line provisions of Subtitle A § 207.2, and under Subtitle G § 409.1 from the side yard requirements of Subtitle G § 406.1, to construct a mixed-use residential and retail development in the MU-4 and R-2 Zones at premises 5543-5575 South Dakota Avenue N.E. (Square 5760, Lot 22 and Parcel 125/30).

WARD SIX

19746            **Application of DC Super Pack, LLC**, pursuant to 11 DCMR Subtitle X, Chapter ANC 6A            9, for a special exception under Subtitle H § 1109.1(a), to permit an animal boarding use in the NC-15 Zone at premises 1371-1375 H Street N.E. (Square 1027, Lot 166).

**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](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

**Do you need assistance to participate?**

Amharic

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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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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**  
**LORNA L. JOHN, MEMBER**  
**CARLTON HART, VICE-CHAIRPERSON,**  
**NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**



## OFFICE OF TAX AND REVENUE

NOTICE OF FINAL RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 42-1117 (2013 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of this final action to amend Chapter 5 (Tax on Recordation of Deeds) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR) by amending Section 528 (Revocable Trusts).

The amendment to Section 528 provides guidance regarding the treatment of deeds to real property conveying ownership to a revocable trust for purposes of the reduced rate of recordation tax available for first-time District homebuyers.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on February 16, 2018 at 65 DCR 001726. No comments were received concerning the proposed rulemaking. This final rulemaking is identical to the published text of the proposed rulemaking. This final rulemaking shall become effective upon publication of this notice in the *D.C. Register*.

**Chapter 5, TAX ON RECORDATION OF DEEDS, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:**

**Section 528, REVOCABLE TRUSTS, is amended by adding a new Subsection 528.5 to read as follows:**

528.5 For purposes of determining eligibility for the reduced rate of recordation tax provided under Section 303(e) of the District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103(e) (2013 Repl.)), the grantee of a deed conveying real property to a revocable trust (as defined under this section), or the trustee of such a trust, shall be deemed to be the individual grantor, settlor, transferor, creator or trustor of such trust, and the determination of entitlement to the reduced tax rate shall be made based upon such individual without regard to the existence of such revocable trust.

## THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING**Violence Against Women Act**

The Board of Commissioners of the District of Columbia Housing Authority (DCHA) hereby gives notice, pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), of its intent to adopt the following proposed amendments to Chapter 49 (Purpose and Scope of Housing Choice Voucher Program Administrative Plan), Chapter 53 (Recertifications, Housing Quality Standard Inspections, and Family Moves), Chapter 55 (Portability), Chapter 59 (Definitions), Chapter 60 (Low Rent Housing: General Provisions), Chapter 61 (Public Housing: Admission and Recertification), Chapter 64 (Low Rent Housing: Public Housing Transfer Policy) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the proposed amendments is to implement changes to the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) and HUD's implementation of this law.

**Chapter 49, PURPOSE AND SCOPE OF HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN, of Title 14 DCMR, HOUSING, is amended as follows:**

**Section 4907 is amended to read as follows:**

**4907 PROTECTIONS FOR APPLICANTS AND PARTICIPANTS UNDER THE VIOLENCE AGAINST WOMEN ACT**

4907.1 In certain circumstances, as further explained below, applicants or participants may be afforded additional protections from HCVP requirements and policies under the Violence Against Women Act (VAWA). DCHA shall comply with the terms of VAWA in administration of the HCVP. VAWA protections are for victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. DCHA shall not discriminate against VAWA victims on the basis of any protected categories pursuant to 24 C.F.R. 5.105(a) including race, color, national origin, religion, sex, familial status, disability, or age.

4907.2 Applicants seeking admission to the Housing Choice Voucher Program (HCVP) or to a Project-Based Voucher unit shall not be denied admission on the basis of, or as a direct result of, the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for admission, assistance, participation, or occupancy.

4907.3 Family or Family member participant shall not be terminated from the Housing Choice Voucher Program (HCVP) or to a Project-Based Voucher unit on the basis

of, or as a direct result of, the fact that the family member participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

- 4907.4 If a member of the assisted Family is removed from the family composition due to that member of the assisted Family being the perpetrator in criminal acts of physical violence against one or more other Family members or other people and the victim is part of the assisted Family, the perpetrator may not be considered a remaining Family member or an eligible Family member."
- 4907.5 In making its decision as to who retains assistance, DCHA shall consider all credible evidence, including, but not limited to, documentation submitted to DCHA pursuant to § 4907.12.
- 4907.6 Pursuant to federal regulations, the denial of continued HCVP assistance to a Family member who engages in criminal acts of violence against Family members or others shall be considered a form of termination of the individual Family member. Should DCHA choose to exercise this authority, it shall follow the same procedures as described in chapters 58 and 89 of this title of the DCMR when terminating assistance to such an individual as it would when terminating the assistance of an entire Family.
- 4907.7 Pursuant to federal regulations, criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights of, or assistance to the victim, if the tenant or immediate family member of the tenant is the victim.
- 4907.8 Notwithstanding § 4907.7, DCHA may terminate assistance to a participant for violating a program obligation not premised on an act of domestic violence, dating violence, sexual assault, or stalking, provided that DCHA, provided that DCHA does not subject such a participant to a more demanding standard than other participants in making the determination to terminate assistance to the participant.
- 4907.9 A victim of domestic violence, sexual violence, dating violence, or stalking who is absent for more than one hundred twenty (120) days may still be considered a Family member based on documentation that the victim is expected to return to the Family in a reasonable time if the victim provides to DCHA documentation that meets the requirements of § 4907.12.
- 4907.10 If a Family or Family member participant has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual, the participant may port to another PHA jurisdiction in violation of the lease as explained in chapter 55 of this title of the DCMR so long as the Family has complied with all other obligations of the HCVP.

- 4907.11 If a Family or Family member participant who has been the victim of domestic violence, dating violence, stalking, sexual assault, or an intrafamily offense moves in violation of the lease, DCHA shall not terminate assistance or deny a Family's request to move under portability if the move was related to the act.
- 4907.12 A Family may document an incident or incidents of domestic violence, dating violence, sexual assault, or stalking as follows:
- (a) The HUD-approved certification form;
  - (b) A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective orders, and restraining orders); or
  - (c) Documentation (i) signed by the victim and (ii) signed by an employee, agent, or volunteer of a victim service provider, or an attorney, or mental health or medical provider from whom the victim has sought assistance in the situation who attests under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.
- 4907.13 Any information submitted to DCHA under this section, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in strict confidence by DCHA.
- (a) DCHA shall not allow any individual administering assistance on behalf of the HCVP or any persons within their employ (e.g., contractors) or any employee of DCHA to have access to confidential information unless explicitly authorized by DCHA for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.
  - (b) DCHA shall not enter confidential information submitted to DCHA pursuant to this section into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is:
    - (i) Requested or consented to in writing by the individual in a time-limited release;
    - (ii) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
    - (iii) Otherwise required by applicable law.

- 4907.14 If DCHA receives conflicting HUD-approved certification forms documenting domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each petitioning for VAWA protections under this section and each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. If a household member does not submit third-party documentation, or only submits third-party documentation that contains conflicting information, DCHA may deny the VAWA request. DCHA shall provide written notice to participants with the opportunity for an informal hearing in accordance with § 8902.
- 4907.15 If a Family or Family member participant who has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual requests an emergency transfer voucher pursuant to § 5333 or 5501 of this title, the family or family member participant must submit the request in writing. A family or family member participant may submit a DCHA or HUD-approved emergency transfer voucher form, or provide a written statement that includes either:
- (a) A statement expressing and certifying that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HCVP; or
  - (b) A statement certifying that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant's request for an emergency transfer voucher.
- 4907.16 If a family or family member participant requests an emergency transfer voucher under the protections of VAWA, DCHA will request in writing that the family or family member participant provide at least one (1) form of documentation specified in § 4907.12.
- 4907.17 Participants must provide the documentation required under § 4907.16 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, § 4907.14 shall apply.
- 4907.18 For families residing in Partnership Program units, also called Project-Based Voucher ("PBV") units, the following provisions shall apply:
- (a) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written

emergency transfer request in the manner specified by § 4907.13 and 4907.14, and has been living in a PBV unit for one year or more, DCHA may transfer the family to another Project-Based subsidized unit or another unit [in the Public Housing program] subject to availability and at DCHA’s discretion. Upon written request, the family may receive priority to receive the next available opportunity for continued tenant-based rental assistance.

- (b) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written emergency transfer request in the manner specified by § 4907.15 and 4907.16, and has been living in a PBV unit for less than one year, DCHA may transfer the family to another Project-Based subsidized unit, or to another unit [in the Public Housing program] subject to availability and at DCHA’s discretion.
- (c) Notwithstanding § 5333.2, a family or family member participant is not required to give advanced written notice, with a copy to DCHA, of intent to vacate the PBV unit if the family moved to protect the health or safety of the victim.

4907.19 For families residing in the Moderate Rehabilitation Program, the following provisions shall apply:

- (a) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written emergency transfer request in the manner specified by § 4907.15 and 4907.16, DCHA may transfer the family to another Moderate Rehabilitation Program unit subject to availability.
- (b) Notwithstanding § 5333.2, a family or family member participant is not required to give advanced written notice, with a copy to DCHA, of intent to vacate the Moderate Rehabilitation Program unit if the family moved to protect the health or safety of the victim.

4907.20 DCHA will provide to applicants deemed ineligible for the HCVP and participants in the HCVP the “Notice of Occupancy Rights under the Violence Against Women Act” and the HUD-approved certification form in accordance with HUD rules and regulations.

**Chapter 53, RECERTIFICATIONS, HOUSING QUALITY STANDARD INSPECTIONS, AND FAMILY MOVES, is amended as follows:**

**Section 5317, REMOVING A HOUSEHOLD MEMBER, is amended as follows:**

**Subsection 5317.6(c) is amended to read as follows:**

5317.6 If a Family receiving assistance breaks up into two (2) otherwise eligible families as a result of divorce, separation, or intrafamily offenses, then DCHA shall use the following procedures to determine which Family shall continue to be assisted:

- (a) DCHA shall be bound to any decision of the courts, including but not limited to in cases of divorce, legal separation, or intrafamily offenses, as to who shall continue to receive assistance;
- (b) In the case that there is no judicial decision relating to the assistance, DCHA shall consider the following:
  - (1) Any incidence of domestic violence, dating violence, sexual assault, or stalking, or an intrafamily offense, in which case, the victim of the violence or offense shall continue to receive assistance;
  - (2) The interest of minor children; or
  - (3) The interest of an ill, elderly, or disabled Family member; and;
- (c) If DCHA receives conflicting HUD-approved certification forms documenting domestic violence, dating violence, sexual assault, or stalking from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA may determine which Family member is entitled to remain in the voucher program by requiring third-party documentation to resolve the conflict in accordance with the Violence Against Women Act (VAWA) and its implementing regulations, as explained in §§ 4907.12 and 4907.14, and other applicable laws using the following guidelines:
  - (1) Prior to making any determination on who retains assistance, DCHA shall attempt to notify both adult family members involved in the alleged incident by first-class mail to the residence or an alternative address if one is provided and by phone or email if a phone number or email address is provided that only one (1) part of the family shall continue to receive assistance;
  - (2) The notice shall inform both adults of how DCHA will determine

who retains assistance, and what relevant information each adult can provide to assist DCHA in making its determination;

- (3) After making its determination using the factors as enumerated in § 5317.6 and documentation provided pursuant to §§ 4907.12 and 4907.14, DCHA shall notify both adults in writing of its decision and the basis for the decision; and
  - (4) The adult family member who DCHA determines shall not continue to receive assistance shall be entitled to an informal hearing pursuant to chapter 89 of this title of the DCMR.
- (d) If in accordance with VAWA, DCHA seeks to remove the head of household pursuant to §§5317.6 (a) or (b), DCHA will follow the guidelines enumerated in §5317.6(c)(1)-(4).

**Section 5333, FAMILY MOVES, is amended as follow:**

**Subsection 5333.5 is amended to read as follows:**

- 5333.5 Notwithstanding § 5333.4, Families who qualify for emergency transfer vouchers shall be issued a transfer voucher if one (1) or more of the following conditions apply:
- (a) The family has requested the emergency transfer voucher in writing or on a DCHA or HUD-approved transfer request form and demonstrated a need based on the VAWA protections as explained in § 4907;
  - (b) DCHA has terminated the HAP contract with the Family's landlord;
  - (c) The Owner has initiated eviction proceedings against the Family;
  - (d) DCHA may grant an emergency transfer upon request from the OAG, DOJ, or USAO as a matter of safety; or for witness protection if the family is within the first year of their lease. Where feasible, DCHA shall seek the written authorization of the Landlord to release the family prior to making any decision about allowing the family to move to another unit, if the family is in the first year of their lease; or
  - (e) If DCHA determines that the family voucher size is too large, and the family is not within the first year of tenancy.



**Chapter 55, PORTABILITY, is amended as follows:**

**Section 5501, DENYING FAMILY REQUEST TO MOVE UNDER PORTABILITY, is amended as follows:**

**Subsection 5501.3 is amended to read as follows:**

5501.3 If a Family requests portability under the protections of VAWA, DCHA shall request that the Family provide one (1) of the following documents:

- (a) The HUD-approved certification form;
- (b) Federal, state, tribal, territorial, or local police record, a court record, or administrative agency record that documents the incident of domestic violence, dating violence, sexual assault, or stalking; or
- (c) Documentation (i) signed by the victim and (ii) signed by an employee, agent, or volunteer of a victim service provider, an attorney, or mental health or medical provider from whom the victim has sought assistance in the situation who attests under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

**Chapter 59, DEFINITIONS, is amended as follows:**

**Section 5999 is amended to add the following definitions, with the definition of “stalking” being amended:**

**5999 DEFINITONS**

**Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a **spouse or intimate partner**, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the District of Columbia, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the District of Columbia.

The term “**spouse or intimate partner of the victim**” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

**Imminent Threat** – a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

**Sexual assault** - any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

**VAWA** - the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e *et seq.*).

**Chapter 60, LOW RENT HOUSING: GENERAL PROVISIONS, is amended as follows:**

**Section 6099, DEFINITIONS, is amended by adding** “For purposes of Chapters 60 - 64 of Title 14 of the District of Columbia Municipal Regulations, the following definitions shall apply:” **at the beginning of the section, and by adding the following definitions:**

**Actual and imminent threat** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

**Affiliated individual**, with respect to an individual, means:

- (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (2) Any individual, tenant, or lawful occupant living in the household of that individual.

**Bifurcate** means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

**Dating violence** means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship;
  - (ii) The type of relationship; and
  - (iii) The frequency of interaction between the persons involved in the relationship.

**Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “**spouse or intimate partner of the victim**” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

**Safe unit** refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

**Sexual assault** means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

**VAWA** means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

**Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, is amended by adding a new Section 6127:**

**6127 PROTECTIONS FOR PUBLIC HOUSING APPLICANTS AND TENANTS UNDER THE VIOLENCE AGAINST WOMEN ACT**

- 6127.1 In certain circumstances, as further explained below, applicants or tenants may be afforded additional protections from DCHA requirements and policies under the Violence Against Women Act (“VAWA”). DCHA shall comply with the terms of VAWA in administration of public housing. VAWA protections are for victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. DCHA shall not discriminate against VAWA victims on the basis of any protected categories pursuant to 24 C.F.R. 5.105(a) including race, color, national origin, religion, sex, familial status, disability, or age.
- 6127.2 DCHA will provide to applicants deemed ineligible for admission to public housing and public housing tenants the “Notice of Occupancy Rights under the Violence Against Women Act” and the HUD-approved certification form in accordance with HUD rules and regulations.
- 6127.3 Applicants seeking admission to DCHA public housing units shall not be denied admission to public housing on the basis of or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for admission, assistance, participation, or occupancy.
- 6127.4 Pursuant to federal regulations, DCHA shall not terminate tenancy for tenants protected under VAWA on the basis of, or as a direct result of, the fact that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the tenant otherwise qualifies for admission, assistance, participation, or occupancy.
- 6127.5 Pursuant to federal regulations, DCHA shall not deny tenancy or occupancy rights on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if the criminal activity is engaged in by a

member of the household of the tenant or any guest or other person under the control of the tenant; and the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

- 6127.6 Pursuant to federal regulations, incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as a serious or repeated lease violation by the victim or threatened victim of such incidents; or good cause for terminating the tenancy or occupancy rights of the victim or threatened victim of such incidents.
- 6127.7 Notwithstanding Sections 6127.4, 6127.5, and 6127.6, DCHA may terminate tenancy for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking, provided that DCHA does not subject such a tenant to a more demanding standard than other tenants in making the determination whether to evict or terminate the tenancy.
- 6127.8 Notwithstanding Sections 6127.4, 6127.5, and 6127.6, DCHA may terminate tenancy if DCHA demonstrates that an actual and imminent threat to other tenants, employees, or others providing service to a public housing property would be present if a tenant or lawful occupant is not evicted.
- 6127.9 Prior to terminating tenancy under Section 6127.8, DCHA shall consider other actions that may be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat.
- 6127.10 DCHA shall comply with a court order addressing rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking
- 6127.11 Tenants or applicants seeking VAWA protections shall provide to DCHA documentation of domestic violence, dating violence, sexual assault, or stalking.
- 6127.12 A tenant or applicant may document an incident or incidences of domestic violence, dating violence, or stalking as follows:
- (a) The HUD-approved certification form;
  - (b) A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective orders, and restraining orders); or

- (c) Documentation (i) signed by the victim and (ii) signed by an employee, agent, or volunteer of a victim service provider, or an attorney, or mental health or medical provider from whom the victim has sought assistance in the situation who attests under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

6127.13 If DCHA receives conflicting certification documents of domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. If a household member does not submit third-party documentation, or only submits third-party documentation that contains conflicting information, DCHA may deny the VAWA request. DCHA shall provide to tenants written notice and the opportunity to grieve in accordance with § 6301.

6127.14 A tenant who has been a victim of domestic violence, dating violence, sexual assault, or stalking may request an emergency VAWA transfer pursuant to Section 6402 and Sections 6127.14 through 6127.18 of this title, if:

- (a) the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under DCHA's program; or
- (b) the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency VAWA transfer.

6127.15 A tenant requesting an emergency VAWA transfer pursuant to § 6127.14, must submit a written request to transfer. A tenant may submit a DCHA or HUD-approved emergency VAWA transfer form, or provide a written statement that includes either:

- (a) A statement expressing and certifying that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under DCHA's program; or
- (b) A statement certifying that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency VAWA transfer.

- 6127.16 If a tenant requests an emergency VAWA transfer under the protections of VAWA, DCHA will request in writing that the tenant provide documentation in accordance with Section 6127.13.
- 6127.17 Tenants must provide the documentation required under Section 6127.12 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, Section 6127.12 shall apply.
- 6127.18 Notwithstanding Section 6403, a tenant is not required to give advanced written notice of intent to vacate the unit if the family moved to protect the health or safety of the victim.
- 6127.19 DCHA may bifurcate a lease, or remove a person from a lease in order to evict, remove, or terminate occupancy rights to any lessee or household member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant. A lease bifurcation shall be carried out in accordance with federal and local law for termination of tenancy and eviction, and in accordance with HUD requirements.
- 6127.20 If DCHA exercises the option to bifurcate a lease, DCHA will execute a new lease with the victim in accordance with federal and local requirements. If the evicted household member was the eligible tenant, the remaining tenant(s) or lawful occupant(s) that was not already eligible shall be given a period of thirty (30) calendar days from the date of bifurcation of the lease to:
- (a) Establish eligibility for the DCHA public housing program; or
  - (b) Find alternative housing.
- If the remaining tenant or lawful occupant(s) fails to establish eligibility or find alternative housing, DCHA will pursue eviction through court process.
- 6127.21 Any information submitted to DCHA under this section, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in strict confidence by DCHA.
- (a) DCHA shall not allow any individual managing properties on behalf of DCHA or any persons within their employ (e.g., contractors) or any employee of DCHA to have access to confidential information unless explicitly authorized by DCHA for reasons that specifically call for these

individuals to have access to this information under applicable Federal, State, or local law.

- (b) DCHA shall not enter confidential information submitted to DCHA pursuant to this section into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is:
  - (i) Requested or consented to in writing by the individual in a time-limited release;
  - (ii) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
  - (iii) Otherwise required by applicable law.

**Chapter 64, LOW RENT HOUSING: PUBLIC HOUSING TRANSFER POLICY, is amended as follows:**

**Section 6400, TRANSFER POLICY, is amended as follows:**

**Subsection 6400.3 is amended to read as follows:**

6400.3 Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for tenant requested transfers. The good cause standard applicable to new admissions shall apply to transfers. Good cause may include refusal of a unit that does not meet the VAWA “safe unit” standard as defined in Section 6099.

**Section 6402, TRANSFER REQUEST BY TENANT, is amended as follows:**

**Subsections 6402.16 and 6402.18 are amended to read as follows:**

6402.16 If a tenant refuses a transfer initiated at his/her own request, to the property of his/her own choice, the tenant’s name shall be removed from the transfer list and DCHA shall send the tenant a notice of such action. If a tenant did not identify a property, he/she may be offered up to two locations. If the tenant refuses the first, his/her name may be returned to the transfer waiting list to await the availability of another unit. If the tenant rejects the second assignment, his/her name will be removed from the transfer waiting list and DCHA shall send the tenant a notice of such action. This section shall not apply to emergency VAWA transfer units that do not meet the “safe unit” standard as defined in Section 6099.

6402.18 The following conditions shall dictate DCHA’s priority for its transfer of tenants who request transfers to another dwelling unit. Tenants who are approved for



transfers under this section will be transferred based on the hierarchy set forth below and on the date that the “Tenant Request for Transfer” was acknowledged by the DCHA:

- (a) First priority will be given to situations of a life threatening medical or public safety nature, including emergency VAWA transfers. These situations may include serious medical conditions, crimes, domestic violence, dating violence, sexual assault, stalking, hate crimes, or other situations which endanger a tenant or household member’s life from something other than the condition of the unit or the building. These life-threatening conditions must be documented and verified. Emergency VAWA transfers must be documented in accordance with § 5501.3.
- (b) Second Priority shall be given to tenants with verified disabilities who require dwelling units with accessible features or as a reasonable accommodation. These transfers would include transferring residents to accessible or adaptable dwelling units or sites where conditions are documented to be more favorable for their disabilities than the unit or site from which they are seeking to transfer.
- (c) Third Priority shall be given to tenant households that are over or under housed. These transfers would permit tenants to reside in dwelling units of the correct size for household members listed on their lease or those recognized by the DCHA as a result of its recertification process. To determine whether a dwelling unit is too small or too large, DCHA shall use the occupancy standards outlined at chapter 61 of this Title. If DCHA approves a tenant’s request for transfer, the household must transfer as one unit. The DCHA will not split families.
- (d) Fourth Priority shall be given to issues of convenience as described by tenants requesting transfers.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA’s Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at [www.dcregs.gov](http://www.dcregs.gov), or by contacting Edward Kane, at the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase “Comment to Proposed Rulemaking” in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, Attn: Edward Kane, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.

2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Edward Kane at: [PublicationComments@dchousing.org](mailto:PublicationComments@dchousing.org).
3. No facsimile will be accepted.

Comments on this Proposed Rulemaking should be submitted no later than thirty (30) days after publication of this notice in the *D.C. Register*.

## ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

**NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 17-17

(Advisory Neighborhood Commission 8A – Zoning Map Amendment  
@ Square 5564, Lot 812 from PDR-1 to RA-2)

The Zoning Commission for the District of Columbia (Zoning Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of its intent to amend the Zoning Map to rezone Square 5564, Lot 812 from the PDR-1 zone to the RA-2 zone consistent with the Future Land Use Map (FLUM), which identifies the subject property for moderate density residential use.

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

The following rulemaking action is proposed:

The Zoning Map of the District of Columbia is amended as follows:

SQUARE	LOT	Map Amendment
5564	812	PDR-1 to RA-2

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

## ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

**NOTICE OF PROPOSED RULEMAKING**

Z.C. Case No. 17-20

**(Office of Planning –Text Amendments to Subtitles B, H, K, and U  
regarding the Daytime Care Use Category to address the need to establish  
and expand Child Development Centers)**

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Repl.), hereby gives notice of its intent to amend Subtitles B (Definitions, Rules of Measurement, and Use Categories), H (Neighborhood Mixed-Use (NC) Zones), K (Special Purpose Zones), and U (Use Permissions), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The proposed text amendments would amend 11-B DCMR § 201.2(i), which gives examples of those uses that fall within the “daytime care” use category. The amendment replaces the reference to “child care centers and programs” which is not defined in Subtitle B § 100.2, with “child development centers”, which is. The amendment also would make the Zoning Regulations consistent the Department of Health Child Development Regulations, which also uses the term “child development centers.” As a result, child development centers will be permitted in those instances when all daytime care uses are permitted or, as will be the case for the Residential Apartment (RA) zone, separately regulated when appropriate.

Presently, daytime care uses are permitted as a matter of right or by special exception, and are limited as to the number of individuals that can be cared for, in the Neighborhood Commercial (NC) zone, the Walter Reed (WR) zones 2 through 5, 7, and 8, and those Mixed Use (MU) zones in Use Groups E through G. The amendments would make daycare uses a matter of right in all of these zones without any limitation as to the number of persons or staff.

In the RA zones, child development center uses will be the only daytime care use permitted as a matter of right with no limitation on number of persons being cared for, while elderly development center or adult day treatment facility uses will be permitted as a matter of right with a limitation of 25 persons including staff. Broadly, the overall goal of the amendments is to increase the District’s supply of child care services to accommodate the growing population of infants and toddlers and to limit the barriers associated with development of child care facilities.

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

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

**Chapter 2, USE CATEGORIES, of Title 11-B DCMR, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:**

**Paragraph (i) of § 200.2 of § 200, INTRODUCTION, is amended as follows:**

200.2 When used in this title, the following use categories shall have the following meanings:

(a) ...<sup>1</sup>

(i) Daytime Care:

(1) The non-residential licensed care, supervision, counseling, or training, for a fee, of individuals who are not related by blood, adoption, or marriage to the caregiver, and who are present on the site for less than twenty-four (24) hours per day;

(2) Examples include, but are not limited to: an adult day treatment facility, child development center ~~child care centers and programs~~, pre-schools, nursery schools, before-and-after school programs, child development homes, an expanded child development home, and elder care centers and programs; and

(3) Exceptions: This use category does not include uses which more typically fall within the medical care or parks and recreation use categories. This use does not refer to home-based care given by parents, guardians, or relatives of the individuals requiring care and uses which does do not require a certificate of occupancy

...

**Chapter 11, USE PERMISSIONS FOR NC ZONES, of 11-H DCMR, NEIGHBORHOOD MIXED-USE (NC) ZONES, is amended as follows:**

**Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), is amended by adding a new paragraph (q) as follows:**

1103.1 The following uses in this section shall be permitted as a matter of right:

...

(o) Services, financial; ~~and~~

<sup>1</sup> The uses of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

(p) Transportation infrastructure; **and**

**(q) Daytime care.**

**Paragraph (d) of § 1104.1 of § 1104, MATTER-OF-RIGHT USES (NC-USE GROUP A), is deleted as follows:**

1104.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

(d) ~~**[DELETED]**—Daytime care uses for no more than five (5) persons, not including resident supervisors or staff and their families;~~

...

**Paragraph (d) of § 1106.1 of § 1106, MATTER-OF-RIGHT USES (NC-USE GROUP B), is deleted as follows:**

1106.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

(d) ~~**[DELETED]**—Daytime care uses for no more than twenty (20) persons, not including resident supervisors or staff and their families;~~

...

**Paragraph (d) of § 1108.1 of § 1108, MATTER-OF-RIGHT USES (NC-USE GROUP C), is deleted as follows:**

1108.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

(d) ~~**[DELETED]**—Daytime care uses for no more than twenty (20) persons, not including resident supervisors or staff and their families;~~

...

**Chapter 9, WALTER REED ZONES — WR-1 THROUGH WR-8, of 11-K DCMR, SPECIAL PURPOSE ZONES, is amended as follows:**

**Section § 911, USE PERMISSIONS (WR), is amended as follows:**

**Paragraph (f) of § 911.2 is amended to read as follows:**

911.2 The uses in this section shall be permitted as a matter-of-right in the WR-2, WR-3, WR-4 and WR-5 zones, subject to any applicable conditions:  
 ...  
 (f) Daytime care ~~subject to the conditions of Subtitle K § 912.6;~~  
 ...

**Paragraph (f) of § 911.4 is amended to read as follows:**

911.4 The uses in this section shall be permitted as a matter-of-right in the WR-7 zones, subject to any applicable conditions:  
 ...  
 (f) Daytime care ~~subject to the conditions of Subtitle K § 912.6;~~  
 ...

**Paragraph (f) of § 911.5 is amended to read as follows:**

911.5 The uses in this section shall be permitted as a matter-of-right in the WR-8 zone, subject to any applicable conditions:  
 ...  
 (f) Daytime care ~~subject to the conditions of Subtitle K § 912.6;~~  
 ...

**Subsection 912.6 of § 912, CONDITIONAL USES (WR), is deleted as follows:**

912.6 ~~**[DELETED]** Daytime care uses shall be permitted as a matter of right subject to the following conditions in the WR-2, WR-3, WR-4, WR-5, WR-7, and WR-8 zones:~~

- ~~(a) — A daytime care use is permitted as a matter of right for no more than twenty five (25) persons not including resident supervisors or staff and their families;~~
- ~~(b) — Any outdoor play area shall be located on the same lot as the daytime care use; and~~
- ~~(c) — Daytime care uses not meeting the above conditions may be permitted by special exception subject to Subtitle K § 913.2(c) and the special exception criteria of Subtitle X, Chapter 9.~~

Paragraph (c) of § 913.2 of § 913, SPECIAL EXCEPTION USES (WR), is deleted as follows:

913.2 The following uses shall be permitted as a special exception WR-2, WR-3, WR-4, and WR-5 zones if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable provisions of each section:

...

(c) ~~Daytime care uses not meeting the conditions of Subtitle K § 912.6 shall be permitted by special exception, subject to the following conditions:~~

~~(1) The facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance; and~~

~~(2) Any off site play area shall be located so as to not endanger individuals traveling between the play area and the center or facility;~~

...

11-U DCMR, USE PERMISSIONS, is amended as follows:

Paragraph (m) of § 301.1 of § 301, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, is amended to read as follows:

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

...

(m) Child/elderly development center located in a building that was built as a place of worship and that has been used continuously as a place of worship since it was built; ~~provided, that all of the play space required for the use by the licensing regulations shall be located on the same lot on which the center or facility is located;~~ and

Subsection 401.1, of § 401, MATTER-OF-RIGHT USES (RA), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES is amended by amending paragraph (c) and adding a new paragraph (f) as follows:

401.1 The following uses shall be permitted as a matter of right in an RA zone subject to any applicable conditions:



- (a) Any use permitted in the RF zones under Subtitle U § 301, except corner stores;
- (b) Private clubs with sleeping accommodations;
- (c) Child Development Center ~~Child/Elderly development center or adult day treatment facility provided, that the use shall be limited to no more than twenty-five (25) individuals not including staff;~~
- (d) Except for the RA-1 and RA-6 zones:
  - (1) Multiple dwellings provided that in an apartment house, accommodations may be provided only to residents who stay at the premises a minimum of one (1) month; ~~and~~
  - (2) Hotel in existence as of May 16, 1980, with a valid certificate of occupancy or a valid application for a building permit; provided, that the gross floor area of the hotel may not be increased and the total area within the hotel devoted to function rooms, exhibit space, and commercial adjuncts may not be increased. An existing hotel may be repaired, renovated, remodeled, or structurally altered; and
  - (3) A continuing care retirement community; ~~and~~
- (e) Recreation building, park, playground, swimming pool, athletic field, ice rink, or other similar athletic facility, public or private, operated on and using local or federal land and approved by a joint federal-local jurisdictional transfer agreement; subject to the following:
  - (1) No part of any use is nearer than seventy feet (70 ft.) to the nearest residential structure;
  - (2) The uses shall not be organized for profit;
  - (3) All parking areas shall be shared by all uses on a lot;
  - (4) Scoreboards shall be installed such that the highest point is no taller than twenty-five feet (25 ft.) above grade; and
  - (5) Any lighting used to illuminate a park, playground, athletic field, trail, or other outdoor space, shall be so arranged that all direct rays of lighting are confined to the boundaries of the lot; **and**
- (f) **Elderly development center or adult day treatment facility provided, that the use shall be limited to no more than twenty-five (25) individuals not including staff.**

**Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, is amended as follows:**

**Paragraph (f) of § 510.1 of § 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), is amended to read as follows:**

510.1 The following uses shall be permitted in MU-Use Group D as a matter-of-right subject to any applicable conditions:

...

(f) ~~Daytime care uses for no more than five (5) persons, not including resident supervisors or staff and their families, except a child development home or an expanded child development home shall be permitted as an accessory use incidental to the uses permitted in MU-Use Group D; provided:~~

~~(1) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and~~

~~(2) The use otherwise shall meet the definition of a home occupation;~~

**Paragraph (c) of § 511.1 of § 511, SPECIAL EXCEPTION USES (MU-USE GROUP D), is deleted as follows:**

511.1 The following uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section.

...

(c) ~~**[DELETED]** Daytime care for six (6) and fifteen (15) persons, not including resident supervisors or staff and their families;~~

...

**Paragraph (c) of § 512.1 of § 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), is deleted:**

512.1 The following uses shall be permitted in MU-Use Group E as a matter-of-right subject to any applicable conditions:

...

(c) ~~**[DELETED]** Daytime care for not more than twenty (20) persons, not including resident supervisors or staff and their families;;~~

...

**Paragraph (e) of § 515.1 of § 515, MATTER-OF-RIGHT USES (MU-USE GROUP F), is deleted:**

515.1 The following uses shall be permitted in MU-Use Group F as a matter-of-right subject to any applicable conditions:

...

(e) ~~**[DELETED]** Daytime care;~~

...

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-034  
March 26, 2018

**SUBJECT:** Designation of Special Event Areas for Emancipation Day Celebration

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as the Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 792, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to 19 DCMR § 1301.8, it is hereby **ORDERED** that:

1. On Saturday, April 14, 2018, between the hours of 12:00 p.m. and 4:00 p.m., the following area is hereby designated as a special event area to be used as a parade route:
  - a. The area on Pennsylvania Avenue, NW, between 9th and 14th Streets, NW.
2. On Saturday, April 14, 2018, between the hours of 6:00 a.m. and 4:00 p.m., the following areas are hereby designated as a special event area to be used as a parade route staging area:
  - a. The area of 10th Street, NW, between Pennsylvania Avenue and E Street, NW; and
3. On Saturday, April 14, 2018, between the hours of 4:00 a.m. and 12 a.m., midnight, the following areas are hereby designated as a special event area to be used as a fairground and staging areas:
  - a. The area on Pennsylvania Avenue, NW, between 12th and 14th Streets, NW, including 13th Street, NW;
  - b. E Street, NW, between 13th and 14th Streets, NW;
  - c. The North and South curb lanes of E Street, NW, between 12th and 13th Streets, NW;
  - d. The East and West curb lanes of 13th Street, NW, between E and F Streets, NW;
  - e. 13th Street, NW, between E Street and Pennsylvania Avenue, NW;
  - f. 12th Street NW, between E Street and Pennsylvania Avenue, NW;

- g. The East curb lane of 14th Street, NW, between E Street and Pennsylvania Avenue, NW;
  - h. The North curb lane of Pennsylvania Avenue, NW, between 14th and 15th Streets, NW; and
  - i. The East curb lane of 14th Street, NW, between E and F Streets, NW.
4. The Government of The District of Columbia - Executive Office of the Mayor is authorized to operate said parade route and fairground, and to conduct necessary and appropriate activities in aid of the parade route and the fairground for the 156th Anniversary of President Lincoln's signing of the District of Columbia Compensated Emancipation Act.
  5. This Order is an authorization for the closure of the designated streets only, and the operating entities shall secure and maintain all other licenses and permits applicable to the activities associated with the operation of the event on the designated streets. All building, health, life safety, and use of public space requirements shall remain applicable to the Special Event Areas designated by this Order.
  6. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
 \_\_\_\_\_  
 MURIEL BOWSER  
 MAYOR

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, APRIL 4, 2018  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson  
Members: Nick Alberti, Mike Silverstein,  
James Short, Donald Isaac, Sr., Bobby Cato, Rema Wahabzadah,

**Protest Hearing (Status) 9:30 AM**  
Case # 18-PRO-00010; District Culture Tavern, LLC, t/a District Culture, 1922  
Martin Luther King, Jr Ave SE, License #108568, Retailer CT, ANC 8A  
Application for a New License

**Show Cause Hearing\* 10:00 AM**  
Case # 17-CMP-00569; Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License  
#104710, Retailer CT, ANC 1B  
No ABC Manager on Duty, Violation of Settlement Agreement

**Show Cause Hearing\* 11:00 AM**  
Case # 17-CC-00100; Daci Enterprises, LLC, t/a Dacha Beer Garden, 1600 7th  
Street NW, License #92773, Retailer CT, ANC 6E  
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age

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

**Show Cause Hearing\* 1:30 PM**  
Case # 17-CMP-00521; Tonic at Quigley's, LLC, t/a Tonic, 2036 G Street NW  
License #75297, Retailer CR, ANC 2A  
Substantial Change in Operation Without Board Approval

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CANCELLATION AGENDA

WEDNESDAY, APRIL 4, 2018  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

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

ABRA-089158 – **H & Pizza** – Retail – C – Restaurant – 1118 H Street NE  
[Licensee requested cancellation.]

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ABRA-094478 – **& Pizza** – Retail – C – Restaurant – 666 Monroe Street NE  
[Licensee requested cancellation.]

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ABRA-096224 – **& Pizza** – Retail – C – Restaurant – 1400 K Street NW  
[Licensee requested cancellation.]

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ABRA-101679 – **& Pizza** – Retail – C – Restaurant – 1375 Kenyon Street NW  
[Licensee requested cancellation.]

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ABRA-097653 – **L’Hommage** – Retail – C – Restaurant – 450 K Street NW  
[Licensee requested cancellation.]

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ABRA-072225 – **Capitale** – Retail – C – Nightclub – 1301 K Street NW  
[Licensee requested cancellation.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, APRIL 4, 2018 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 6C. SMD 6C05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Driftwood Kitchen*, 400 H Street NE, Retailer CR, License No. 086210.

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2. Review Request to Extend Safekeeping of License – Seventh Request. Original Safekeeping Date: 7/1/2005. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Skylark Lounge (formerly)*, 1943 New York Avenue NE (formerly), Retailer CN, License No. 090611.

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

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4. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping Date: 2/2/2017. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *TBD (64 High, LLC)*, No Location, Retailer B, License No. 107282.

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5. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 1/31/2018. ANC 1C. SMD 1C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Phoenix Restaurant Lounge*, 2434 18<sup>th</sup> Street NW, Retailer CR, License No. 107011.

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6. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 11/29/2017. ANC 5E. SMD 5E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Kearney's Grocery*, 90 O Street NE, Retailer B, License No. 078591.
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7. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 1/24/2018. ANC 4C. SMD 4C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Turntable Restaurant*, 5802 Georgia Avenue NW, Retailer CT, License No. 024778.
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8. Review Request to Extend Safekeeping of License – First Request. Original Safekeeping Date: 1/24/2018. ANC 2A. SMD 2A04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Notti Bianche*, 824 New Hampshire Avenue NW, Retailer CR, License No. 105176.
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9. Review Request to add second Summer Garden to approved 405.1 license. Terrace Summer Garden will seat 65 patrons. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden*: Sunday-Thursday 8am to 12:30am, Friday-Saturday 8am to 1:30am. ANC 1C. SMD 1C07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Alfresco Tap and Grill*, 2009 18<sup>th</sup> Street NW, Retailer CR, License No. 107410.
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**\*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.**

**CENTER CITY PUBLIC CHARTER SCHOOLS****INVITATION FOR BID**

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

Center City PCS is accepting bids for the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2018-2019 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements.

To obtain copies of full IFB, please visit our website: [www.centercitypcs.org/contact/request-for-proposal](http://www.centercitypcs.org/contact/request-for-proposal). The full IFB contain guidelines for submission, applicable qualifications, and deadlines.

Contact Person:

Alysia Morgan

[amorgan@centercitypcs.org](mailto:amorgan@centercitypcs.org)

**CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS – SY 2017-18****Strategic Executive Coaching / Recruitment Consultant Services**

Creative Minds International Public Charter School (CMIPCS) is soliciting proposals from qualified vendors for Executive Coaching and Recruitment Consultant services on a contract basis for 12-16 hours/week over a 4-month period. These services include:

- Tailored coaching for senior leadership school directors including weekly check-ins
- Weekly and quarterly small-group facilitated coaching sessions for school leaders
- Access for school leaders to professional development opportunities, external social events with influential leaders, and collaboration with leadership from other schools
- Identify, set up, manage, and train school leadership to use online recruitment portal
- Working with Board of Directors to develop and implement a performance evaluation system for Executive Director

Assistance and guidance are required for both projects as they relate to the identification and retention of good quality public school teachers and administrators. In addition, CMIPCS requires the executive consultant / recruitment coach to answer day-to-day questions and concerns that come up on a regular basis. The scope of services will include working closely with the Executive Director and School leadership on the above projects and providing guidance and advice on other issues as they arise. Applicant should have experience working with schools or in the field of education. Applicant must have experience in Washington, D.C. The anticipation is to have the selected consultant based at CMIPCS for two days per week.

**Content of Proposals and Proposed Deadline**

Proposals should include a brief history and introduction of the individual or firm, and their understanding of the services to be performed. All proposals should include names of references from other public organizations for which comparable services have been rendered. Resumes summarizing the qualifications of the individuals must also be provided. The deadline for receiving proposals is 1:00 p.m. on April 10, 2018. Proposals should be signed by an authorized individual from the firm and must be valid for at least 60 days.

**Please submit the proposal to:**

James Lafferty-Furphy, 3700 N. Capitol Street NW Sherman Building, Room 217, Washington, DC 20011. All questions or requests for information should be submitted to James Lafferty-Furphy, [james.lafferty-furphy@creativemindspcs.org](mailto:james.lafferty-furphy@creativemindspcs.org). CMIPCS reserves the right to reject any or all proposals. CMIPCS will not be liable for, nor pay any cost incurred by responding firms relating to the preparation of proposals or the making of presentations.

**Proposal Evaluation and Selection**

Although proposals may be opened and reviewed prior to the closing date, proposals will not be disclosed to competing firms or to the public until after the award of the contract. The award of the contract will not necessarily be based on the lowest maximum fee proposed. CMIPCS plans to have interviews completed and select the consultant by April 13, 2018.

**CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS – SY 2017-18****Strategic Focus Group Consulting Services**

Creative Minds International Public Charter School (CMIPCS) is soliciting proposals from qualified vendors for Strategic Focus Group Consulting services on a contract basis for 10-16 hours/week over a 4-month period. Assistance and guidance are required to provide focus groups project for staff retention issues. The scope may include but not be limited to the following deliverables:

- Meetings to define focus group objectives and staffing and stakeholder concerns
- Creation of facilitator's guide; manage edit and review rounds
- Conduct five focus groups with CMIPCS staff
- Synthesize focus group responses into anonymous report

Evaluate feedback, share with CMIPCS stakeholders, and make recommendations for next steps to improve team culture and retention. The needs of this project could evolve and Contractor will work closely with senior leadership team to ensure ongoing deliverables align to current goals.

The scope of services will include working closely with the Executive Director and School leadership on the above projects and providing guidance and advice on relevant issues as they arise. Applicant should have experience working with schools or in the field of education. Applicant must have experience in Washington, D.C. The anticipation is to have the selected consultant based at CMIPCS for two days per week.

**Content of Proposals and Proposed Deadline**

Proposals should include a brief history and introduction of the individual or firm, and their understanding of the services to be performed. All proposals should include names of references from other public organizations for which comparable services have been rendered. Resumes summarizing the qualifications of the individuals must also be provided. The deadline for receiving proposals is 1:00 p.m. on April 10, 2018. Proposals should be signed by an authorized individual from the firm and must be valid for at least 60 days.

**Please submit the proposal to:**

James Lafferty-Furphy, 3700 N. Capitol Street NW Sherman Building, Room 217, Washington, DC 20011. All questions or requests for information should be submitted to James Lafferty-Furphy, [james.lafferty-furphy@creativemindspcs.org](mailto:james.lafferty-furphy@creativemindspcs.org). CMIPCS reserves the right to reject any or all proposals. CMIPCS will not be liable for, nor pay any cost incurred by responding firms relating to the preparation of proposals or the making of presentations.

**Proposal Evaluation and Selection**

Although proposals may be opened and reviewed prior to the closing date, proposals will not be disclosed to competing firms or to the public until after the award of the contract. The award of the contract will not necessarily be based on the lowest maximum fee proposed. CMIPCS plans to have interviews completed and select the consultant by April 13, 2018.

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

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

- Moving Services

**Proposal Submission**

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Friday, April 20, 2018**. Proposals should be emailed to [bids@dcbilingual.org](mailto:bids@dcbilingual.org)

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

## OFFICE OF DISABILITY RIGHTS

## 2018 DC COMMISSION ON PERSONS WITH DISABILITIES (D.C.C.P.D.)

## Monthly Meeting Schedule

\*\*\*Standing meeting every Fourth Thursday of each month \*\*\*

@ 10:00am– 11:15am

Open Conference Line: 866-628-2987

Participant code 8488992

**January 26<sup>th</sup>** - Meeting Lead – Kamilah Martin-Proctor (On Site)

**February 25<sup>th</sup>** - Meeting Lead - Charlotte Clymer, Commissioner (Meet by Phone)

- Chair will be onsite – KMP

**March 22<sup>nd</sup>** - Meeting Lead - Conahan, Gerard “Gerry”, Commissioner (On Site)

**April 27<sup>th</sup>** - Meeting Lead - Fuller, Hope Commissioner (Meet by Phone)

- Chair will be onsite - KMP

**May 25<sup>th</sup>** - Meeting Lead - Grind staff, Jarvis, Commissioner (On Site)

**June 22<sup>nd</sup>** - Meeting Lead - Hemphill, Shakira Commissioner (Meet by Phone)

- Chair will be onsite – KMP

**July 26<sup>th</sup>** - Meeting Lead - Hunter, Terrance Commissioner (On Site)

**August 23<sup>rd</sup>** - Meeting Lead - Martinez, Silvia Ph. D, Commissioner (Meet by Phone)

- Chair will be onsite - KMP

**September 20<sup>th</sup>** - Meeting Lead - McLaurin-Smallwood, Tiffany Commissioner (On Site)

**October 25<sup>th</sup>** - Painter, Travis Commissioner - Mayor’s Disability Awareness Expo (Date subject To Change) (Meet by Phone)

- Chair will be onsite - KMP

**November 22<sup>nd</sup>** - Meeting Lead - Smith, Derrick Commissioner (On Site)

**December 20<sup>th</sup>** – Decker, Denise Ph.D., Commissioner Holiday Party (Date Subject To Change) (Meet by Phone)

- Chair will be onsite - KMP

**ELSIE WHITLOW STOKES COMMUNITY FREEDOM PUBLIC CHARTER SCHOOL  
REQUEST FOR PROPOSALS**

Elsie Whitlow Stokes PCS invites all interested and qualified vendors to submit proposals for professional development services. Proposals are due no later than 12 PM, April 16, 2018. The RFP with bidding requirements and supporting documentation can be obtained by emailing [procurement@ewstokes.org](mailto:procurement@ewstokes.org).

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 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. 6677-R1 to 13 & F Associates Limited Partnership, to operate an existing 800 kWe Caterpillar emergency generator set powered by a 1,174 hp diesel-fired engine. The unit is located at Columbia Square at 555 13<sup>th</sup> Street NW, Washington DC 20004. The contact person for the facility is Eva Brashears, Assistant Engineering Manager, phone number: (202) 383-8888.

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].

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

- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Carbon Monoxide (CO)	1.615
Oxides of Nitrogen (NO <sub>x</sub> )	7.044
Volatile Organic Compounds (VOC)	0.207
Total Particulate Matter (PM Total)	0.205
Oxides of Sulfur (SO <sub>x</sub> )	0.004

The application to operate the emergency generator and the draft renewal permit are available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should



provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments, a written request for a public hearing, or both, on the draft permit action within thirty (30) days of publication of this notice. The written comments or a written request for a public hearing must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments or outcome from a public hearing will be considered in issuing the final permit. Comments or a 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, 5<sup>th</sup> Floor  
Washington, DC 20002  
[stephen.ours@dc.gov](mailto:stephen.ours@dc.gov)

**No written comments postmarked after April 30, 2018 will be accepted.**

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

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit No. 7178 to JBG/Foundry Office, LLC (“the Permittee”) to operate a 100 kWe fire pump generator set powered by a 168 hp natural gas fired engine, located at 1055 Thomas Jefferson Street NW Washington DC. The contact person for the facility is Ana Robertson, Assistant Property Manager, at (202) 337-4522.

Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.004
Sulfur Dioxide (SO <sub>2</sub> )	<0.001
Nitrogen Oxides (NO <sub>x</sub> )	1.665
Volatile Organic Compounds (VOC)	0.048
Carbon Monoxide (CO)	0.129

The proposed emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator set, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person’s name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
Department of Energy and Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments or hearing requests submitted after April 30, 2018 will be accepted.**

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

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit No. 7179 to JBG/Foundry Office, LLC (“the Permittee”) to operate a 180 kWe emergency generator set powered by a 300 hp diesel-fired engine, located at 1055 Thomas Jefferson Street NW, Washington DC. The contact person for the facility is Ana Robertson, at (202) 337-4522.

Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.165
Sulfur Dioxide (SO <sub>2</sub> )	0.154
Nitrogen Oxides (NO <sub>x</sub> )	2.325
Volatile Organic Compounds (VOC)	0.188
Carbon Monoxide (CO)	0.501

The proposed emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this generator set, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person’s name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
Department of Energy and Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments or hearing requests submitted after April 30, 2018 will be accepted.**

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

## DEPARTMENT OF ENERGY AND ENVIRONMENT

## NOTICE OF FUNDING AVAILABILITY

## Volunteer Water Quality Monitoring in District of Columbia Waters

The Department of Energy and Environment (the Department) seeks eligible entities to develop and manage a citizen science program that will use volunteers to monitor water quality in the District's waterways and to generate publicly accessible on-line data. The amount available for the project is approximately \$150,000.00.

Beginning 3/30/2018, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [2018EcoliRFA.grants@dc.gov](mailto:2018EcoliRFA.grants@dc.gov) with "Request copy of RFA 2018-1805-WQD" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Efeturi Oghenekaro at (202) 535-1604 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Efeturi Oghenekaro RE:2018-1805-WQD" on the outside of the envelope.

**The deadline for application submissions is 4/30/2018, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [2018EcoliRFA.grants@dc.gov](mailto:2018EcoliRFA.grants@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: [2018EcoliRFA.grants@dc.gov](mailto:2018EcoliRFA.grants@dc.gov).

## DEPARTMENT OF ENERGY AND ENVIRONMENT

SOLICITATION OF PUBLIC COMMENT**Anacostia River Sediment Project Final Draft Documents: Remedial Investigation Report,  
Human Health Risk Assessment, Ecological Risk Assessment**

Notice is hereby given that the Department of Energy and Environment (the Department) is soliciting comments from the public on the following documents for the Anacostia River Sediment Project (ARSP):

**Final Draft Remedial Investigation Report  
Final Draft Human Health Risk Assessment  
Final Draft Ecological Risk Assessment**

These documents are available for public review and will become part of the administrative record for the ARSP. A person may obtain a copy of the documents by any of the following means:

**Download** from the Department’s website, at [www.doe.dc.gov/Anacostiasediment](http://www.doe.dc.gov/Anacostiasediment) under the “Administrative Record File” tab where the documents are listed individually;

**Email** a request to [Gretchen.mikeska.doe@dc.gov](mailto:Gretchen.mikeska.doe@dc.gov) with “Request copy of ARSP Draft Final Documents” in the subject line and specify which document is being requested; or

**Pick up a copy in person** at the Department’s reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. Or call Gretchen Mikeska at (202) 535-2972 to schedule a pick up and mention the document by name.

The final draft documents can also be viewed at the following DC Public Libraries:

Francis A. Gregory Neighborhood Library  
3660 Alabama Avenue SE, Washington, DC 20020

Rosedale Neighborhood Library  
1701 Gales Street NE, Washington, DC 20002

The Department is committed to considering the public’s comments when finalizing these documents. Interested persons may submit written comments on the draft final documents, which must include the person’s name; telephone number; affiliation, if any; mailing address; a statement outlining their concerns; and any facts underscoring those concerns. Please state which document is the subject of the comments.

Comments should be clearly marked “**Anacostia River Sediment Project Final Draft Documents**” and either:

- 1) Mailed or hand-delivered to the Department of Energy and Environment, 1200 First Street, NE, 5th Floor, Washington, DC 20002, Attention: District of Columbia Draft 2018 Integrated Report;
- 2) Emailed to [Gretchen.mikeska.doe@dc.gov](mailto:Gretchen.mikeska.doe@dc.gov); or
- 3) If reviewing at a library location, a comment form may be submitted to a representative at the library.

**The deadline for public comments is Monday, May 14, 2018 at 5:00 pm EDT.** Input must be submitted via e-mail (preferred) or mail to the address above. Mail must be postmarked by **May 14, 2018 at 5:00 pm EDT.**

The Department will consider all timely received comments before finalizing the documents. All comments will be treated as public documents and will be made available for public viewing on the Department's website. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by email, the email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the email address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment.



**DEPARTMENT OF HEALTH**  
**HEALTH REGULATION LICENSING ADMINISTRATION**  
**NOTICE OF MEETING**

Board of Medicine

March 28, 2018

On March 28, 2018 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed at 10:30 am to consult with the attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements pursuant to 2-575(b)(4)(a); Preparation, administration, or grading of scholastic, licensing, or qualifying examinations pursuant to section 2-575(b)(6); To discuss disciplinary matters pursuant section 2-575(b)(9); To plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of the law or regulations, if disclosure to the public would harm the investigation pursuant to section 2-575(b)(14)

The meeting will be open to the public at 8:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations at 10:30 am.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website [www.dchealth.dc.gov](http://www.dchealth.dc.gov) and select Board of Medicine Calendars and Agendas to view the agenda and any changes that may have occurred.

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

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The District of Columbia Board of Psychology (“Board”) hereby gives notice of a change in its regular meeting, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, D.C. Official Code § 3-1204.05 (b)) (2016 Repl.).

Due to schedule conflict, the Board’s next regular meeting, previously set for Thursday, April 12, 2018, will be moved to Thursday, April 19, 2018, from 4:00 PM to 6:30 PM. The meeting will be open to the public from 4:00 PM until 4:30 PM to discuss various agenda items and any comments and/or concerns from the public. In accordance with Section 405(b) of the Open Meetings Act of 2010, D.C. Official Code § 2-574(b), the meeting will be closed from 4:30 PM to 6:30 PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The Board meets on a quarterly basis on the second Thursday of each quarter starting in January. The meeting is held from 4:00 PM to 6:30 PM. Following the April 19, 2018 meeting indicated above, the Board’s 2018 meetings will be held on the following dates:

July 12, 2018  
October 11, 2018

The meetings will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health’s Events webpage at [www.doh.dc.gov/events](http://www.doh.dc.gov/events) to view the agendas.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HUMAN SERVICES  
ECONOMIC SECURITY ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY (NOFA): SNAP E&T-2019-01**

**FY2019 GRANTS TO COMMUNITY-BASED ORGANIZATIONS FOR SNAP  
EMPLOYMENT AND TRAINING PROGRAM (SNAP E&T)**

**Program Description**

The Department of Human Services (DHS), Economic Security Administration (ESA), is the lead agency in the District of Columbia for SNAP Employment and Training (SNAP E&T), as authorized by the Food and Nutrition Act of 2008 (Pub. L. No 110-246, §6(d)(4); 7 U.S.C. §2015(d)(4), (herein referred to as the Act). The purpose of SNAP E&T is to provide SNAP recipients opportunities to gain skills, training or experience that will improve their employment prospects and reduce their reliance on public benefits.

**Purpose/Description of Project**

This Notice for Application (NOFA) seeks to identify potential applicants with ESA that can provide allowable SNAP E&T services to SNAP recipients. The applicant will provide job training, employment programs and supportive social services to SNAP recipients residing in the District of Columbia. Job Search/Job Readiness services include job training, case management, housing assistance, life skills training, mentoring, and substance abuse counseling. These services shall also include assistance with transportation, clothing, licenses, identification, etc. all of which may assist SNAP E&T customers in overcoming barriers to employment. The scope of allowable services under this NOFA is outlined in Section II of the RFA and includes outreach, planning, administration, and operation of an allowable SNAP E&T component. It also includes participant expenses, such as transportation, dependent care, licenses, uniforms and tools for a job, test fees, books, and tuition expenses. The costs of allowable expenditures are 40% federally funded through the Act. DHS will reimburse awardees for 40% of allowable SNAP E&T programs and activities.

**Eligibility**

Applications are requested from community-based organizations, SNAP E&T grantees, located in the District of Columbia that have demonstrated experience working with individuals receiving public benefits and people experiencing homelessness. Faith-based organizations, such as churches, synagogues, mosques, or religiously based social service affiliates of such organizations are encouraged to apply. Applications are also encouraged from collaborating community-based and faith-based organizations. Applicants must demonstrate an outstanding track-record of providing employment and training services, and job placements, to persons receiving public benefits and/or other low-income populations. Applicants must provide services that complement ESA's current in-house SNAP E&T program, which currently includes job search, job retention, work-readiness, transportation assistance, and dependent care subsidies to eligible participants.

**Review Factors**

All applications will be objectively reviewed by an independent panel of reviewers and scored against the criteria specified in the Request for Applications (RFA).

**Length of Grant Award**

The award period for the grant will be from October 1, 2018 through September 30, 2019 at which time all funds must be invoiced.

**Available Funding**

Grantees will be awarded funding based on the capacity to meet the requirement of the program. If the grantee is awarded the funding they will receive one base year and possibly three renewal years.

**Anticipated Number of Grant Awards**

ESA intends to award up to \$440,000 to 5 organizations that will provide allowable employment and training services to SNAP E&T participants.

**Request for Application (RFA) Release**

The RFA will be released on **March 30, 2018**. The RFA will be posted on the Office of Partnerships and Grant Services website (<http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>) under the District Grants Clearinghouse.

**Deadline for Applications**

**The deadline for submission is April 17, 2018 at 2:00 p.m.** Late or incomplete applications will not be forwarded for review.

**DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND  
TENURE****Judicial Tenure Commission Begins Review Of  
Judge Henry F. Greene**

This is to notify members of the bar and the general public that the Commission is reviewing the qualifications of **Judge Henry F. Greene** of the Superior Court of the District of Columbia, who has requested a recommendation for reappointment as a Senior Judge.

The District of Columbia Retired Judge Service Act P.L. 98-598, 98 Stat. 3142, as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §13(1) provides in part as follows:

"...A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

(2) The Commission shall submit a written report of its recommendations and findings to the appropriate chief judge of the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final."

The Commission hereby requests members of the bar, litigants, former jurors, interested organizations, and members of the public to submit any information bearing on Judge Greene's qualifications which it is believed will aid the Commission. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting materials will be kept confidential unless expressly authorized by the person submitting the information.

All communications should be mailed, faxed, or e-mailed by **April 23, 2018**, and addressed to:

District of Columbia Commission on Judicial Disabilities and Tenure  
Building A, Room 246  
515 Fifth Street, N.W.  
Washington, D.C. 20001  
Telephone: (202) 727-1363  
FAX: (202) 727-9718  
E-Mail: dc.cjdt@dc.gov

In addition, comments may be submitted by an online survey available on the Commission's website, <https://www.cjdt.dc.gov>, and using the link "Evaluate Candidates", or using the link <https://www.surveymonkey.com/r/SeniorJudgeSuperiorCourt1216A>.

The members of the Commission are:

Jeannine C. Sanford, Esq., Chairperson  
Anthony T. Pierce, Esq., Vice Chairperson  
Hon. Joan L. Goldfrank  
Hon. Colleen Kollar-Kotelly  
William P. Lightfoot, Esq.  
David P. Milzman, M.D.  
Nikki Sertsu

BY: /s/ Jeannine C. Sanford, Esq.  
Chairperson

**MAYA ANGELOU PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****GED Tutoring Services**

Maya Angelou Public Charter School (MAPCS) is located at 5600 East Capitol Street NE, Washington DC 20019. Our mission is to create learning communities in lower income urban areas where all students, particularly those who have not succeeded in traditional schools, can succeed academically and socially.

The term “MAPCS” means Maya Angelou Public Charter School. The term “contractor” or bidder means the responsible bidder. The term “successful contractor” or “successful bidder” refers to the bidder awarded the contract. The intent of this solicitation is to procure fixed hourly rate pricing to provide tutoring services to support student completion of General Education Development (GED) at MAPCS Young Adult Learning Center.

The following criteria will be used to evaluate each proposal:

- Cost
- Function
- Experience
- Quality
- References
- Company’s mission/ involvement with DC community/CBE

All inquiries regarding technical specifications and questions can be emailed to Dr. Sean Yisrael at [syisrael@seeforever.org](mailto:syisrael@seeforever.org).

**All bid proposals will be accepted until 12:00 PM on April 6, 2018. Interested vendors will respond to the advertised Notice of RFP via upload to:**

**<https://app.smartsheet.com/b/form/0858a3ca327a4064a808b970d79fe8fc>**

Complete RFP details can be found at [www.seeforever.org/requestforproposals](http://www.seeforever.org/requestforproposals).

Any proposal received after 12:01 PM on April 6, 2018 is deemed non-responsive and will not be considered. Proposals will not be accepted by oral communications, telephone, electronic mail, telegraphic transmission, or fax.

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF PROPOSED TARIFF

**ELECTRIC TARIFF 00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No. 1**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its intent to act upon the Potomac Electric Power Company's (Pepco or Company) - Public Space Occupancy Surcharge Rider (PSOS or Surcharge Update) in not less than 30 days from the date of publication of this Notice of Proposed Tariff (NOPT) in the *D.C. Register*.

2. On February 27, 2018, pursuant to D.C. Code Section 10-1141.06,<sup>2</sup> Pepco filed with the Commission an updated Rider PSOS.<sup>3</sup> In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia for the rental of public structures in public space. Pepco proposes to amend the following tariff page to reflect a reduction in the PSOS:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1  
Twentieth Revised Page No. R-33**

3. According to Pepco, the Surcharge Update consists of two parts reflecting: 1) the payments to be made by Pepco to the District of Columbia for the current year; and 2) the over or under recovery from the prior year.<sup>4</sup> Pepco proposes a PSOS rate of \$0.00207 per kilowatt-hour delivered to the customer, which is a decrease from the current PSOS rate of \$0.00209 per kilowatt-hour approved in 2017.<sup>5</sup> The rate is based on a rate of \$0.00204 per kilowatt-hour for estimated 2018 payments and a rate of \$0.00003

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<sup>1</sup> D.C. Code § 2-505 (2001 Ed.) and D.C. Code § 34-802 (2001 Ed.).

<sup>2</sup> D.C. Code § 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

<sup>3</sup> *Electric Tariff 00-2, In the Matter of Potomac Electric Power Company's Public Space Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1* ("ET00-2"), Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Dennis P. Jamouneau, Assistant General Counsel, Re: ET00-2 – Rider "PSOS," filed February 27, 2018 ("Surcharge Update").

<sup>4</sup> ET00-2, Surcharge Update at 1.

<sup>5</sup> ET00-2, Surcharge Update at 2 and Attachment B.



per kilowatt-hour for the over/under collection of payments by Pepco in 2017.<sup>6</sup> Pepco proposes that its Surcharge Update become effective with meter readings on and after March 1, 2018.<sup>7</sup>

4. The Company has a statutory right to implement its filed PSOS. However, if the Commission discovers any inaccuracies in the calculation of the proposed PSOS, Pepco could be subject to reconciliation of the PSOS. Pepco's Surcharge Update is on file with the Commission and may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 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 on the Commission's website at [www.dcpssc.org](http://www.dcpssc.org). Once at the website, open the "eDocket System" tab, click on "Search Current Dockets," click on "Advanced Search" and input "Electric Tariffs" in the "Case Type" Box and "00-2" in the "Case Number" box. Copies of the tariff are also available upon request, at a per-page reproduction cost.

5. All persons interested in commenting on the proposed tariff may submit written comments not later than 30 days after publication of this notice in the *D.C. Register* with Brinda Westbrook-Sedgwick, Commission Secretary, at the above address or by email at [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov). Comments may also be filed by clicking on the following link: [https://edocket.dcpssc.org/public/public\\_comments](https://edocket.dcpssc.org/public/public_comments). After the comment period has expired, the Commission will take final action on the Surcharge Update. Persons with questions concerning this NOPT should call (202) 626-5150.

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<sup>6</sup> ET00-2, Surcharge Update at 2 and Attachment C.

<sup>7</sup> ET00-2, Surcharge Update at 1.

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after May 1, 2018.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on March 30, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public**

**Effective: May 1, 2018  
Page 2**

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Asdorian	Kathleen B.	Counselors Title, LLC 4400 Jenifer Street, NW, Suite 2	20015
Brooks	Lovelena Lynn	Butler Law Group 1425 K Street, NW, Suite 350	20005
Brooks	Loretha Ann	Curtis, Mallet-Prevost, Colt & Mosle, LLP 1717 Pennsylvania Avenue, NW	20006
Caswell	Mary Beth	Womble Bond Dickinson, LLP 1200 19th Street, NW, Suite 500	20036
Coclough	Janice G.	Self 3906 20th Street, NE	20018
Coleman	Rowena	Horning Management Company, LLC 3333 14th Street, NW, Suite 300	20010
Cooper	Wanda Jean	U.S. House of Representatives/ Office of the CAO 115 18th Street, NW, Suite 1000	20036
Dyer	Scott R.	J.P Morgan Private Bank 800 Connecticut Avenue, NW, 9th Floor	20006
Flaherty	Barbara J.	Self (Dual) 606 3rd Street, SW	20024
Fobe	Nicholas	Verstegen & Fobe 2011 Pennsylvania Avenue, NW	20006
Frazier	Tiffany A.	Curtis, Mallet-Prevost, Colt & Mosle, LLP 1600 Maryland Avenue, NE, Apartment 456	20002
Gray	Denise	Seyfarth Shaw, LLP 975 F Street, NW	20036
Hardy	Rita E.	AM-KI Services, LLC 2623 11th Street, NW	20001
Hill	Deidre Veronica	Self (Dual) 4740 Connecticut Avenue, NW, Unit 303	20015

**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: May 1, 2018  
Page 3**

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Ivory	Charlyne R.	Institute for America's Future 1101 17th Street, NW, Suite 1220	20036
Johnson	Eddie W.	Self 1373 Barnaby Terrace, SE	20032
Jones	Rona M.	Lindner & Associates, PC 5028 Wisconsin Avenue, NW, Suite 404	20016
Kester	Michele A.	AARP 601 E Street, NW	20049
Lawson	Samieleen	New America 740 15th Street, NW, Suite 900	20005
Lowther	Marina M.	Blank Rome, LLP 1825 Eye Street, NW	20006
Luthi	Jeffery N.	TSG Consulting, Inc 1 Columbus Circle, NE, Suite G-255 North	20544
Malick	Mary Catherine	Cooley, LLP 1299 Pennsylvania Avenue, NW, Suite 300	20004
Martin	Mary A.	Suntrust Bank 900 17th Street, NW	20006
Mejia	Claudia Y.	Robinson & Geraldo, PC 1316 Pennsylvania Avenue, SE	20003
Mizell	Veronica Gail	Bridgepoint Hospital Capitol Hill 223 7th Street, NE	20002
Mongal	Tyshena R.	Self 58 Darrington Street, NW	20032
Murnane	Barbara A.	Department of Commerce 1401 Constitution Avenue, NW	20230
Orrick	Michael J.	U.S House of Representatives/ Office of the CAO B-227 Longworth HOB	20515

**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: May 1, 2018****Page 4**

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Rivera	Mildred	Clifford Chance US, LLP 2001 K Street, NW, 9th Floor	20006
Scott	Lindsay	P.N. Hoffman 680 Water Street, SW	20024
Seager	Renèe M.	The American Red Cross 431 18th Street, NW	20006
Sims-Pokropski	Sarah	The Aspen Institute 2300 N Street, NW, Suite 700	20037
Staron	Ann M.	Willkie Farr & Gallagher, LLP 1875 K Street, NW	20006
Tafari	Katharine V.	Miller & Chevalier Chartered 900 16th Street, NW	20006

**DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT****NOTICE OF FUNDING AVAILABILITY****Dream Grants for Ward 7 & 8 Microbusiness**

The Department of Small and Local Business Development (DSLBD) is excited to announce that we are soliciting applications for the **Ward 7 and 8 Microbusiness *Dream Grants***.

The grants are to provide business development support to the growth of microbusinesses with fewer than five (5) employees located in Ward 7 or 8 for which residents of those Wards comprise 50% or more of the ownership of the business.

DSLBD intends to award up to ten (10) grants, of up \$10,000 each, from the \$50,000 in total available funding for spring 2018.

**How do I apply?**

For additional guidance please see the Request for Applications (RFA) on the DSLBD website at <http://dslbd.dc.gov/service/current-solicitations-opportunities>.

**Deadline**

The deadline to apply online is **Friday, April 27, 2018 at 2:00 p.m.** Applications will only be accepted through the online application system.

**Who can apply?**

New or existing microbusinesses with fewer than five (5) full time employees located in Ward 7 or 8 for which residents of those Wards comprise 50% or more of the ownership of the business are eligible. See the Request for Applications for additional eligibility requirements.

**How can the funds be used?**

The grants can support startup or expansion efforts for expenses made by the business October 1, 2017 through September 30, 2018. Examples of allowable and disallowed uses are detailed in the RFA linked to above.

**How will awardees be selected?**

Grant recipients will be selected through a competitive application process. All applications from eligible applicants received on or before the deadline will be forwarded to an independent review panel to be evaluated, scored, and ranked based on the following criteria:

1. Capacity and Experience of the Applicant (25 points)
2. Strength of the Business Plan (25 points)
3. Financial Viability of Applicant (25 points)
4. Creativity and Innovation (25 points)

A program team will review the recommendations. The Director of DLSBD will make the final determination of grant awards. Grantees will be selected by May 11, 2018.

**Questions?**

We encourage interested applicants to attend the *Application Information Session*. Please refer to the RFA for the most accurate information about the date, time and location of this meeting.

Questions may be sent to Kate Mereand at the Department of Small and Local Business Development at [Katherine.Mereand-Sinha@dc.gov](mailto:Katherine.Mereand-Sinha@dc.gov). All questions must be submitted in writing.

***Reservations***

*DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of this Notice of Funding Availability (NOFA) or RFA, or to rescind the NOFA or RFA at any time.*

**TWO RIVERS PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Teacher Residency**

Two Rivers Public Charter School intends to enter into a sole source contract with Urban Teacher Center (UTC) to provide teacher recruitment, selection, training, and certification services to Two Rivers through a teacher residency model effective for the 2018-2019 school year. The estimated yearly cost is approximately \$150,000 for six teacher residents. The decision to sole source is because UTC has a successful track record of training novice teachers to be successful in urban schools in Washington DC, with partnerships with DCPS and other DC charter networks since 2011. The cost to partner with UTC and host teacher residents is less than the cost of hiring and training assistant or lead teacher candidates directly so the partnership will result in salary cost savings for Two Rivers. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.



**WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL**

**NOTICE OF INTENT TO AWARD A SOLE SOURCE CONTRACT**

**School Leader Lab - March 2018**

Washington Leadership Academy intends to award a sole source contract to School Leader Lab. School Leader Lab is a competitive city-wide fellowship that has already accepted two of Washington Leadership Academy’s staff members for cohort membership in the 2018-2019 school year.

**Background on School Leader Lab:** School Leader Lab includes participation in the [National Principals and Supervisors Academy Fellowship](#) (NPAF) or Instructional Leadership Professional Development (ILPD), a national instructional school leadership program for current principals, principal supervisors, and instructional leaders operated and run by Relay.

Participants are selected by School Leader Lab and must complete all enrollment requirements, including formal enrollment in Relay NPAF /NPSA. Enrollment materials include a statement of interest, resume and official transcripts.

School Leader Cohort is practice-based and depends on peer learning. Full participation is expected in all in-person sessions, coaching, assessments and consultancies. See attached calendar for session dates, subject to change based on Relay assignment calendar.

**Reason for Sole Source:** School Leader Lab is the only cohort-based leadership program in the District of Columbia for developing school leaders that has a formal affiliation with the Relay Graduate School of Education. Further, Washington Leadership Academy has had three school leaders complete the training over the course of the last two years and is confident in the unique nature of the organization’s quality and alignment to WLA’s values. Awarding the Contract to any other vendor will not fulfill the school’s need for rigorous, values-aligned, school leader training in a cohort-based model, nor offer the value of the Relay GSE credential.

**Costs:**

Component	Cost/Participant	Total Cost (for Two Participants)
Relay NPAF Tuition	\$20,000	\$40,000
Learning Lab Sessions and Coaching	\$16,000	\$32,000
Total	\$36,000	\$72,000
Less Scholarship	\$12,000	\$24,000
<b>Amount Payable by LEA</b>	<b>\$24,00</b>	<b>\$48,000</b>

School Leader Lab is offering Washington Leadership Academy PCS a program subsidy of approximately \$24,000 per participant, affording WLA PCS the opportunity to participate. The estimated yearly cost is approximately \$24,000 per participant. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

**Conflict of Interest:** There is no conflict of interest between WLA board members or staff and School Leader Lab.

**Further Information:** If further information is needed, please reach out to Natalie Gould at [ngould@wlapcs.org](mailto:ngould@wlapcs.org).

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

**Application No. 19149 of Romi Satoh**, pursuant to 11 DCMR § 3103.2,<sup>1</sup> for a variance from the off-street parking requirements under § 2101.1, to allow an existing church to use a separate lot for 13 parking spaces in the R-2 District at premises 4619 Quarles Street, N.E. (Square 5165, Lot 47).

**HEARING DATES:** December 22, 2015; January 26, 2016; February 23, 2016; April 14, 2016; June 14, 2016; and July 19, 2016

**DECISION DATE:** July 19, 2016

**DISMISSAL ORDER**

This application was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on October 29, 2015 by Romi Satoh (the “Applicant”). The Applicant requested a variance from the off-street parking requirements under § 2101.1, to allow an existing church to use a separate lot for 13 parking spaces in the R-2 District. The hearing for this application was originally scheduled for December 22, 2015 and was postponed four times at the request of the Applicant. (Exhibits 25, 27, 29, and 30.) A public hearing was held for this application on June 14, 2016; however, the Board continued the hearing to July 19, 2016 to provide the Applicant an opportunity to correct an issue with the notice posted on the property and to submit additional information to the record. The Applicant did not appear at the July 19, 2016 hearing, and at that time, the Board voted to dismiss the application on those grounds.

*Notice of Public Hearing.* Pursuant to 11 DCMR § 3113.13, notice of the original hearing date was sent to the Applicant, all owners of property within 200 feet of the subject site, the Advisory Neighborhood Commission (“ANC”) 7D, the D.C. Councilmember for Ward 7, and the District of Columbia Office of Planning (“OP”).

*ANC Report.* ANC 7D submitted to the record a written report dated May 11, 2016. The ANC’s report indicated that at a regularly scheduled, properly noticed hearing with a quorum present on May 10, 2016, the ANC voted 5-1-0 in favor of the application. (Exhibit 31.)

*OP Report.* OP submitted three reports to the record, each indicating that it does not have enough information from the Applicant in order to make a recommendation regarding the requested relief. (Exhibits 26, 28, and 34.) OP’s second report noted that an additional variance under §

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<sup>1</sup> This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraphs, are to provisions that were in effect on the date this Application was heard and decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text (“the 2016 Regulations”). The repeal of the 1958 Regulations has no effect on the validity of the Board’s decision or the validity of this order.

2100.6, to allow a load increase for an existing church without providing adequate parking spaces, is required for the church located on 1105 46th Street, N.E. (Exhibit 28.) The Applicant did not address this additional variance in her filings.

*DDOT Report.* The District Department of Transportation (“DDOT”) submitted a report stating that, in light of the lack of information provided by the Applicant, it cannot support the requested relief. (Exhibit 24.)

## FINDINGS OF FACT

1. On October 29, 2015, Romi Satoh (the “Applicant”) filed a request for a variance from the off-street parking requirements under § 2101.1, to allow an existing church to use a separate lot for 13 parking spaces in the R-2 District at premises 4619 Quarles Street N.E. (Square 5165, Lot 47) (the “Subject Property”).
2. The Office of Zoning (“OZ”) originally scheduled this application for public hearing on December 22, 2015.
3. The hearing on this application was postponed four times at the request of the Applicant to the following dates: January 26, 2016; February 23, 2016; April 14, 2016; and June 14, 2016. (Exhibits 25, 27, 29, and 30.)
4. At the public hearing of June 14, 2016, the Board heard testimony from the Applicant, but continued the hearing to July 19, 2016 to provide the Applicant an opportunity to correct an issue with the notice posted on the Subject Property and to submit additional information requested by the Office of Planning (“OP”) and District Department of Transportation (“DDOT”).
5. The Board did not hear the merits of the case.
6. In advance of the continued public hearing on July 19, 2016, the Applicant communicated to OZ staff that she intended to withdraw the application. OZ staff requested that the Applicant file a written request for withdrawal to the record. No written request was filed.
7. Absent a written request for withdrawal of the application, the Board proceeded with the continued public hearing for this application on July 19, 2016.
8. At the public hearing of July 19, 2016, the Applicant failed to appear when the case was called.

## CONCLUSIONS OF LAW

Pursuant to 11 DCMR § 3100.6, the Board shall not dismiss an application on the grounds of a procedural deficiency “unless, after due notice of the deficiency and expiration of a reasonable

time as fixed by the Board, the deficiency has not been corrected, except that the Board may dismiss an application or appeal if the applicant or appellant fails to appear at a hearing without explanation.” Based on the Applicant’s failure to appear at the scheduled public hearing of July 19, 2016, the Board dismissed this application.

The Board is required to give “great weight” to the recommendation of OP. (D.C. Official Code § 6-623.04 (2012 Repl.)) In this case, OP was unable to provide a recommendation for the Board, based on a lack of information submitted by the Applicant.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC in its written report. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) In this case, ANC 7D submitted a written report recommending approval of the relief requested. (Exhibit 31.) Because the ANC’s recommendation pertains to the merits of the zoning relief and the Board dismissed the case before reaching the merits, the Board cannot afford great weight to the ANC’s recommendation in this case. (*See Bakers Local 118 v. District of Columbia Board of Zoning Adjustment*, 437 A.2d 176, 179 (D.C. 1981) (The “great weight” requirement extends only to issues and concerns that are legally relevant.))

Accordingly, it is **ORDERED** that the application is **DISMISSED**.

**VOTE: 4-0-1** (Anita Butani D’Souza, Marcie I. Cohen, Frederick L. Hill, and Jeffrey L. Hinkle to DISMISS; Marnique Y. Heath, not participating).

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

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

**FINAL DATE OF ORDER:** March 19, 2018

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

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

**Appeal No. 19485 of The Chain Bridge Road Preservation Committee**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on January 13, 2017 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permits B1611845, B1611846 and B1611848, to allow construction of three new three-story with cellar detached dwellings with swimming pools and driveways in the R-1-A/Chain Bridge Road University Terrace Overlay (now R-21 Zone) at premises 3006, 3010, and 3016 University Terrace, N.W. (Square 1426, Lots 51, 52, and 53).

**HEARING DATES:** May 17, 2017, June 14, 2017, and June 21, 2017<sup>1</sup>

**DECISION DATE:** June 21, 2017

**DISMISSAL ORDER**

This appeal was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on February 28, 2017 by The Chain Bridge Road Preservation Committee (the “Appellant”). The Appellant challenged the decision by the Zoning Administrator to issue building permits B1611845, B1611846, and B1611848, to allow construction of three new three-story with cellar detached dwellings with swimming pools and driveways in the R-1-A/Chain Bridge Road University Terrace Overlay (now R-21 Zone) at premises 3006, 3010, and 3016 University Terrace, N.W. (Square 1426, Lots 51, 52, and 53). The Appellant asserted that the building permits aforementioned were erroneously issued by the Department of Consumer and Regulatory Affairs (“DCRA”) in violation of the Zoning Regulations, including specifically the CBUT Overlay codified at 11 DCMR § 1568.1 (1958)<sup>2</sup>. The hearing was postponed several times, as the parties engaged in efforts to settle the dispute related to the building permits and proposed construction. (Exhibits 19-22.)

The hearing for this appeal was initially scheduled for May 17, 2017. On April 25, 2017, the Appellant submitted a Consent Motion for Continuance, asking for the hearing to be rescheduled

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<sup>1</sup> The hearing for this appeal was rescheduled from May 17, 2017 to June 14, 2017, at the request of the parties to provide time for the parties to reach a settlement agreement. (Exhibit 19.) The case was also continued at the June 14, 2017 hearing to that of June 21, 2017 at the request of all parties. (Exhibit 21.) At its June 21, 2017 public hearing and meeting, the Board dismissed the appeal based on the joint stipulation of dismissal with prejudice submitted by the parties. (Exhibit 22.)

<sup>2</sup> The developer submitted and processed the application for the Building Permits under the Zoning Regulations (Title 11, DCMR) which were then in effect (the “1958 Zoning Regulations”) but which were repealed on September 6, 2016 and replaced with new text (the “2016 Regulations”). The appeal was filed under the 2016 Regulations.

from May 17, 2017 to June 14, 2017. The Motion stated that all the other parties to the appeal, DCRA and the Property Owner, had consented to the request for a continuance, that the Appellant and the Property Owner had initiated good faith negotiations for a settlement that would make the pending appeal moot, and that there was a substantial likelihood that the settlement discussions would result in a mutually agreeable resolution that would need to be documented with the assistance of counsel. (Exhibit 19.) At its May 17, 2017 hearing, the Board continued the hearing to June 14, 2017.

On May 24, 2017, the Appellant submitted a letter in which the Appellant's counsel reported that the principals for the Appellant and the Property Owner had agreed on the terms for a resolution of the appeal without a public hearing and were working together on a written Settlement Agreement for execution prior to the June 14, 2017 hearing. (Exhibit 20.) Then, by letter dated June 13, 2017, the Appellant's counsel submitted a Joint Request for Continuance, asking for a continuance to June 21, 2017, to allow the parties time to fully implement the terms of the agreement and to file a Joint Stipulation of Dismissal with prejudice of the Appeal. (Exhibit 21.) The Board granted that continuance at its June 14, 2017 hearing/meeting.

On June 19, 2017, a Joint Stipulation of Dismissal with Prejudice signed by both the Appellant and the Property Owner was submitted to the record. In that submission, the parties requested that the Board dismiss the appeal with prejudice in accordance with the terms of the Settlement Agreement between the parties. (Exhibit 22.) At its public meeting/hearing on June 21, 2017, the Chair, with the Board's consensus, granted the Motion to Dismiss. (Transcript of June 21, 2017, p. 9.)

Accordingly, it is **ORDERED** that the appeal is **DISMISSED** with **PREJUDICE**.

**BY CONSENSUS:** (Frederick L. Hill, Carlton E. Hart, and Peter G. May to DISMISS;  
Lesylleé M. White, not present, 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:** March 19, 2018

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

**BZA APPEAL NO. 19485**  
**PAGE NO. 2**

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

**Appeal No. 19571 of Carl and Hallie Smith**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on May 5, 2017 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1708004, extending retaining wall permit RW1600005, to construct a new retaining wall in the R-1-A Zone at premises 5019 Lowell Street N.W. (Square 1436, Lot 46).

**HEARING DATE:** October 11, 2017

**DECISION DATE:** October 11, 2017

**DISMISSAL ORDER**

Appeal No. 19571 was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on June 29, 2017 by Carl and Hallie Smith (“Appellants”). The appeal challenged the decision made by the Zoning Administrator at the Department of Consumer and Regulatory Affairs (“DCRA”) on May 5, 2017 to issue building permit B1708004, extending retaining wall permit RW1600005, to construct a new retaining wall in the R-1-A Zone at premises 5019 Lowell Street N.W. (Square 1436, Lot 46).

On September 11, 2017, the Appellants and DCRA, who are the parties to the appeal, filed a joint motion to dismiss the appeal as moot. The Joint Motion indicated that the permits at issue had been surrendered by the property owners on or about August 16, 2017 and cancelled by DCRA on or about August 16, 2017. With the motion, the parties submitted copies of the property owners’ surrender letter and DCRA’s cancellation of the permits. (Exhibit 17.)

Based on the revocation of the permits, and with the consent of the DCRA and the Appellants, the Board voted to grant the joint motion to dismiss at its public hearing on October 11, 2017.

Accordingly, it is **ORDERED** that the appeal is **DISMISSED**.

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull to DISMISS; 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:** March 19, 2018

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.



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

**Application No. 19587 of ACE Cash Express, Inc.**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle H § 1200 from the designated use requirements of Subtitle H § 1101.3(a), to permit a financial services use in the NC-9 Zone at premises 512 H Street, N.E. (Square 832, Lot 13).

**HEARING DATE:** October 18, 2017

**DECISION DATE:** October 18, 2017

**DECISION AND ORDER**

ACE Cash Express, Inc. (the “Applicant”), filed an application with the Board of Zoning Adjustment (the “Board” or “BZA”) on July 27, 2017, for a special exception under Subtitle H § 1200 from the designated use requirements of Subtitle H § 1101.3(a), to permit a financial services use in the NC-9 Zone at premises 512 H Street, N.E. (Square 832, Lot 13) (the “Subject Property”). For the reasons explained below, the Board voted to approve the application.

**PRELIMINARY MATTERS**

*Self-Certification.* The zoning relief requested in this case was self-certified, pursuant to Subtitle Y § 300.6. (Exhibits 4 (original) and 8 (revised).) In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

*Notice of Application and Notice of Hearing.* By memoranda dated September 5, 2017, the Office of Zoning sent notice of the filing of the application to the D.C. Office of Planning (“OP”), the D.C. Department of Transportation (“DDOT”), Advisory Neighborhood Commission (“ANC”) 6C, the ANC within which the Property is located, Single Member District 6C05 representative, and the Councilmember for Ward 6, the at-large Councilmembers and the Council Chair. (Exhibits 12-19). A public hearing was scheduled for October 18, 2017. Pursuant to 11-Y DCMR § 402.1(a), the Office of Zoning published notice of the hearing on the application in the *D.C. Register*. (64 DCR 8576.) On September 5, 2017, OZ sent notice of the public hearing to the Applicant and all owners of property within 200 feet of the Property. (Exhibits 20-21.)

*Parties.* In addition to the Applicant, ANC 6C was automatically a party in the proceeding. The Board received an untimely party status request in opposition from Jason Lefebure, owner of the property to the immediate west of the Subject Property, with premises address of 510 H Street,

N.E. (Exhibit 35.) At the public hearing, the Board waived the filing deadline and granted party status to Mr. Lefebure (the “Party Opponent”). The Applicant objected to the Board’s waiver of the timely filing requirement.

OP Report. OP filed a report dated October 5, 2017, recommending approval of the application. The OP report identified the applicable criteria for the special exception set forth in Subtitle H §§ 1200.1 and 909, and concluded that each applicable criterion is met by the application. OP noted that “one relevant stated purpose of the NC-9 zone is to encourage the reuse of existing buildings along the corridor (H §§ 900.1 (d) and 900.3 (c)). This building would be renovated in its existing format as a one-story building, and be re-used for a financial service use, which is permitted in this zone. It also supports purposes of the neighborhood commercial zones, identified in H § 100.2.” The OP report further noted that “the proposal should not affect the use of neighboring property, as the use currently exists across H Street in the vicinity of the proposed location.” (Exhibit 34.)

DDOT Report. DDOT also filed a report dated September 8, 2017, stating that it had no objection to the requested relief. (Exhibit 22.)

ANC Report. ANC 6C submitted a report to the Board dated October 16, 2017, indicating that it had no formal recommendation regarding the application, as the ANC was split in its support by a 3 to 3 vote. (Exhibit 37.)

Party in Opposition. In his written submission, the Party Opponent objected to the application based on his belief that the proposed use will have a negative impact on his future property values and his company’s brand image, as well as create dead space that would contribute little to the active space sought to be created on H Street. (Exhibit 35.) During the public hearing of October 18, 2017, the Party Opponent further raised concerns regarding security, loitering, and the general intensity of the proposed use in the context of the other businesses on the block. Finally, the Party Opponent argued that other available properties in the area would be more suitable for the proposed use.

Persons and Organizations in Support. The Board received four letters in support of the application from nearby business owners and property owners. (Exhibits 32, 38, 42, and 45.) Nearby business owners of the Applicant’s current location expressed that the Applicant has been a great neighbor and they wish for the Applicant to remain in the neighborhood. (Exhibits 38 and 40.) A petition in support of the application signed by approximately 300 customers of ACE was submitted to the record by the Applicant at Exhibit 44.

Persons and Organizations in Opposition. The Board heard testimony in opposition from Chris Miller. Mr. Miller expressed concerns with the continuation of the Applicant’s use in the neighborhood.

## FINDINGS OF FACT

### The Property and the Surrounding Neighborhood

1. The property is located at premises 512 H Street, N.E. (Square 832, Lot 13) (the “Subject Property”).
2. The Subject Property has a land area of approximately 1,603 square feet and approximately 19 feet of frontage along H Street, N.E.
3. The Subject Property is currently improved with a one-story, brick structure that was built in 1936 and is currently vacant. The existing building has a footprint of approximately 1,425 square feet. According to the records of the District of Columbia, the most recent Certificate of Occupancy for the Property was issued in September 2009 for a child development center, which has since closed down.
4. The Subject Property is located along a relatively low-scale block of the H Street, N.E. corridor that contains a range of retail, office, institutional, and eating and drinking establishments.
5. The properties immediately adjacent to the Subject Property are a religious-based institutional use to the east and an office use to the west. Other uses on the block include a tattoo shop and a dog training facility.
6. The Subject Property is located within the NC-9 zone, one of several zones collectively referred to as the H Street Northeast Neighborhood Mixed-Use zones that, among other things, are intended to implement the policies and goals of the H Street N.E. Strategic Development Plan, encourage clustering of uses into unique destination sub-districts along the H Street, N.E. corridor, and establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E. commercial corridor (11-H DCMR § 900.1).
7. The NC-9 zone is applied to properties within the H Street corridor housing, arts, and retail subarea, and is intended to permit mixed-use development at a moderate density.
8. The Subject Property is not a historic landmark, nor is it located in a historic district.

### Project Description

9. The Applicant currently operates an ACE Cash Express (“ACE”) establishment, which falls within the Financial Service use category under Subtitle B § 200.2(ee), at 601 H Street, N.E., approximately 200 feet southeast of the Subject Property. The Applicant has operated

at its existing location for approximately 27 years.

10. The building within which the existing ACE is currently located will soon be fully renovated, forcing the Applicant to relocate its operations. The Applicant proposes to relocate to the Subject Property, a site that is in close proximity to the existing ACE location.
11. The Applicant proposes that the operations of the new location at the Subject Property will be similar to those at the existing location at 601 H Street, N.E.
12. Over the 12-month period ending in March 2017, customers made approximately 31,000 visits to the existing ACE location at 601 H Street, N.E. The Applicant provided evidence that a substantial percentage of those customers reside within close proximity to the existing ACE location. (Exhibit 7B.)
13. The proposed use will contain less than 3,000 square feet of gross floor area (“GFA”); and therefore, no parking is required under 11-C DCMR, Chapter 7 of the Zoning Regulations. The Applicant does not propose to include any off-street parking on the Subject Property.
14. The proposed use will contain less than 5,000 square feet of GFA, therefore there is no minimum loading requirement for the proposed use under Subtitle C § 901.1. No loading will be provided on the Subject Property.
15. Access to the rear of the Subject Property is provided via a 10-foot wide public alley, which will be used for trash removal.
16. In response to concerns raised about loitering outside the existing ACE location, the Applicant testified that loitering on the sidewalk on the south side of the 600 block of H Street is more likely associated with an office use for the D.C. Department of Employment Services, which had been operating adjacent to the ACE location. (BZA Hearing Transcript of October 18, 2017 (“Tr.”) at 116.)
17. The Applicant testified that, based on the nature of the transactions taking place in the establishment and the customers’ interest in speed, there is unlikely to be loitering outside the property or lines of customers extending onto the sidewalk. (Tr. at 117-118.)
18. The Applicant testified that ACE locations have security procedures, including internal security cameras and Plexiglas separating customers from clerks. The Applicant also indicated that ACE locations have a “lower rate of incidents of robbery and these types of crimes than most other financial institutions.” (Tr. at 86.)
19. The Applicant is not proposing any additions to, or enlargements of the existing building on the Property.
20. The Applicant proposes to preserve the existing building façade. The Applicant will

undertake the full interior renovation of the existing building, removal of security grilles, new exterior doors and windows, general façade improvements, and new, context-sensitive signage.

21. The Applicant proposes to provide a single façade panel sign that will be illuminated from the exterior with light fixtures. The sign will be mounted flush against the building façade. The Applicant proposes no roof sign and no sign that would project off of the façade of the structure.

### **Special Exception Relief**

22. Pursuant to Subtitle H § 1101.1, any building that occupies or is constructed on a lot in a designated use area within an NC zone must provide designated retail and service establishments on the ground level according to the requirements of Subtitle H, Chapter 11 and any additional requirements of the particular zone.
23. For purposes of Subtitle H, designated uses include those permitted in the use groups specified in Subtitle H § 1101.2(a)–(f), which includes the financial services use group (11-C DCMR § 1101.2(e)). Pursuant to Subtitle H § 1101.3, designated uses shall occupy not less than 50% of the gross floor area of the ground floor level of the building, subject to the requirements and conditions enumerated in Subtitle H §§ 1101.3-1101.5. However, pursuant to Subtitle H § 1101.3(a), financial use is not permitted to occupy more than 20% of the ground floor level.
24. As a result of the small size of the Property and the existing building footprint, strict adherence to the 20% ground floor restriction would limit the proposed financial services use to 285 square feet of the existing ground floor of the Property, which is insufficient for the successful operation of the proposed financial services use.
25. The Applicant requests special exception relief to allow the proposed financial services use to occupy the entire ground floor level of the existing building on the Property.

### **CONCLUSIONS OF LAW**

The Applicant seeks a special exception under Subtitle H § 1200 from the designated use requirements of Subtitle H § 1101.3(a) to allow the proposed financial services use to occupy more than 20% of the ground floor level of the existing building on the Subject Property. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2001) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (11-X DCMR § 901.2.) Relief granted through a special exception is presumed appropriate, reasonable, and compatible with other uses in the same zoning

classification, provided the specific regulatory requirements for the relief requested are met. In reviewing an application for special exception relief, the Board’s discretion is limited to determining whether the proposed exception satisfies the requirements of the regulations and “if the applicant meets its burden, the Board ordinarily must grant the application.” *First Washington Baptist Church v. D.C. Bd. of Zoning Adjustment*, 423 A.2d 695, 701 (D.C. 1981) (quoting *Stewart v. D.C. Bd. of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973)).

Pursuant to 11-H DCMR Chapter 12, the Board is authorized to grant the requested special exception subject to the provisions of Subtitle H § 1200. Further, in addition to the requirements of Subtitle H § 1200, an application for special exception relief in the NC-9 through NC-17 zones, must also demonstrate consistency with the intent of the design requirements of Subtitle H § 909 and the design guidelines of the H Street, N.E. Strategic Development Plan.

### **Special Exception under Subtitle H § 1200.1**

Based upon the evidence and testimony presented in this case, the Board finds that the Applicant has met the burden of proof for the requested special exception. The Board will address each of the special exception criteria in turn.

**11-H DCMR § 1200.1(a): The excepted use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the NC zones, and will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity;**

In determining whether the proposed use will “substantially advance the stated purposes of the NC zones,” the Board evaluates the proposal’s consistency with the general purposes of the NC zones as stated in Subtitle H § 100.2, and the specific purposes of the H Street Northeast Neighborhood Mixed-Use Zones (NC-9 through NC-17) as stated in Subtitle H § 900.1. First, the Board finds that the application would advance the purposes of the NC Zones in Subtitle H § 100.2, which are as follows:

- a. Provide for a varied mix of residential, employment, retail, service, and other related uses in the area;
- b. Encourage safe and efficient conditions for pedestrian and motor vehicle movement;
- c. Preserve and enhance neighborhood shopping areas, by providing the scale of development and range of uses that are appropriate for neighborhood shopping and services;
- d. Encourage a general compatibility in scale between new and older buildings;
- e. Encourage retention and establishment of a variety of retail, entertainment, and personal service establishments, predominantly in a continuous pattern at ground level, to meet the needs of the surrounding area's residents, workers, and visitors;
- f. Encourage a scale of development, a mixture of building uses, and other attributes, such

as safe and efficient conditions for pedestrian and vehicular movement.

- g. Identify designated roadways within NC zones with limitations on driveways and curb cuts; and
- h. Identify designated use areas within NC zones within which use restrictions shall apply to the ground floor.

The Applicant has demonstrated that the proposed use would contribute to the varied mix of uses in this area by replacing a vacant property with a financial services use. In addition, the Board finds that approval of the special exception facilitates the retention of a variety of retail, entertainment, and personal service establishments along the H Street, N.E. corridor by allowing the relocation of a financial services use that has existed on the corridor for approximately 27 years to a new location that is in close proximity. The proposal would enhance neighborhood shopping areas by providing a service use that is neighborhood-serving at ground level. To support this point, the Applicant provided evidence that a substantial percentage of customers that conduct business at the Applicant's existing location at 601 H Street, N.E. live in close proximity, indicating a substantial demand for such a use by residents that live within the neighborhood. (Exhibits 7A and 7B.)

As a neighborhood-serving use, the operations of the proposed financial services use will encourage safe and efficient conditions for pedestrian movement by activating and improving the adjacent streetscape of a property that is currently vacant. Based on the evidence regarding the substantial percentage of customers living within close proximity to the use, the use is unlikely to have any significant detrimental impacts on motor vehicle movement in the area. Given the modest size of the proposed use, there is no minimum parking or loading requirement, and no parking and loading will be provided. Thus, there is no potential for pedestrian conflicts caused by providing access or egress to parking or loading.

Regarding the building itself, the Applicant proposes no new construction as part of the application. The height, mass, and scale of the existing one-story building on the Property will remain as is, which is generally consistent with the other buildings along the block. The Property is located within a designated use area and the proposed financial services use falls within one of the designated use groups identified in Subtitle H § 1101.2. Given the small size of the Property and existing building, the Applicant is requesting a special exception to exceed the 20% ground floor limitation applicable to financial service uses under Subtitle H § 1101.3(a).

Next, the Board finds that the application would substantially advance the purposes of the H Street Northeast Neighborhood Mixed-Use Zone, as stated in Subtitle H § 900.1. The specific purposes are as follows:

- a. Implement the policies and goals of the H Street N.E. Strategic Development Plan as approved by the Council of the District of Columbia, effective February 17, 2004 (Res. 15-460);
- b. Encourage the clustering of uses into unique destination sub-districts along the

- corridor, specifically a housing district from 2nd Street to 7th Street, N.E.; a neighborhood-serving retail shopping district from 7th Street to 12th Street, N.E.; and an arts and entertainment district from 12th Street to 15th Street, N.E.;
- c. Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the H Street, N.E. commercial corridor;
  - d. Encourage new construction to preserve existing façades constructed before 1958;
  - e. Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1026, 1027, 1049, and 1050 within the NC-9 through NC-17 but not fronting H Street, N.E.

The Board finds that the Applicant’s proposal would substantially advance various policies and goals stated in Subtitle H § 901.1, as well as those listed in the H Street, NE, Strategic Development Plan (“H Street Plan”). The H Street Plan lists the following “Plan Goals & Objectives”:

- Provide vital information and expert recommendations to help existing businesses grow and thrive on H Street N.E.;
- Offer strategies for encouraging the reuse of the numerous vacant lots and storefronts to create a desirable mix of commercial offerings on the corridor;
- Assist in determining the public investment needed to improve the infrastructure and physical appearance of the corridor; and
- Improve the physical and market perception of the corridor to attract shoppers, tourists, residents, visitors, and private investors.

The Applicant’s proposal will advance these objectives by allowing the relocation of ACE’s existing location, thereby allowing this longstanding financial services use to continue to meet the needs of the surrounding area’s residents, workers, and visitors. The relocation will allow the Applicant to adaptively reuse an existing building and put a vacant storefront back to productive use, while maintaining a desirable mix of retail and services uses in the area.

Approval of the special exception will result in substantial improvements to the existing conditions of the Property that are consistent with the character of the H Street, N.E. commercial corridor. Though the existing building façade, which was constructed in 1936, will be preserved, the Applicant will undertake the full interior renovation of the existing building, removal of security grilles, new exterior doors and windows, general façade improvements, and new signage. In addition, the proposed use will increase safety and encourage safe and efficient conditions for pedestrian and motor vehicle movement by activating and improving the adjacent streetscape. Accordingly, the Board finds that the proposed use will substantially advance the stated purposes of the NC zones.



In addition, the Board finds that the proposed financial services use “will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity.” (11-H DCMR § 1200.1(a).) The Party Opponent raised concerns, however, about the potential impacts of the use on persons residing or working in the neighborhood. First, the Party Opponent raised the issue of potential loitering on the Subject Property and lines of people blocking the sidewalk, based on his observations of the sidewalk area outside the Applicant’s existing location. The Board was persuaded by the Applicant’s response to this concern: first, that the lines of individuals on the sidewalk near the existing location are not likely patronizing the ACE location, but rather may be visiting the D.C. Department of Employment Services location adjacent to the existing ACE; and second, that the Applicant is committed to ensuring that no loitering takes place outside the Subject Property, as the nature of the business lends itself to quick transactions. The Party Opponent also raised concerns regarding safety and the need for heightened security, given the financial nature of the use. The Board finds that the Applicant has adequately addressed this issue in providing testimony about its security protocol and the low incidence of crime at its other locations. Further, the Board requested that the Applicant consider the installation of external security cameras on the Subject Property, to further address the Party Opponent’s concerns.

The Party Opponent expressed concern that the Applicant’s proposed intensity of use is not compatible with the surrounding businesses, including his own. The Party Opponent identifies neighboring businesses such as a tattoo shop and a dog training facility, and argues that the proposed volume of customers – estimated at 31,000 per year by the Applicant – will be out of scale with the character of the block. Although the Applicant’s anticipated number of customers, which averages to about 85 customers per day, may exceed the number of daily customers visiting some other businesses in the neighborhood, the Board nonetheless finds that the proposed intensity of use is compatible with the NC-9 Zone. As part of the H Street Northeast Neighborhood Mixed-Use Zone District, the NC-9 Zone is intended to encourage mixed-use development at a moderate density, as well as neighborhood-serving retail and service uses. The Party Opponent’s concern that other available properties in the neighborhood would be better suited for the proposed use is not relevant to the Board’s considerations here. In evaluating the special exception criteria in this case, the Board must focus on whether the property at hand meets the criteria, rather than compare the suitability of the property against hypothetical alternatives.

The Board further finds that the proposed financial services use will cause no adverse effect due to increased traffic, noise, or odor to the surrounding property owners, based on the nature of the use. Based on the evidence and testimony, the Board concludes that granting the requested relief will not adversely affect neighboring property, nor be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity.

**11-H DCMR § 1200.1(b):** The architectural design of the project shall enhance the urban design features of the immediate vicinity in which it is located; and, if a historic district or historic landmark is involved, the Office of Planning report to the Board of Zoning Adjustment shall include review by the Historic Preservation Office and a status of the project’s review by the

Historic Preservation Review Board.

The Board finds that the proposed use will put a vacant property back to productive use, which will contribute to activating the streetscape, and will substantially improve the exterior and interior aesthetic of the Property. The existing building is not a historic landmark, nor is the Property located within a historic district. Therefore, review by the Historic Preservation Office and Historic Preservation Review Board is not required.

**11-H DCMR § 1200.1(c):** Exceptional circumstances exist, pertaining to the property itself or to economic or physical conditions in the immediate area, that justify the exception or waiver.

The Property and existing building are exceptionally small and narrow, such that compliance with the 20% ground-floor limitation would result in the proposed financial services use only being able to occupy approximately 285 square feet of the ground floor level. The Board finds that 285 square feet is insufficient for the successful operation of the proposed financial services use. Further, the Board credits OP's testimony that the intention of the 20% limitation in the regulations was primarily aimed at preventing larger banks or financial institutions from occupying the entire ground floor of a building with a larger footprint than the Subject Property. (Tr. at 102-103.) Therefore, the Board finds that a waiver is justified to allow for the Applicant to occupy the entirety of the ground floor of the Subject Property in this situation.

**11-H DCMR § 1200.1(d):** Vehicular access and egress are located and designed so as to encourage safe and efficient pedestrian movement, minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions.

No vehicular access or egress is proposed as part of the application. The proposed financial services use will contain less than 3,000 square feet of gross floor area ("GFA"); and therefore, no parking is required under 11-C DCMR, Chapter 7 of the Zoning Regulations. Further, there is no minimum loading requirement for the proposed use as it will contain less than 5,000 square feet of GFA. (11-C DCMR § 901.1.) The Subject Property is accessible at the rear by a public alley, which will be used for trash removal. Thus, approval of the requested special exception will not create pedestrian conflicts, or cause any dangerous or otherwise objectionable traffic conditions.

**11-H DCMR § 1200.1(e):** Parking and traffic conditions associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences.

Given the modest size of the proposed financial services use, and the fact that no parking or loading is required or provided, the operation of the proposed financial services use will not adversely affect adjacent or nearby residences. As discussed with regard to the requirements of Subtitle H § 1200.1(a), a high percentage of customers reside in close proximity to the Applicant's existing ACE location at 601 H Street, N.E. Therefore, the Board concludes that the application will not generate a high number of vehicle trips. This conclusion is further supported

by DDOT’s finding that “...this proposed action will have no adverse impacts on the travel conditions of the District’s transportation network. The proposed action may lead to a minor increase in vehicle, transit, pedestrian, and bicycle trips. In addition, the project has the potential to generate minor impacts to on-street parking conditions in the area.” (Exhibit 22.)

**11-H DCMR § 1200.1(f):** Noise associated with the operation of a proposed use shall not adversely affect adjacent or nearby residences.

Given the nature of a financial services use, the Board finds that granting the requested relief will not create adverse impacts due to noise. The proposed financial services use will function in a similar fashion as a small office, travel agency, or branch bank, including having similar business hours. In addition, while the closest residences are located behind the Property to the north of the public alley, all of the activity of the proposed use will take place to the south along H Street, N.E. Thus, the Board concludes that noise associated with the proposed financial services use will be negligible, and will not adversely affect adjacent or nearby residences.

**11-H DCMR § 1200.1(g):** The Board of Zoning Adjustment may impose requirements pertaining to design, appearance, signs, size, landscaping, and other such requirements as it deems necessary to protect neighboring property and to achieve the purposes of the NC zone.

The Board requested that the Applicant commit to removing and not installing bars on the windows of the building along H Street, NE, and the Applicant agreed to this condition. Otherwise, the Board does not impose any additional requirements relating to design, appearance, signage, or landscaping. The Applicant presented two alternative façade treatments in Exhibit 44B of the record, either of which the Board concluded was appropriate at the Applicant’s discretion.

**11-H DCMR § 1202.1:** In addition to the requirements of 11-H DCMR § 1200, an application for special exception in the NC-9 through NC-17 zones shall demonstrate that the project is consistent with the design intent of the design requirements of 11-H DCMR § 909 and the design guidelines of the H Street, NE, Strategic Development Plan.

The Board concludes that the Applicant’s redevelopment project is consistent with the design guidelines of the H Street, N.E. Strategic Development Plan and with the design requirements of 11-H DCMR § 909. According to the H Street, N.E. Strategic Development Plan design guidelines (“Guidelines”), the Guidelines are intended to deliver clear descriptions for the most important elements of development, while permitting a degree of freedom to share individuality and identity (Guidelines, p. 2). The Guidelines are divided into two sections: Development Guidelines and Architectural Standards. The Development Guidelines are focused on building location, heights and setbacks, and parking location, and are generally not applicable to the application since no new construction or additions to the existing building on the Property are proposed.

The Board concludes that the Architectural Standards are applicable to the application as they focus on storefronts, windows and doors, awning and canopies, walls, and roofs. Regarding the standards pertaining to storefronts and windows and doors, the Applicant's proposed improvements to the exterior of the existing building are consistent as the new window and door storefront system will provide clear glass that allows unobstructed views into the proposed financial services use, and the existing transom windows across the façade will remain. In addition, the existing brick façade will either be left unpainted, or be painted with a single primary color, with the potential for one trim color. The remaining architectural standards pertaining to awning, canopies, walls, and roofs are not applicable to the application since the Applicant is not proposing any awnings or canopies, and no new construction is proposed.

With regard to the design requirements of 11-H DCMR § 909, the Applicant proposes no new construction, therefore the following requirements are not applicable in this case, as they govern new buildings or building additions: Subtitle H §§ 909.1(a)-(d) and (g)-(i). The Applicant meets the remaining requirements:

**11-H DCMR § 909.1(e):** Security grilles shall have no less than seventy percent (70%) transparency.

The Applicant proposes to remove the existing security grilles as a condition of this Order, therefore this requirement is met.

**11-H DCMR § 909.1(f):** Each commercial use with frontage on H Street N.E., Florida Avenue N.E., Maryland Avenue N.E., 13th Street N.E., 14th Street N.E., or 15th Street N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple dwellings unit developments shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk.

The proposed financial services use will have a public entrance that is directly accessible from the sidewalk along H Street, N.E.; therefore, the Applicant has met this requirement.

**11-H DCMR § 909.1(j):** Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline.

This Applicant does not propose to install any projection signs.

**11-H DCMR § 909.1(k):** Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building.

The Board concludes that the Applicant has satisfied this provision. The Applicant is proposing a single façade panel sign that will be made of high-quality materials and illuminated from the

exterior with high-quality light fixtures. The sign will be mounted flush against the building façade and thus will not interrupt the entry door or any windows.

**11-H DCMR § 909.1(I): Roof signs are prohibited.**

The Applicant is not proposing any roof signs; therefore, this requirement is met.

In evaluating the Applicant's evidence and testimony, as well as considering the objections raised by the Party Opponent, the Board finds that the Applicant has met the specific criteria for special exception relief under Subtitle H § 1200 from the designated use requirements of Subtitle H § 1101.3(a).

**Special Exception Standard under Subtitle X § 901.2**

The Board further concludes that the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. The general purpose and intent of the Zoning Regulations is to promote public health, safety, morals, convenience, order, prosperity, and general welfare in order to provide adequate light and air; prevent undue concentration of population and the overcrowding of land; and provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services. Furthermore, the purpose of the 20% ground floor limitation imposed on financial services uses, as well as other uses, under 11-H DCMR § 1101 is to prevent large expanses of inactive ground floor space due to uses that may have limited hours of operation.

The Board recognizes that the Applicant has operated its existing ACE location at 601 H Street, N.E. for approximately 27 years, and the requested special exception will allow the Applicant to maintain this presence, contribute to the ongoing revitalization of the H Street corridor, and continue to serve its longstanding customer base. Therefore, the ability of the Applicant to relocate to the Property will promote convenience, prosperity, and the general welfare of the customers that rely upon the existing ACE location, including the many residents that live in close proximity. Further, since the application does not propose any new construction or additions to the existing one-story building, the Board concludes that the requested special exception will have no impact on light and air, and will not result in undue concentration of population or overcrowding of land. Finally, given the narrowness of the Property, approximately 19 feet, and the mixed-use character of the block, the requested special exception will not be inconsistent with the above stated purpose of the 20% ground floor limitation imposed under Subtitle H § 1101.

The Board further concludes that the requested special exception will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The proposed financial services use has existed along the H Street, N.E. corridor, less than 200 feet away from the Property, for approximately 27 years. The block upon which the proposed

financial services use will be located is occupied by a wide range of non-residential uses including retail, office, institutional, and eating and drinking establishments. Specifically, the properties immediately east and west of the Property are devoted to institutional and office uses, respectively. As stated above, the proposed financial services use will function in a similar fashion as a small office, travel agency, or branch bank, including having similar business hours, and thus is compatible with the existing character and use of the block and neighboring properties.

### **Great Weight to ANC and OP**

Section 13(b)(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Code § 1-309.10(d)(A)), requires that the Board's written orders give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. In this case, ANC 6C did not reach consensus regarding its position on the application. Therefore, there is no recommendation from the ANC to which the Board can accord great weight.

The Board is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Code § 6-623.04) to give great weight to OP recommendations. The Board also concurs with OP's recommendation that the special exception should be granted.

Based upon the record before the Board, and having given great weight to the OP report filed in this case, the Board concludes that the Applicant has met the burden of proof for special exception approval, pursuant to Subtitle X § 901.2 and Subtitle H §§ 1200.1 and 1202.1, and that the request can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the request will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

It is therefore **ORDERED** that the application is hereby **GRANTED, AND PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE PLANS AT EXHIBIT 7F, WITH MINOR FLEXIBILITY ALLOWED WITH RESPECT TO THE FAÇADE DESIGNS IN EXHIBIT 44B, AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall not install security grilles on the front façade.

**VOTE: 4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Anthony J. Hood to Approve; one Board seat vacant).

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

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

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**FINAL DATE OF ORDER:** March 16, 2018

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

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

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITION IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL

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AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 16-26**

**Z.C. Case No. 16-26**

**Wisconsin Owner, LLC**

**(Consolidated PUD and Related Map Amendment @ Square 1732, Lots 45 and 49)**

**January 29, 2017**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on September 28, 2017 to consider an application from Wisconsin Owner, LLC (“Applicant”) for review and approval of a consolidated planned unit development (“PUD”) and related amendment to the Zoning Map from the MU-4 zone to the MU-7 zone (together, “Application”). The Commission considered the Application pursuant to Title 11 of the District of Columbia Municipal Regulations (“Zoning Regulations”), Subtitles X and Z. The public hearing was conducted in accordance with the provisions of Chapter 4 of Subtitle Z of the Zoning Regulations. For the reasons stated below, the Commission hereby **APPROVES** the Application.

**FINDINGS OF FACT**

**Application, Parties, and Hearing**

1. The property that is the subject of the Application consists of Lots 45 and 49 in Square 1732 (“Property”) and is located at 4620-4624 Wisconsin Avenue, N.W. (Exhibit [“Ex.”] 2.)
2. On November 21, 2016, the Applicant filed an application for consolidated review and approval of a PUD and related Zoning Map amendment from the MU-4 zone to the MU-7 zone. (Ex. 2)
3. During its public meeting on March 13, 2017, the Commission unanimously voted to set down the Application for a public hearing. Notice of the public hearing was published in the *D.C. Register* on August 11, 2017, in Volume 64, Issue 32, and was mailed to Advisory Neighborhood Commission (“ANC”) 3E, the ANC district in which the property is located, and to owners of property within 200 feet of the Property. (Ex. 20, 22,)
4. On August 15, 2017, the Applicant caused notice of the Public Hearing to be posted at the Property and on September 25, 2017, the Applicant filed an affidavit describing the maintenance of such posted notice. (Ex. 25, 36.)
5. The Application was further updated by pre-hearing submissions filed on June 27, 2017, August 21, 2017, and September 8, 2017. (Ex. 17, 28, 29, 30).
6. A public hearing was conducted on September 28, 2017. The Applicant provided testimony from Laurence Caudle of Hickok Cole Architects, Jami Milanovich of Wells + Associates, and Brook Katzen of Urban Investment Partners.

7. In addition to the Applicant, ANC 3E was automatically a party in this proceeding and submitted a report and testimony in support of the Application. (Ex. 34, 35, 48.) The following party status requests were received:
  - a. Revive 3E and Ward 3 Vision submitted requests for party status in support of the application. (Ex. 9, 12.) At the public hearing, the Commission approved Ward 3 Vision as a party in support, but denied Revive 3E’s request because it had failed to appear at the public hearing. Ward 3 Vision provided testimony in support of the project at the public hearing along with other organizations and persons in support of the application (collectively “Proponents”). (Ex. 37, 38, 39, 41, 44, 45, 46.) The Proponents included two neighbors who live within the same block as the Project; and (Ex. 39, 45.)
  - b. Tenleytown Neighborhood Association (“TNA”) and Bruce Lowrey (“Lowrey”) submitted requests for party status in opposition. (Ex. 10, 13, 27 (TNA); Ex. 14, 15, 19, 24 (Lowrey).) TNA, established in 1995, is a group of approximately 80 residents, primarily owners of single family and semi-detached homes in Tenleytown, with some members working within a block and some living within two blocks of the Project site. At its public meeting on July 24, 2017, the Commission approved TNA as a party in opposition. At its public meeting on September 11, 2017, the Commission approved Lowrey as a party in opposition. Lowrey later withdrew his party status in opposition and indicated that he had no objections to the Project. (Ex. 40.) TNA provided testimony in opposition to the project at the public hearing along with other persons in opposition to the application (collectively “Opponents”). (Ex. 49, 50 (TNA); Ex. 32, 51, 54.) The Opponents raised concerns regarding the consistency of the application with the Comprehensive Plan, the sufficiency of the amenities package, and the transportation impacts of the Project. These concerns are enumerated and addressed in detail throughout this Order.
8. At the close of the hearing, the Commission asked the Applicant to address certain aspects of the north façade design and design flexibility conditions related to exterior design. The Applicant addressed those issues and concerns in a post-hearing submission dated October 12, 2017. (Ex. 55).
9. At its October 30, 2017 public meeting, the Commission took proposed action to approve the Applicant’s proposed project. The Commission also requested that the Applicant provide additional information for the record summarizing and supporting information presented at the public hearing by the Applicant, the Office of Planning (“OP”), and the parties in support that related to the Future Land Use Map and provisions of the Rock Creek West Area Element, specifically regarding development along the Wisconsin Avenue corridor. (Transcript of Commission Meeting of October 30, 2017 at 39-40.)
10. On November 13, 2017, the Applicant submitted its supplemental posthearing submission, which further argued how the height and density of the proposed project was not inconsistent with the guidance, goals, and policies of the Comprehensive Plan –

including, in particular, the Future Land Use Map and the Rock Creek West Area Element. (Ex. 58, 58A.)

11. On November 20, 2017, TNA submitted its supplemental posthearing submission in response to the Commission’s request that the Applicant further address the proposed project’s consistency with the Comprehensive Plan and the Rock Creek West Area Element, and to counter the Applicant’s supplemental posthearing submission discussed above. (Ex. 61.)
12. On November 27, 2017, the Commission referred Applicant’s proposed project to the National Capital Planning Commission (“NCPC”) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code Section 1-201 et seq. (Ex. 62.)
13. By letter dated December 27, 2017, NCPC’s Director of Urban Design and Plan Review stated that NCPC staff had determined that the project is exempt from NCPC review, pursuant to NCPC’s submission guidelines. (Ex. 63.)
14. On January 29, 2018, the Commission took final action to approve the Applicant’s proposed project.

#### **Overview of the PUD Site**

15. The Property consists of approximately 23,741 square feet of land area and consists of properties known as 4620-4624 Wisconsin Avenue, N.W., located mid-block on the 4600 block of Wisconsin Avenue in Ward 3. (Ex. 2)
16. The Property is located in the MU-4 zone. Property to the north, south, and east is also located in the MU-4 zone, although the parcel immediately to the south was rezoned to the MU-7 zone through a PUD approved in Z.C. Order No. 10-23. (Ex. 2)
17. Property further to the south is located in the MU-7 zone. Property to the west, across the alley, is located in the R-2 zone. (Ex. 2.)
18. The Property is located approximately two blocks north of the Tenleytown-American University Metrorail station. (Ex. 2.)
19. The Future Land Use Map of the Comprehensive Plan designates the Property in the Mixed-Use Medium-Density Residential/Moderate-Density Commercial Land Use category. The Generalized Policy Map of the Plan designates the Property as a Main Street Mixed-Use Corridor. (Ex. 2.)

**Project Description**

20. The Applicant will adaptively reuse and expand an existing building on the Property into a new mixed-use development with ground-floor retail uses and approximately 146 residential units (“Project”). (Ex. 2, 17, 30.)
21. The architectural design, height, and mass of the eight-story Project is consistent with and sensitive to the surrounding context.
- a. Overall, the Project uses a combination of high-quality materials and architectural design details and features to adaptively reuse and expand the existing building at 4620 Wisconsin Avenue into an attractive, exemplary new building;
  - b. Along Wisconsin Avenue, the architectural design includes a more pedestrian-friendly streetscape as well as a deliberate stepping of the façade to match the change in grade from south to north;
  - c. Along the rear of the Property, the Applicant has set back and stepped down the mass and scale of the building to appropriately transition the Project’s mass into the neighborhood properties to the rear. The overall mass is set back from the public alley, and then steps further back at the second and again at the fifth floor. In addition, the northern wing maintains an alignment along Wisconsin Avenue and is therefore set further back from the alley and residential neighborhood to the west;
  - d. Overall, the Project meets or exceeds the rear yard and lot occupancy limitations for the proposed MU-7 Zone except at the ground floor, where the Applicant has proposed a minor encroachment, based on the footprint of the existing structure to be retained, in order to create additional residential units along the rear of the Project that will incorporate windows to articulate and soften the building appearance. The Project will occupy approximately 90% of the lot on the ground level, but will step back to occupy 66% at the second floor, 62% at the fifth floor, and 57% at the 8<sup>th</sup> floor; and
  - e. The initial application included a 20-foot-tall occupiable penthouse above the roof of the Project. In response to community comments, the Applicant later removed the penthouse story from the Project to lower the building height.
- (Ex. 2, 17, 30.)
22. All parking and loading for the Project will be accessed from the public alley adjacent to the west side of the Property. The Project will include approximately 58 vehicular

parking spaces and approximately 82<sup>1</sup> long-term bicycle parking spaces within the garage, as well as 10 short term bicycle parking spaces located in the streetscape along Wisconsin Avenue. (Ex. 2, 17, 30.)

23. In total, the Project will feature approximately 135,942 square feet of total gross floor area, with 10,984 square feet for retail use and 146 residential units with a total residential gross floor area of approximately 117,527 square feet. The residential units include a mix of studio, one-bedroom, and two-bedroom apartments. (Ex. 30A.)
24. The Applicant will set aside 10% of the residential gross floor area, or approximately 11,753 square feet of gross floor area, as affordable housing at 60% of Median Family Income (“MFI”). (Ex. 30A.)
25. The Project will be constructed to a FAR of approximately 5.73 and a height of approximately 88-feet, four inches. (Ex. 30A.)

### **Zoning Map Amendment**

26. The MU-4 zone permits a maximum height of 50 feet as a matter of right, a maximum density of 2.5 floor area ratio (“FAR”) as a matter of right (3.0 FAR for residential developments that trigger inclusionary zoning), and a maximum lot occupancy for the residential portions of the development of 60% as a matter of right (75% for residential developments that trigger inclusionary zoning).
27. The Applicant requested a PUD-related amendment to the Zoning Map to the MU-7 zone to permit the Project to achieve the requested mix of uses, height, and density. For a residential development that triggers inclusionary zoning, the maximum height permitted in the MU-7 zone under the PUD guidelines is 90 feet, the maximum density under the PUD guidelines is 5.76 FAR, and the maximum lot occupancy for the residential portions of the Project is 80%.

### **PUD Flexibility**

28. The Applicant requested approval to construct a building to a maximum height of 88-feet, four inches and density of 5.73 FAR, which are within the PUD standards set forth in Subtitle X, Chapter 3 for a PUD in the MU-7 zone. The Applicant also requested flexibility from the rear yard and lot occupancy requirements to accommodate the ground-floor level of residential units within the Project, and flexibility from the penthouse structure uniform height requirements, as outlined in the OP Final Report and detailed in the Applicant’s written submissions and testimony at the public hearing. (Ex. 30, 30A, 33.)

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<sup>1</sup> The number of long-term bicycle spaces was increased to 82; however, the zoning data sheet included in Ex. 30A1 does not reflect this increase since it was not updated after the increase in spaces was made.

**Project Amenities, Public Benefits, and Sufficiency of the Amenities Package**

29. As detailed in the Applicant’s testimony and written submissions, the proposed Project will implement the following project amenities and public benefits:
- a. Superior Urban Design and Architecture. The Project exhibits many characteristics of exemplary urban design. Specific features include the use of a variety of public spaces, well-designed sidewalks with street trees and active storefronts along Wisconsin Avenue, massing that is shaped to flow within the existing density of the surrounding properties, and well-located and carefully designed parking garages and loading zones for the Project;
  - b. Creation and Preservation of Open Spaces. The Applicant will close a one-way street segment of Brandywine Street between 42<sup>nd</sup> Street and River Road, located one block from the Project, and construct a new park on this closed section. The Applicant will ensure the maintenance of the new park for the life of the Project;
  - c. Site Planning and Efficient and Economical Land Utilization. The Property is currently underutilized and fails to fully capitalize on its prominent Wisconsin Avenue location. The Property currently contains commercial office buildings and accessory parking in a design that discourages pedestrian activity. The proposed Project has been designed to provide residents, customers, employees, and visitors with open and inviting public and private spaces for entertainment and relaxation. The proposed Project will transform an underutilized and dated site into an attractive 21<sup>st</sup>-century mixed-use development;
  - d. Housing. The Project will create approximately 146 new residential units in a zone where no residential use is required. The proposed Project will provide 117,527 square feet of gross floor area of residential use, which is over 50,000 more square feet of housing than would be provided as a matter of right at the Property;
  - e. Affordable Housing. The Applicant will provide 10% of the gross residential area in the proposed building for affordable dwelling units at 60% of the MFI. This will result in approximately 11,753 square feet of affordable housing, which is a significant commitment in itself and exceeds the baseline requirement by over 2,000 square feet. Also, at least one affordable unit will be a two-bedroom unit. The commitment is particularly significant because a matter-of-right redevelopment of the property under the existing MU-4 zoning would yield only 2,500 square feet of affordable housing. This is because the bulk of the development would be a conversion of an existing office building, which is exempt from inclusionary zoning;
  - f. Environmental and Sustainable Benefits. The Applicant shall achieve a minimum of Gold certification under the LEED-2009 rating system. The Project shall also

integrate other sustainable design features, including solar panels as a renewable energy source on the roof of the Project. The Project shall also include five electric vehicle charging stations in the parking garage, with conduit to accommodate an additional five future charging stations;

- g. Streetscape Plans. The existing streetscape lacks pedestrian activity and attractive landscaping that would otherwise enliven the sidewalks. The Applicant proposes streetscape improvements that will better integrate the retail spaces with the adjacent public space, therefore enhancing the pedestrian experience. Specific improvements include new street trees and other plantings to create more defined, attractive pedestrian access. As part of the streetscape enhancement, the Applicant will underground the utility lines along Wisconsin Avenue in front of the Property; and
- h. Uses of Special Value
  - i. Chesapeake House. The Applicant will renovate the Chesapeake House, a historic but vacant structure owned by the National Park Service (“NPS”) and located across the street from the Property, to a “warm, lit shell” condition. The renovated structure will then be used as a community-serving space and provide a historic, attractive addition to the neighborhood. To facilitate the proposed use, the Applicant has also and will continue to facilitate discussions with ANC 3E, NPS, and other stakeholders regarding the use of Chesapeake House; and
  - ii. Restaurant and Other Retail Commitments. In response to community feedback, the Applicant has committed to reserving a minimum of 3,500 square feet of retail space for a full-service restaurant. Additionally, the Applicant has committed to restricting certain retail and service uses from the Project even though these uses are permitted in the MU-7 zone, unless ANC 3E specifically approves the proposed use.

(Ex. 2, 17, 30.)

### Government Agency Reports

- 30. By report dated September 18, 2017 and by testimony at the public hearing, OP recommended approval of the application and concluded that the Applicant had addressed previous concerns raised by OP and the Commission, including traffic impacts, building height, affordable housing, sustainable design features, architectural design, and additional renderings. OP concluded that the proposed PUD and related rezoning was not inconsistent with the Comprehensive Plan as a whole, including the Future Land Use Map, the Generalized Policy Map, and the Citywide and Area Elements. OP evaluated the PUD and related rezoning under the evaluation standards set forth in Subtitle X, Chapter 3 of the Zoning Regulations and concluded that the Project’s benefits and

amenities were appropriate given the size and nature of the PUD and related requests for rezoning and flexibility. (Ex. 33.)

31. By report dated September 13, 2017 and by testimony at the public hearing, DDOT expressed no objection to the PUD. DDOT found that the Project would have minimal impact on the existing roadway network and concluded that the proposed amount of vehicle and bicycle parking was sufficient given the Project’s location and other features. DDOT expressed support for the proposed closure of Brandywine Street, subject to further design revisions that would be coordinated during the public space permitting process. DDOT also noted that it would work with the Applicant on other streetscape design details through the public space permitting process. (Ex. 31.)
32. In a resolution submitted on September 21, 2017, ANC 3E stated that at a regularly-scheduled and duly-noted public meeting on September 19, 2017, with a quorum present, ANC 3E voted to support the proposed PUD and related rezoning, in reliance on a comprehensive Memorandum of Understanding (“MOU”) between the Applicant and ANC 3E regarding the proposed public benefits and project mitigation measures offered by the Applicant, and requested inclusion of the terms of the MOU as conditions of this Order. The substantive terms of the MOU are incorporated as conditions of this Order. The resolution stated that the height and density sought were appropriate given that the Project included sufficient amenities and mitigations. The resolution further stated that the ANC was concerned about the potential for traffic increases and parking shortages as a result of the Project, but that the Project would result in a decrease in traffic relative to the existing buildings it would replace, that the Project included more parking spaces than is required, and that the Applicant’s proposed traffic, parking and loading mitigations were, taken together with the project’s amenities, were “exemplary.” (Ex. 34, 35.)

### **Compliance with the PUD Regulations and Contested Issues**

33. In evaluating a PUD application, the Commission must “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” (11 DCMR X § 304.3.) The Commission finds that the development incentives for height, density, flexibility, and related rezoning to the MU-7 zone are appropriate and fully justified by the additional public benefits and project amenities proffered by the Applicant. The Commission finds that the Applicant has satisfied its burden of proof under the Zoning Regulations regarding the requested flexibility from the Zoning Regulations and satisfaction of the PUD standards and guidelines as set forth in the Applicant’s statements and the OP report.
34. The Commission finds that the character, scale, mix of uses, and design of the Project are appropriate, and finds that the site plan is not inconsistent with the Comprehensive Plan and does not result in unacceptable project impacts on the surrounding area.



Sufficiency of the Amenities Package

35. The Commission credits the testimony of the Applicant and its architectural expert as well as OP, DDOT, ANC 3E, and the Proponents regarding the proposed benefits and amenities, and finds that the superior architectural design, site planning, housing and affordable housing, sustainable design, and uses of special value of the Project all constitute acceptable project amenities and public benefits.
36. The Opponents alleged generally that the proposed public benefits were insufficient. Contrary to the assertion of the Opponents, the Commission is persuaded that the proposed public benefits are meaningful commitments that will satisfy District and neighborhood desires and priorities, as evidenced by the OP Report, ANC 3E Report, the letter from the Coalition for Smarter Growth regarding the dearth of affordable housing west of Rock Creek Park, the DDOT Report regarding the proposed closure of Brandywine Street, and the letter from NPS regarding the proposed improvements to the Chesapeake House. The opponents made the following allegations about the public benefits: (Ex. 2H, 30, 31, 33, 34, 41.)
- a. The Opponents alleged that the proposed housing was not a significant public benefit because of the predominant unit types within the Project. The Opponents conceded that the proposed amount of housing exceeded the matter-of-right amount of housing that could be constructed, which by definition meets the test under the Zoning Regulations for housing to qualify as a benefit. Contrary to the Opponents' assertion that the Project's emphasis on studios and one-bedroom units was somehow less of a benefit than other unit types, the Zoning Regulations do not discredit or undervalue certain types of housing;
  - b. The Opponents alleged that the architectural design of the Project did not constitute superior design. The Commission disagrees. For the reasons set forth elsewhere in this Order, the Commission finds that the Project utilized a number of well-recognized architectural design approaches to mitigate the apparent height and scale of the Project to fit within its context;
  - c. The Opponents allege that the recognition of the proposed Chesapeake House benefit is unwarranted because of a lack of binding agreement or plan. To the contrary, the Commission credits not only the letter from NPS acknowledging the benefit but also the testimony of the Applicant as well as ANC 3E that substantial discussions have occurred regarding the proffer. Furthermore, the Applicant testified that it has already invested substantial time and resources in moving forward with the renovation through existing agreements with NPS, meaning that the proposed benefit is more than just "wishful thinking." (*See Foggy Bottom Association v. D.C. Zoning Comm'n*, 979 A.2d 1160, 1171-73 (2009) (concluding that proffered historic district, streetscape plans, and retail corridor were properly valued as amenities based on evidence of negotiations and discussions with affected agencies)); and

- d. The Opponents claimed that the proposed Brandywine Street closure should not count as a public benefit because it was proximate to and would enhance the value of another property owned by an affiliate of the Applicant. The Commission concludes that the proposed Brandywine Street closure, which was identified in a DDOT planning study, recommended by ANC 3E, and supported by the Proponents, constitutes substantial evidence that the closure is considered to be a public benefit. For similar reasons, the Commission concludes that the proffered restaurant use is a public benefit, since it was provided in response to a direct request by ANC 3E and is supported by the Proponents.
37. The Commission finds that the Project is acceptable in all proffered categories of public benefits and project amenities, and is superior in public benefits and project amenities relating to exemplary design, site planning, housing and affordable housing, sustainable design, and uses of special value. The Commission credits the testimony of OP, ANC 3E, and the Proponents that the benefits and amenities are of substantial value to the community and the District commensurate with the additional density and height sought through the PUD.

#### Consistency with the Comprehensive Plan

38. The Commission credits the testimony of the Applicant, OP, ANC 3E, and the Proponents regarding the consistency of the Project with the Comprehensive Plan, and concludes that the PUD and related rezoning is not inconsistent with the Plan. The Opponents challenged the consistency of the proposed PUD and Zoning Map Amendment with the Future Land Use Map and certain goals and policies of Comprehensive Plan. The Applicant, OP, ANC 3E, and the Proponents provided testimony and evidence rebutting each allegation of inconsistency. Based on the substantial evidence in the record, the Commission concludes that the proposed PUD and Map Amendment is not inconsistent with the Comprehensive Plan, for the reasons described in detail below.
39. Broadly, the Commission finds that the proposed Map Amendment to the MU-7 zone is not inconsistent with the Comprehensive Plan or the character of the surrounding area. The proposed MU-7 zoning is consistent with the Property's transit-oriented location on the Wisconsin Avenue corridor proximate to the Tenleytown Metrorail Station. The rezoning will also facilitate the redevelopment of a strategic but underutilized commercial site with a pedestrian-oriented development with substantial amounts of housing. Finally, the rezoning is part of a PUD application, which allows the Commission to review the design, site planning, and provision of public benefits and amenities against the requested zoning flexibility.
40. The proposed PUD and related rezoning to the MU-7 zone is not inconsistent with the Property's designation as Mixed-Use Medium-Density Residential/Moderate-Density Commercial land use category on the Future Land Use Map given the language in the Plan as well as the description of the MU-7 zone in the Zoning Regulations as follows: (Ex. 2, 30, 33.)

- a. The C-3-A Zone District, which is the predecessor to the MU-7 zone, is expressly listed as a zone that is consistent with the Moderate-Density Commercial land use designation of the Property on the Future Land Use Map in the Plan’s Framework Element; (10A DCMR § 225.9.)
- b. The MU-7 zone is described in the Zoning Regulations as a zone intended for medium-density mixed-use development located on arterial streets, in uptown centers, and at rapid transit stops, and it is therefore entirely appropriate for the Property given its land use designation in the Plan; and (11-G DCMR § 400.6.)
- c. The Mixed-Use designation of the Property indicates a desire to encourage the development of “substantial amounts of housing,” which further supports rezoning to the MU-7 zone. (10A DCMR 225.18). So, too, do other elements of the Plan, including in particular provisions of the Rock Creek West Element that identify the Property as an opportunity area for new housing. (10A DCMR §§ 2312.4, 2314.5; RCW-1.1.4; RCW-1.1.6).

(See Wisconsin-Newark Neighborhood Coalition v. D.C. Zoning Comm’n, 33 A.3d 382, 395-396 (2011) (concluding that rezoning was not inconsistent given language in the Plan and description of the proposed zone).)

41. The proposed PUD and rezoning is not inconsistent with the Property’s designation as a Main Street Mixed-Use Corridor on the Generalized Policy Map. Specifically, the Project will support transit use and enhance the pedestrian experience along Wisconsin Avenue, which furthers the goals for Main Street Mixed-Use Corridors. (Ex. 2, 30, 33.)
42. The proposed PUD and rezoning is not inconsistent with the Land Use Element of the Plan. The Land Use Element calls for denser development on commercially-zoned properties along transit-oriented corridors and near Metrorail stations. The Land Use Element notes that height, mass, and scale of development should be appropriate and compatible with surrounding areas and not unreasonably impact surrounding residential areas. The Project is also consistent with many of the Plan’s major elements, including the Housing, Transportation, Urban Design, and Economic Development element. It will deliver housing and affordable housing as well as improved neighborhood-serving retail within an enhanced pedestrian-focused environment. (Ex. 2, 30, 33.)
43. The Project will not conflict with the policies of the Rock Creek West Area Element. The PUD will promote provisions of the RCW Element that call for infill development of underutilized commercially zoned sites along Wisconsin Avenue. The Project has also been sensitively designed to incorporate setbacks, materials, and architectural design features that transition from the Wisconsin Avenue corridor to the nearby residential neighborhoods. (Ex. 2, 30, 33, 58, 58A.)

44. The Opponents alleged that the proposed eight-story Project was inconsistent with the designation of the Property for Mixed-Use Medium-Density Residential/Moderate-Density Commercial use on the Future Land Use Map, based on language in the Framework Element of the Comprehensive Plan that describes the Medium-Density Residential category as primarily four to seven stories and describes the Moderate-Density Commercial category as up to five stories. The Opponents also alleged that the proposed height and density of the Project is inappropriate and inconsistent with the nearby low-density residential neighborhoods. The Commission finds as follows:
- a. The Framework Element of the Plan describes the Medium-Density Residential category as primarily four- to seven-story buildings and describes the Moderate-Density Commercial category as up to five-story buildings. However, the Framework Element also lays out “interpretation guidelines” for the Future Land Use Map that convey that the typical building heights and densities discussed above describe the “general character” of the area and state that the “granting of density bonuses [through PUDs] may result in heights that exceed the typical ranges cited” in those descriptions. Therefore, these descriptions are general parameters for the overall area and do not require that each building, or even each block, rigidly adhere to their limitations. Rather, heights and densities beyond the ranges may be appropriate when secured through the PUD process. (*See Wisconsin-Newark* at 395-96 (concluding that the Plan does not require each block to “strictly correspond with the general description” and concluding that property is “appropriate for denser development because it was along the Wisconsin Avenue corridor”));
  - b. Here, the proposed eight-story Project will exceed the cited range by just one story, which is appropriate given the use of the PUD process. Moreover, as in *Wisconsin-Newark*, the remainder of the Mixed-Use Medium-Density Residential/Moderate-Density Commercial area will continue to be primarily commercial buildings below five stories in height and mixed-use residential buildings below seven stories in height and therefore consistent with the overall description of the Mixed-Use Medium-Density Residential/Moderate-Density Commercial category;
  - c. Through elevations and contextual drawings, the Applicant also demonstrated that, given changes in topography within the area, the proposed height of the Project was comparable in absolute height to other nearby buildings. (Ex. 30A at A10.) Similarly, the Applicant demonstrated that the height of the Project was mitigated by its relative scale and distance from the nearby residential neighborhoods; (Ex. 30A at A38-A40.)
  - d. For similar reasons, the Commission also concludes that the Project is not inconsistent with the provision in the Rock Creek West Element (10A DCMR § 2312.6) that calls for an “emphasis” on low- to mid-rise buildings rather than high-rise towers; and

- e. This application is distinct from *Durant v. D.C. Zoning Comm’n*, 139 A.3d 880 (2016) (“Durant III”). In *Durant III*, the Court concluded that a proposed rezoning was inconsistent with the Property’s land use designation on the Future Land Use Map. However, in that case the proposed zone, height, and density was not specifically listed as one consistent with the applicable land use designations; rather, the Commission had relied heavily on the suggestion that certain zoning “may also apply.” (*Id.* at 884.) Here, the Project is within the height and density parameters for a PUD in the MU-7 zone, and that zone is specifically listed as consistent with the Moderate-Density Commercial land use category.
45. The Opponents alleged that the proposed Map Amendment to the MU-7 zone was inconsistent with the Comprehensive Plan, based on the Commission’s 1988 order (Z.C. Order No. 530), which downzoned the Property from the C-3-A Zone District to the C-2-A Zone District after finding that the C-3-A Zone District (now the MU-7 zone) was inconsistent with the Comprehensive Plan. The Commission is not persuaded by Opponents’ argument. The 1989 downzoning was based on the provisions of the Comprehensive Plan that were in effect at that time. The Comprehensive Plan has since been amended and supplemented many times, culminating in the adoption of a new Comprehensive Plan in 2006. The changes to and language within the 2006 Comprehensive Plan individually and collectively provide ample basis to conclude that the proposed Map Amendment is appropriate. (*See Wisconsin-Newark* at 394-395 (concluding similarly that the 2006 Comprehensive Plan provided “sound reason” for the Commission to change its position from the earlier 1989 downzoning along Wisconsin Avenue).) For these reasons, the Commission is not persuaded by TNA’s assertion articulated in its supplemental post-hearing submission that the Applicant need demonstrate “significant changed circumstances.” (Ex. 61.) The Applicant has satisfied its burden and the Commission finds that the proposed Map Amendment to the MU-7 zone is justified.
46. The Opponents alleged that the proposed Project was inconsistent with provisions of the Rock Creek West Element that call for the conservation of and transition to low density neighborhoods. (10A DCMR §§ 2308.2, 2312.6, and 2312.12; RCW-2.2.5.) The Opponents also alleged that the proposed Project does not qualify as “‘sensitive architecture’ as envisioned in the Comprehensive Plan.” (Ex. 61.) The Commission disagrees, and finds as follows that the Project respects and furthers these provisions of the RCW Element, including the provisions cited by the Opponents:
- a. Policy RCW-2.2.5 envisions a number of means to ensure compatibility between the Wisconsin Avenue commercial corridor and the nearby residential neighborhood, including architectural design, stepping down of building heights, landscaping, and other improvements. As the Applicant’s architectural expert testified at the hearing, the Project uses a combination of architectural design elements (such as a simple, compatible design, articulation through windows, and a lack of exterior features such as balconies) combined with setbacks and

stepdowns to achieve the goals of this Policy for architectural sensitivity. Accordingly, the Project is appropriately scaled given its separation from nearby residential structures due to the public alley and lot depths of the residences themselves; and

- b. The Project also specifically furthers many provisions and policies of the RCW Element that call for the adaptive reuse and redevelopment of underutilized commercially-zoned sites along this stretch of Wisconsin Avenue with new retail and housing. (10A DCMR §§ 2312.4, 2312.5, 2312.6; RCW-1.1.4; RCW-1.1.6; Action RCW-2.2C.) The Project will also further other goals of these policies, such as upgraded streetscape, improved walkability, and reduced traffic and parking impacts. Many of these provisions also call for scale, height, buffering, and transition to the adjacent neighborhoods. For the reasons articulated above, the Project achieves these goals, both in themselves and on balance with the other provisions of the Plan, including the RCW Element, that specifically advocate for the development of the Property as proposed by the Applicant.
47. Finally, the proposed housing provided by the Project does further the goals and policies of the Plan regarding housing, and it is not inconsistent with Section H-1.3.1, as Opponents alleged, which promotes housing for families as a goal of the Plan. Both the Applicant and Proponents testified that the surrounding neighborhoods around the Project have an abundance of family-style housing, but lack rental apartment housing for smaller households. The Commission finds that the Project will deliver a housing type that is currently undersupplied in the neighborhood – studios and one-bedroom units – and therefore meets the overall goal of Section H-1.3 of the Plan, which is to ensure a diversity of housing type that meets the “wide spectrum” of housing needs. (10A DCMR §§ 505.3, 505.4.)

#### Project Impacts

48. The Commission credits testimony from OP, DDOT, ANC 3E, and the Proponents that the impact of the PUD on the surrounding neighborhood, infrastructure, and levels of service will not be unacceptable.
49. The Commission credits the testimony of the Applicant’s traffic consultant and DDOT and finds that the traffic, parking, and other transportation impacts of the Project on the surrounding area are capable of being mitigated through the measures proposed by the Applicant and are acceptable given the quality of public benefits of the PUD as follows:
- a. The Project is located proximate to the Tenleytown Metrorail Station as well as multiple bus lines that serve the Wisconsin Avenue corridor, a well-connected urban network of pedestrian sidewalks and paths, and a connected network of arterial, collector, and local streets; (Ex. 2, 17B, 28A.)
  - b. The Applicant’s traffic expert submitted a detailed comprehensive transportation review (“CTR”) that concluded that the proposed Project, including the proposed

closure of Brandywine Street, would not generate an adverse traffic impact on the surrounding roadway network or cause objectionable impacts to the surrounding neighborhood due to traffic or parking impacts. The Applicant's traffic expert also concluded that the number of parking and loading spaces, as well as the location of parking and loading access from the public alley, would accommodate the needs of the Project and not generate adverse or objectionable impacts on neighborhood property; and (Ex. 17B, 28A.)

- c. DDOT submitted a report recommending approval of the Project. DDOT concurred with the scope, methodology, and findings of the Applicant's CTR and agreed that the Project would have minimal impact on the surrounding roadway network. DDOT supported the Project's proposed vehicle parking, bicycle parking, and loading, as well as the Applicant's proposed transportation demand management ("TDM") and loading management plan ("LMP") measures. (Ex. 31.)
50. The Opponents alleged that the use of the public alley for parking and loading access was inappropriate. DDOT and the Applicant's traffic expert both testified that public alleys are intended to be used for vehicular access; District policy mandates the use of public alleys for parking and loading access when available, and DDOT and the Applicant demonstrated that the Project's parking and loading access was otherwise appropriate.
51. The Opponents alleged that the Project would burden area parking and in particular residents who use the residential permit parking ("RPP") program. The Applicant's traffic expert and DDOT both testified that the amount of parking within the Project exceeded the minimum requirements and was otherwise appropriate given the Property's transit-oriented location. The Property is excluded from the RPP program because it is located on a block that is commercially-zoned and specifically listed as not eligible for RPP.<sup>2</sup> Furthermore, since the Property is a mid-block lot, it is unable to claim an address or frontage on a side street that could be eligible for RPP. Finally, at the request of ANC 3E, the Applicant agreed to restrict residents of the Project from participating in the RPP program and enforce this prohibition through a lease provision or similar mechanism.
52. The Opponents alleged that the Project's LMP would be insufficient to address adverse impacts from truck traffic. The Applicant's traffic expert demonstrated, however, that the LMP would actually improve and enhance existing protections for the surrounding residential neighborhoods. While truck traffic is only prohibited on some surrounding residential streets, the Applicant would direct service and delivery traffic to avoid all residential streets and instead enter and exit the block via Wisconsin Avenue. The Applicant's proposed dock manager would also be responsible for enforcing compliance with the LMP, including designated truck routes.
53. The Opponents alleged that the proposed streetscape improvements on Wisconsin Avenue in front of the Project could impede accessibility to the Project. To the contrary,

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<sup>2</sup> This distinguishes the Property from the other examples cited by the Opponents. (See Ex. 51.)

the Applicant's architectural expert demonstrated that the streetscape improvements would ensure and improve accessibility to both the residential and retail entrances.

54. The Opponents alleged that the Applicant's proposed implementation of the Brandywine Street closure would cause adverse and unsafe conditions. On rebuttal, the Applicant's traffic expert demonstrated that, to the contrary, the existing street creates unsafe conditions and the proposed changes would improve pedestrian and vehicular safety.
55. Based on the foregoing, the Commission concludes that the Project will not cause unacceptable impacts on vehicular or pedestrian traffic, as demonstrated by the testimony and reports provided by the Applicant's traffic expert and DDOT. The traffic, parking, and other transportation impacts of the Project on the surrounding area are capable of being mitigated through the measures proposed by the Applicant and are acceptable given the quality of the public benefits of the PUD.
56. The Opponents alleged that the Project would generate shadows and otherwise "loom" over the surrounding residential neighborhood. The Applicant's architectural expert submitted shadow studies that demonstrated the proposed Project would cast minimal additional shadow compared to a matter of right project and, further, the shadow impact would be limited to the immediate block on the west and street and open space on the east. (Ex. 30A at A27-A28.) None of the individuals impacted by this shadow spoke in opposition to the Project and in fact one such resident submitted a letter in support. Similarly, the Applicant's architectural expert submitted view studies that demonstrated the Project would not visually intrude into the surrounding neighborhood and would in fact appear no taller than other nearby buildings along Wisconsin Avenue. (Ex. 30A at A10, A38-A40.)
57. The Opponents alleged that the Project's lot occupancy would further weaken opportunities for transition from commercial to residential land uses by reducing space for landscaping and screening and other green space improvements. For the reasons discussed above in Factual Finding No. 46, the Commission is not persuaded that the Project's lot occupancy will have such an adverse impact.
58. Based on the foregoing evidence, the Commission concludes that the Project will not impose unacceptable adverse shadow or visual impacts on the surrounding neighborhood.

#### Other Alleged Errors and Inconsistencies

59. The Opponents raised allegations of error regarding the compliance of the Project with the inclusionary zoning requirements. The Applicant's initial commitment exceeded the minimum inclusionary zoning requirement in effect at the time of the application.<sup>3</sup> After

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<sup>3</sup> The Applicant's initial proffer was eight percent of the residential gross floor area, with 50% of the units at 80% MFI and 50% of the units at 50%, which represented a lower MFI than otherwise required. The number stated in the initial application represented the net, rather than gross, area of affordable housing, but the Applicant's initial submission clearly demonstrates consistency with the eight percent requirement. (Ex. 2 at 14.)



the inclusionary zoning requirements changed, the Applicant revised its proffer to align with and exceed the new minimum requirements, with a commitment to set aside 10% of the residential gross floor area, or 11,753 square feet of gross floor area, which clearly exceeds the minimum requirement of 9,496 square feet.<sup>4</sup> The Applicant's commitment is clearly stated, and the proffered 11,753 square feet as shown on the Plans corresponds to this commitment. (Ex. 30A at A25-A26.) Moreover, the Applicant conveyed that the proffer would result in 15 affordable housing units, which similarly represents 10% of the 146 units in the Project.

### CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the purpose of the PUD process is “to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) Results in a project superior to what would result from the matter-of-right standards; (b) Offers a commendable number or quality of meaningful public benefits; and (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.” (11-X DCMR § 300.1.) The PUD process is intended to “provid[e] for greater flexibility in planning and design than may be possible under conventional zoning procedures, [but] the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.” (11-X DCMR § 300.2.)
2. Under the PUD process, the Commission has the authority to consider this application as a consolidated PUD. (11-X DCMR § 302.1.) The Commission may impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking loading, yards, and courts. (11-X DCMR §§ 300.6, 303.1, 303.11.)
3. The Commission concludes (i) the application satisfies the PUD application requirements and (ii) the Applicant, Office of Zoning, OP, and the Commission have satisfied the applicable procedural requirements, including the applicable notice requirements of the Zoning Regulations.
4. The minimum area included within a proposed PUD must be no less than 15,000 square feet and all such area must be contiguous. (11-X DCMR § 301.) The Application satisfies these minimum area and contiguity requirements.
5. The development of the Project will implement the purposes of Subtitle X, Chapter 3 of the Zoning Regulations to encourage higher quality development through flexibility in building controls, including height and density, for superior projects that exceed matter-of-right standards. Here, the height, character, scale, mix of uses, and design of the proposed PUD are appropriate, and the proposed construction results in an attractive

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<sup>4</sup> Contrary to the assertion of the Opponents, the Applicant did correctly state the requirement in its Supplemental Submission. (Ex. 30 at page 2.)

mixed-use building that capitalizes on the Property's transit-oriented location and exceeds the quality of what would be developed as a matter of right.

6. The Applicant seeks a PUD-related zoning map amendment to the MU-7 zone, height and density bonuses permitted for the MU-7 zone under a PUD, and flexibility from the rear yard, lot occupancy, and penthouse height requirements, which is permitted under the Zoning Regulations. (11-X DCMR §§ 300.4, 303.1.) The Commission has judged, balanced, and reconciled the relative value of the project amenities and public benefits offered, the degree of development incentives requested (including the proposed map amendment), and any potential adverse effects, and concludes the approval of the PUD is warranted for the reasons detailed herein.
7. The PUD is within the applicable height and bulk standards of the Zoning Regulations. The proposed height, density, and other PUD-related flexibility will not cause an adverse effect on nearby properties, is consistent with the height and bulk of surrounding and nearby properties, and will create a more appropriate and efficient utilization of land at a significant transit-oriented location. The mix of residential and retail uses are also appropriate for the site's location.
8. The impact of the Project on the surrounding area and the operation of city services is not unacceptable. The Commission concludes that the Project will not create adverse traffic, parking, or pedestrian impacts on the surrounding community. The application will be approved with conditions to ensure that any potential adverse effects on the surrounding area for the Project will be mitigated.
9. The project provides superior features that benefit the surrounding neighborhood to a significantly greater extent than a matter-of-right development on the Property. The Project also offers a commendable number and quality of public benefits, including the urban design and architecture, open spaces, site planning, housing, affordable housing, environmental benefits, streetscape plans, and uses of special value, which are all significant public benefits. The impact of the Project is acceptable given the quality of the public benefits of the Project, and the proposed public benefits are not inconsistent with the Comprehensive Plan.
10. Approval of the PUD and rezoning is not inconsistent with the Comprehensive Plan. The Commission finds that the proposed Project, including its proposed height and density, is consistent with the Property's Mixed-Use Medium-Density Residential/Moderate-Density Commercial designation on the Future Land Use Map and furthers numerous goals and policies in the Land Use, Housing, Economic Development, and other citywide elements and policies as well as policies in the Rock Creek West Area Element.
11. The Commission concludes that the proposed PUD-related Zoning Map amendment for the Property from the MU-4 to the MU-7 zone is not inconsistent with the Comprehensive Plan, including the Property's designation as Mixed-Use Medium-Density Residential/Moderate-Density Commercial on the Future Land Use

- Map, and is appropriate given the superior features of the PUD, the benefits and amenities provided through the PUD, the goals and policies of the Comprehensive Plan, and other District of Columbia policies and objectives.
12. The PUD and rezoning for the Property will promote orderly development of the Property in conformance with the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
  13. The Commission is also required to give great weight to the recommendations of OP. (D.C. Code § 6-623.04; 11-Z DCMR § 405.8.) The Commission has reviewed the OP reports and heard testimony from OP. The Commission gives OP's recommendation to approve the Application great weight, and concurs with OP's conclusions.
  14. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to issues and concerns raised in the affected ANC's written recommendation. Great weight requires the acknowledgement of the ANC as the source of the recommendations and explicit reference to each of the ANC's concerns. The written rationale for the decision must articulate with precision why the ANC does or does not offer persuasive evidence under the circumstances. In this case, ANC 3E submitted a resolution stating that the ANC supported the Project in reliance on the promises the Applicant made to the ANC a signed MOU. The Commission reviewed the MOU and believes the substantive provisions contained therein are appropriate to incorporate as conditions of this Order. The Commission therefore found this advice persuasive, and has incorporated the provisions of the MOU as conditions of this Order. ANC 3E stated concerns about the height and density of the Project, but concluded that the Applicant provided benefits and mitigation sufficient to justify the increased height and density. The Commission agrees with the ANC that the Project benefits were sufficient to justify the increased height and density, and finds the ANC's advice persuasive. ANC 3E also stated concerns about traffic increases and parking shortages, but concluded that the Project would result in a decrease in traffic relative to the existing buildings it would replace, that the Project included more parking spaces than is required, and that the Applicant's proposed traffic, parking and loading mitigations were, taken together with the project's amenities, were "exemplary." The Commission agrees with ANC 3E that the proposed mitigations are sufficient to offset any potential adverse effects of the Project related to traffic, parking and loading, and finds the ANC's advice persuasive.
  15. The Application is subject to compliance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq.

### **DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the Application for

consolidated approval of a PUD and related rezoning from the MU-4 zone to the MU-7 zone for the property consisting of Lots 45 and 49 in Square 1732 (“Property”). This approval is subject to the following guidelines, conditions, and standards of this Order.

**A. Project Development**

1. The project shall be developed in accordance with the plans marked as Exhibit 30A1-30A5, Exhibit 55A, and Exhibit 58A of the record, as modified by the guidelines, conditions, and standards herein (collectively, “Plans”).
2. The Property shall be rezoned from MU-4 to MU-7. Pursuant to 11-X DCMR § 311.4, the change in zoning shall be effective upon the recordation of the covenant discussed in Condition No. D.1.
3. The Project shall include a mixed-use building containing approximately 146 residential units; approximately 10,984 square feet of use devoted to one or more of the following uses: retail; general service; eating and drinking establishments; or entertainment, assembling, and performing arts (“Ground-Floor Uses”); and approximately 58 parking spaces, as shown on the Plans, provided:
  - a. Any kitchen exhaust venting for the Ground-Floor Uses shall be run to the roof of the Project; and
  - b. As agreed to by the Applicant, the following uses shall not be permitted unless approved by ANC 3E through a formal resolution: a sexually-oriented business establishment, a check-cashing establishment, a pawnbroker, a bank, a nightclub, a mattress store, a convenience store such as a 7-Eleven, a professional office, a drug store such as CVS, and any “chain” retail, service, or eating and drinking establishment (a “chain” being defined as a business with either at least 10 stores within the District of Columbia or at least 50 stores nationwide). For the avoidance of doubt, if the approval of one of the foregoing uses otherwise requires a special exception, approval by ANC 3E shall not waive the special exception requirement.
4. The Applicant shall be permitted to construct the Project to a maximum height of 88-feet, four inches and a maximum density of 5.73 FAR and shall have flexibility from the rear yard, lot occupancy, and penthouse uniform height requirements of the Zoning Regulations, as shown on the approved Plans.
5. 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, 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 colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Plans without making changes to the exterior materials;
- c. To make minor refinements to exterior details and dimensions, including without limitation to sills, bases, mullions, coping, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building uses or systems that otherwise do not significantly alter the exterior design as shown on the Plans;
- d. To vary the final number of residential units plus or minus five percent, and accordingly adjust the number and location of affordable units to reflect the final unit mix of the Project, provided that the distribution of affordable units by floor shall remain consistent with the Plans;
- e. To vary the final streetscape design and materials in the public right-of-way, in response to direction received from District public space permitting authorities;
- f. To vary the final landscaping materials of the Project based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, Department of Energy and Environment, Department of Consumer and Regulatory Affairs, or other applicable regulatory bodies;
- g. To vary the final design of the ground-floor retail space frontage as shown on the Plans, including the number, size, design, and location of retail windows and entrances, signage, awnings, canopies, and similar features, to accommodate the needs of the specific retail tenants and storefront design within the parameters set forth in the plans marked as Exhibit 30B of the Record; and
- h. To vary the design of the north façade as shown on the Plans in the event that a structure is built adjacent to the Property that requires windows to be blocked.

**B. Public Benefits**

1. Sustainable Design.
  - a. **Prior to the issuance of the first certificate of occupancy for the Project**, the Applicant shall provide the Zoning Administrator with evidence that the Project is on track to secure LEED-Gold certification or higher from the U.S. Green Building Council under the LEED-2009 rating system. Within 12 months after the issuance of the first certificate of occupancy for the Project, the Applicant shall submit evidence to the Zoning Administrator that it has secured such LEED-Gold certification;
  - b. **For the life of the Project**, the Applicant shall provide solar panels as shown on the Plans; and
  - c. **For the life of the Project**, the Applicant shall provide a minimum of five electric car charging stations within the garage as shown on the Plans.
2. Affordable Housing.
  - a. **For the life of the Project**, the Applicant shall set aside a minimum of 10% of the residential gross floor area of the Project (approximately 11,753 square feet of gross floor area) as Inclusionary Zoning Units in accordance with Subtitle C of the Zoning Regulations for households earning up to 60% of the Median Family Income.
  - b. At least one Inclusionary Zoning Unit shall be a two-bedroom unit.
  - c. The covenant required by D.C. Official Code §§ 6-1041.05(a)(2)(2012 Repl.) shall include a provision or provisions requiring compliance with this Condition.
3. Chesapeake House.
  - a. **Prior to the issuance of the first certificate of occupancy of the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has renovated the Chesapeake House to a “warm, lit shell” condition with a minimally finished interior, ceilings, lighting, plumbing, heating and cooling, electrical outlets, restrooms, and an unfinished floor for use as a community-serving space for residents of ANC 3E (“Work”); and
  - b. **Prior to commencing the Work**, the Applicant shall facilitate discussions among ANC 3E, the National Park Service, and other stakeholders, regarding the use of the Chesapeake House, with the goal of reaching agreement on a use of the House. If a community-serving use acceptable to ANC 3E cannot be agreed upon, then the Applicant shall consult with ANC 3E regarding a substitute amenity, and shall seek modification of the

PUD to substitute said amenity, which shall be of equivalent or better value to the community.

4. Restaurant Use. **For the life of the Project,** the Applicant shall set aside a minimum of 3,500 square feet on the ground floor of the Project for a restaurant, as that term is defined at 11-B DCMR § 100.2.<sup>5</sup>
5. Streetscape Improvements. **Prior to the issuance of the first certificate of occupancy for the Project,** the Applicant shall demonstrate to the Zoning Administrator that it has:
  - a. Constructed the streetscape improvements along the perimeter of the Project as shown on pages L1 to L3 of the Plans. The final design of such improvements shall be subject to the approval of the appropriate District public space permitting authorities;
  - b. Undergrounded the existing above-ground utility lines along Wisconsin Avenue in front of the Property. Undergrounding means the construction of underground vaults; installation of the utility lines presently located above ground on existing utility poles and other appurtenant equipment in those vaults; reconnection of said lines to the Project; and removal of all utility poles, in cooperation with PEPCO and other utility providers using the poles, such as Comcast or RCN; and
  - c. Reached out to the owners of the remaining three lots on the block extending north to Chesapeake Street to seek permission for the Applicant to underground the utility lines in front of those lots, and has undergrounded said lines if such permission has been received. The Applicant shall document the form and substance of communication used to reach out to each owner and shall reach out by a second form of communication if the Applicant is unable to connect with the owner by the first form of communication. As part of such efforts, the Applicant shall share with ANC 3E all communications it has had with representatives of the owners of the remaining three lots. If the owner of the property immediately adjacent to the Project permits such undergrounding, the

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<sup>5</sup> Restaurant: A place of business that does not meet the definition of a “fast food establishment” or “prepared food shop,” where food, drinks, or refreshments are prepared on the premises and sold to customers primarily for consumption on the premises. This term shall include, but not be limited to, an establishment known as a café, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carry out shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises. A restaurant may include ancillary carry out sales, provided that there is no designated carry out counter or window, no drive through facility, and the carry out service is not an advertised element of the business.

Applicant shall underground such utility lines regardless of whether the owner of the next adjacent property has permitted such undergrounding.

6. Brandywine Street and Park.

- a. **Prior to the issuance of the first certificate of occupancy of the Project**, the Applicant shall demonstrate to the Zoning Administrator: that the District Department of Transportation has agreed to close<sup>6</sup> the segment of Brandywine Street NW between 42<sup>nd</sup> Street and River Road to vehicular traffic; and that the Applicant has: (i) sought approval to turn the new three-way “T” intersection of Brandywine Street into an all-stop intersection, and constructed and installed signage and striping as required; and (ii) designed and constructed a new park on the closed street segment and adjacent triangular park;
- b. The design and use of the park shall be developed based on input from ANC 3E, but the design and construction of the park and related streetscape improvements shall be subject to review and approval by the appropriate District public space permitting authorities. As a part of the improvements, the Applicant shall design and construct modifications to safely and effectively route pedestrians, bicyclists, and vehicles around and through the new park (such as modifications to crosswalks and curb extensions) as approved by the appropriate District public space permitting authorities;
- c. The Applicant shall maintain the park in a manner comparable to the maintenance of public parks and spaces in the surrounding area or fund such maintenance for the life of the Project; and
- d. If the Applicant cannot complete the improvements described above prior to the issuance of the first certificate of occupancy for the Project, the Applicant shall consult with ANC 3E regarding a substitute amenity, and shall seek modification of the PUD to substitute said amenity, which shall be equivalent or better value to the community.

C. **Mitigation Measures**

1. **RPP Restrictions.** **For the life of the Project**, the Applicant shall prohibit residents of the Project from participating in the District’s RPP program through a

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<sup>6</sup> The closed street segment may remain open as a paper street in the records of the Surveyor of the District of Columbia.



clause in emphasized type in all leases for residents that prohibits residents from applying for obtaining RPPs, or using an RPP guest pass within one mile of the Property, upon pain of mandatory lease termination, to the full extent permitted by law. Furthermore, Applicant shall oppose any effort by residents of the Project or others to add the Property to the list of properties eligible for RPP. Finally, should the Applicant sell any units in the Property, the Applicant shall incorporate a covenant that runs with the land into the deed for the units that prohibits residents from applying for or obtaining RPP.

2. Transportation Demand Management Measures. **For the life of the Project,** the Applicant shall provide the following TDM measures:
  - a. Designate a member of the property management team as the Transportation Management Coordinator, who shall be responsible for ensuring that transportation information is disseminated to the tenants of the Project;
  - b. Include information on transportation programs and services on the property management website;
  - c. Include a real-time electronic transportation information display in a common, shared space in the Project; and
  - d. Provide at least 82 convenient and covered bicycle parking spaces within the Project as shown on the Plans.
  
3. Loading Management Measures. **For the life of the Project,** the Applicant shall designate a loading dock manager to:
  - a. Coordinate with vendors and tenants in order to make sure that deliveries occur from 9:00 a.m. to 5:00 p.m.;
  - b. Ensure that all deliveries take place at the loading dock and that the dock's capacity is not exceeded;
  - c. Redirect drivers to return at a later time if the dock is full;
  - d. Monitor inbound and outbound maneuvers;
  - e. Notify truck drivers of any access or egress restrictions;
  - f. Provide DDOT's Freight Management and Commercial Vehicle Operation document to drivers; and

- g. Direct all truck drivers to utilize the Truck Routing Plan shown on Exhibit 30C of the record.
4. Limitations on Adjacent Development. **For the life of the Project**, to the extent that the Applicant or its affiliates acquire the rights to and redevelop any or all of the adjacent properties at 4626, 4632, and 4652-4654 Wisconsin Avenue N.W., the Applicant shall limit the height of any development to no more than six stories plus a penthouse level. Should the Applicant or its affiliates undertake such redevelopment, Applicant shall underground the utilities along the remainder of the 4600 block of Wisconsin Avenue, to Chesapeake Street, in connection with such redevelopment.

**D. Miscellaneous**

1. No building permit shall be issued for this project until the owner of the Property has recorded a covenant among the land records of the District of Columbia between the 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 owner of the Property and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Commission.
2. The Application approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for the building permit as specified in 11-Z DCMR § 702.2. Construction must begin within three years after the effective date of this Order for the PUD to remain valid.
3. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
4. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01, *et seq.* (“Act”) and this Order is conditioned on full compliance with those provisions. In accordance with the Act, the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form

of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On October 30, 2017, upon the motion of Vice Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the Application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull).

On January 29, 2018, upon the motion of Commissioner Shapiro, as seconded by Commissioner May, the Zoning Commission took **FINAL ACTION** to **APPROVE** the Application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull).

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 March 30, 2018.

**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**  
**ZONING COMMISSION ORDER NO. 17-10**  
**Z.C. Case No. 17-10**  
**The Warrenton Group**  
**(Consolidated PUD and Related Map Amendment**  
**@ Square 5196, Lots 19, 37, 805, and 814)**  
**January 29, 2018**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on November 16, 2017, to consider an application for a consolidated planned unit development (“PUD”) and a related zoning map amendment filed by The Warrenton Group (“Applicant”). The Commission considered the application pursuant to Subtitle X, Chapter 3 and Subtitle Z of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of Subtitle Z, Chapter 400. For the reasons stated below, the Commission hereby **APPROVES** the application.

**FINDINGS OF FACT**

**The Application, Parties, Hearings, and Post-Hearing Filings**

1. On  
May 5, 2017, the Applicant filed an application with the Commission for consolidated review of a PUD and a related Zoning Map amendment from the MU-3 zone to the MU-5-A zone for the properties located 5119-5123 and 5127 Nannie Helen Burroughs Avenue, N.E. and 612 Division Avenue, N.E. (Square 5196, Lots 19, 37, 805 and 814) (collectively, the “Property”).
  
2. The  
Applicant proposes to redevelop the Property with a mixed-use PUD that includes approximately 86 residential units, comprised of one-bedroom and two-bedroom units, all of which will be reserved for households with incomes not exceeding 60% of the median family income (“MFI”) and approximately 2,400 square feet of ground-floor commercial/non-residential uses (“Project”). Of the 86 units, 28 will be replacement units for the Lincoln Heights and Richardson Dwellings properties controlled by the D.C. Housing Authority (“DCHA”), in accordance with the *Lincoln Heights & Richardson Dwellings New Communities Initiative Revitalization Plan*, which was approved by the City Council on December 19, 2006, pursuant to Resolution No. 16-923 (“New Communities Initiative”).
  
3. By  
report dated June 16, 2017, the District of Columbia Office of Planning (“OP”) recommended that the application be setdown for a public hearing. (Exhibit [“Ex.”] 13.) At its public meeting on June 26, 2017, the Commission voted to schedule a public hearing on the application.

4. The Applicant filed its pre-hearing submission on August 1, 2017, and a public hearing was timely scheduled for the matter. (Ex. 19-19G.) On August 8, 2017, the notice of public hearing was sent to all owners of property located within 200 feet of the Property; Advisory Neighborhood Commission (“ANC”) 7C, the ANC in which the Property is located; Commissioner Patricia Malloy, the Single Member District Representative for ANC 7C01, and to Councilmember Vincent Gray, whose Ward includes the Property. A description of the proposed development and the notice of the public hearing in this matter were published in the *DC Register* on August 18, 2017.
5. On October 11, 2017, the Applicant filed its Comprehensive Transportation Review (“CTR”). (Ex. 26-26A.)
6. On October 27, 2017, the Applicant filed its supplemental pre-hearing submission. (Ex. 28A-28AA3.) The supplemental pre-hearing submission included: (i) a comprehensive set of revised architectural plans and elevations; (ii) responses to outstanding issues from the setdown of the application; and (iii) a statement regarding additional public benefits proffered by the Applicant.
7. On November 6, 2017, OP submitted a hearing report. (Ex. 29.) The OP hearing report recommended approval of the application. (Ex. 29, p. 1.)
8. On November 6, 2017, the District Department of Transportation (“DDOT”) submitted a hearing report. (Ex. 30.) The report stated that DDOT has no objection to the approval of the consolidated PUD subject to certain listed revisions and conditions, which were addressed by the Applicant’s memorandum dated November 14, 2017, prepared by Gorove/ Slade Associates. (Ex. 32-32A.)
9. ANC 7C filed a resolution in support of the Project indicating that at its regularly scheduled and duly noticed public meeting of June 8, 2017, at which a quorum of commissioners was present, it voted 6-0-1 to support the application. (Ex. 16.) The resolution stated that ANC 7C supports the application including the Applicant’s proposal for 86 units of affordable housing.
10. The parties to the case were the Applicant and ANC 7C. Commissioner Antawan Holmes, the Chairperson of ANC 7C, testified on behalf of the ANC.
11. The Commission convened a public hearing on the application on November 16, 2017. At the public hearing, the Applicant presented the following witnesses: Warren Williams, on

behalf of the Applicant; Sean Pichon of PGN Architects, PLLC, architects for the Project; Erwin Andres of Gorove/Slade, transportation consultant for the Project. Based upon their professional experience and qualifications, the Commission qualified Mr. Pichon as an expert in planning and architecture, and Mr. Andres as an expert in transportation planning and engineering.

12. Karen  
Thomas with OP and Aaron Zimmerman with DDOT testified in support of the application at the public hearing.
13. No  
persons testified in opposition to the Project at the to the public hearing.
14. David  
Smith and Nia Hope Bess, president and vice president, respectively, of the Deanwood Civic Association (“DCA”), testified as undeclared persons. They spoke to the importance of the Strand Theater as a historic and cultural resource, and a desire for community input regarding the reuse of the building. Mr. Smith also expressed concern about the concentration of affordable housing in this section of the city. In her testimony, Ms. Hope Bess acknowledged the Applicant’s effort to support small and local businesses by expanding the PUD benefits and amenities package to give businesses or organizations owned and/or operated by a Ward 7 SBE or CBE preference for the ground-floor retail space. In response to the testimony by Mr. Smith and Ms. Hope Bess, the Commission encouraged the Applicant to continue discussions about the project with the DCA. The Applicant provided evidence of such in its post-hearing submission, which documented that Applicant’s presentation to the DCA at its meeting on November 27, 2017. (Ex. 38.)
15. At the  
conclusion of the public hearing, the Commission closed the record and took proposed action to approve the application.
16. On  
November 27, 2017, the Applicant filed its required initial list of proffers and draft conditions pursuant to 11-C DCMR § 308.8, (Ex. 37-37A), and its post-hearing submission, which included revised architectural sheets. The updated sheets include a slightly darker color palette for the exterior of the building in order to address the Commission’s concerns about the long-term appearance of the building. The post-hearing submission also included an expanded benefits and amenities package and a statement regarding the Applicant’s additional community outreach. (Ex. 38-38A.)
17. On  
December 7, 2017, the Applicant submitted its final list of proffers and proposed conditions pursuant to 11-C DCMR § 308.12, which included revisions suggested by the Office of the Attorney General. (Ex. 40-40A.)

18. On December 18, 2017, the Applicant submitted its proposed findings of fact and conclusions of law. (Ex. 41A.)
19. The proposed action was referred to the National Capital Planning Commission (“NCPC”) on November 27, 2017, pursuant to § 492 of the Home Rule Act.
20. By letter dated December 29, 2017, NCPC’s Director of Urban Design and Plan Review stated that NCPC staff had determined that the project is exempt from NCPC review, pursuant to NCPC’s submission guidelines. (Ex. 42.)
21. The Commission took final action to approve the PUD on January 8, 2018.

### **The Property and Surrounding Area**

22. The Property consists of approximately 17,029 square of land area, including a portion of the adjacent public alley to be closed located at the southwest corner of the intersection of Nannie Helen Burroughs and Division Avenues, N.E.
23. The historic Strand Theater is immediately east of the Property. The theater, which is vacant, is listed on the DC Inventory of Historic Sites and on the National Register of Historic Places. The Applicant will renovate the historic structure in connection with the PUD. The Property is also surrounded by the surface parking lot of the Sargent Memorial Presbyterian Church to the west and south. The main church building is located west of the Property. The Property is well served by several Metrobus routes, including six routes within 0.2 miles of the Property.
24. The Applicant requested a Zoning Map amendment to rezone the Property from the MU-3 zone to the MU-5-A zone. As detailed in Findings of Fact (“FF”) Nos. 46-48, the Commission finds that the requested map amendment is consistent with Future Land Use Map designation of mixed use Moderate-Density Residential and Low-Density Commercial.

### **The Applicant**

25. The Applicant is The Warrenton Group, a privately held real estate development firm that specializes in mixed-income residential and mixed-use developments. The Applicant is involved in two other projects in the immediate area that are also providing replacement units for Lincoln Heights and Richardson Dwellings – Deanwood Hills (Z.C. Order No. 15-10) currently under construction at 5201 Hayes Street, N.E., and the Deanwood Town Center (Z.C. Case No. 17-19) proposed for the northwest corner of the intersection of Nannie Helen Burroughs and Division Avenues, N.E.

### **Existing and Proposed Zoning**

26. The Property is currently zoned MU-3. The MU-3 zones are intended to permit low-density mixed-use development and provide convenient retail and personal service

establishments for the day-to-day needs of a local neighborhood, as well as residential and limited community facilities with a minimum impact upon surrounding residential development. (11-G DCMR § 400.2.) The MU-3 Zone permits the following development standards:

- Height: 40 feet and three stories; 40 feet for a PUD; (11-G DCMR § 403.1; 11-X DCMR § 303.7.)
- Density: 1.0 FAR; 1.2 FAR with Inclusionary Zoning (“IZ”), with a maximum of 1.0 FAR for non-residential use; and 1.44 FAR for a PUD, with a maximum of 1.34 FAR for non-residential use; and (11-G DCMR § 402.1; 11-X DCMR § 303.3.)
- Lot Occupancy: The maximum lot occupancy for residential use is 60% and 100% for non-residential use. (11-G DCMR § 104.1.)

27. The Applicant proposes to rezone the Property to the MU-5-A Zone, which permits the following development standards:

- Height: 65 feet; 70 feet with IZ, with no limit on the number of stories; and 90 feet for a PUD; (11-G DCMR § 403.1; 11-X DCMR § 303.7.)
- Density: 3.5 FAR; 4.2 FAR with IZ, with a maximum non-residential FAR of 1.5; and 5.04 FAR for a PUD, with a maximum non-residential FAR of 2.01; (11-G DCMR § 402.1; 11-X DCMR § 303.3.)
- Lot Occupancy: The maximum lot occupancy for residential use is 80% and 100% for non-residential uses; (11-G DCMR § 404.1.)
- Rear Yard: The minimum rear yard is 15 feet; (11-G DCMR § 405.2.)
- Side Yard: No side yard is required for a building or structure other than a detached single dwelling unit or semi-detached single dwelling unit; however, if a side yard is provided it shall be at least two inches wide for each one foot of height of the building but no less than five feet; (11-G DCMR § 406.1.)
- Parking for Residential, multiple dwelling unit: one space per three dwelling units in excess of four units; (11-C DCMR § 701.5.)
- Parking for Retail: In excess of 3,000 square feet, one space per each 1,000 square feet of gross floor area; (11-C DCMR § 701.5.)
- Parking for Community Space: In excess of 3,000 square feet, one space per each 1,000 square feet of gross floor area; (11-C DCMR § 701.5.)



- Bicycle Parking for Residential Apartment: one space for each three dwelling units (long term); one space for each 20 dwelling units (short term); (11-C DCMR § 802.1.)
- Bicycle Parking for Retail: one space for per 7,500 square feet (long term); one space per 3,500 square feet (short term); (11-C DCMR § 802.1.)
- Bicycle Parking for Community Space: one space for per 10,000 square feet (long term); one space per 20,000 square feet (short term); (11-C DCMR § 802.1.)
- Loading for Residential More than 50 Units: one loading berth, one loading platform and one service/delivery space; (11-C DCMR § 902.2.)
- Loading for Retail with 5,000 to 20,000 square feet of gross floor area: one loading berth, one loading platform and one service/delivery space; (11-C DCMR § 902.2.)
- Loading for Community Space with 5,000 to 20,000 square feet of gross floor area: one loading berth and one loading platform; and (11-C DCMR § 902.2.)
- Green Area Ratio (“GAR”): The minimum required GAR is 0.3. (11-G DCMR § 407.1.)

### Description of the PUD Project

28. As shown on the architectural drawings (the “Plans”), the Applicant proposes to redevelop the Property with a mixed-use building containing approximately 1,389 square feet of ground-floor retail; approximately 1,223 square feet of community space; and a five-story apartment house above. The apartment house will consist of approximately 78,216 square feet of gross floor area, generating approximately 86 units. The PUD will have a maximum density of 4.59 FAR; a maximum non-residential density of approximately 0.8 FAR (including 0.2 FAR for the retail and community space on the ground floor of the building); and a maximum building height of 68 feet.
29. The PUD includes a ground-level parking garage with 20 vehicle parking spaces and 45 bicycle parking spaces. The ground-level parking garage is accessed via a 15-foot public access easement on the southern portion of the Property.
30. The building includes a resident lounge connected to a landscaped courtyard, community spaces, a multipurpose room, a computer lab, and gym on the second floor, all of which will be made available to all of the building’s residents.
31. The PUD will be certified under the *Enterprise Green Communities* standard and will use Enterprise Green Communities certification to meet the applicable Green Building Act Requirements. The Green Building Act states that the Enterprise Green Communities

standard was developed for affordable housing, and shall be used for projects with at least 15% District financing. The Enterprise Green Communities Checklist for the Project is included on Sheet A-34 of the Plans.

### Development Flexibility

32. The Applicant requested flexibility to provide two 20-foot service/delivery spaces in lieu of a 30-foot loading berth and a 100-square-foot loading platform as required under 11-C DCMR § 901.1.
33. The Applicant has requested flexibility in the following areas:
- a. To be able to provide a range in the number of residential units – 86 units, plus or minus 10% – so long as all of the residential units are reserved for households with incomes not exceeding 60% of the MFI and up to 28 units are reserved as replacement units for the Lincoln Heights/Richardson Dwellings communities controlled by the DC Housing Authority;
  - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
  - c. To vary the final selection of the color of the exterior materials, within the color ranges reflected in the approved architectural drawings, without making changes to the exterior materials; and to make minor refinements to exterior details, locations and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes that do not substantially alter the exterior design necessary to comply with all applicable District of Columbia laws and regulations;
  - d. To be able to provide solar panels on the roof of the building, so long as the solar panels comply with all setback requirements of the Zoning Regulations and there is no reduction the amount of green roof for the Project;
  - e. To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the DDOT Public Space Division;

- f. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved Plans; and
- g. To locate retail entrances in accordance with the needs of the retail tenants and vary the façades as necessary within the general design parameters proposed for the PUD and to vary the types of uses designated as “retail” use on the approved Plans to include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)).

### **Project Benefits and Amenities**

34. Historic Preservation (§ 305.5(e)). In connection with the PUD, the Applicant will renovate the historic Strand Theater and will seek a commercial tenant to occupy the space. The Strand Theater was listed on the DC Inventory of Historic Sites on June 26, 2008, and the National Register of Historic Places on November 25, 2008. When it opened in 1928, it was the first motion picture theater constructed east of the Anacostia River for African-American patrons and was one of the centers of the Deanwood community’s social life for more than 40 years. It was also reflective of the trend in the early motion picture industry to provide affordable but segregated neighborhood-based entertainment.
35. Affordable Housing (§ 305.5(g)). The PUD’s most significant benefit is the creation of new housing, including additional affordable housing units, consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. If the Property was developed as a matter of right, the Applicant would be required to set aside the greater of eight percent of the gross floor area dedicated to residential use including penthouse habitable space, or 75% of its achievable bonus density to inclusionary units for households with incomes not exceeding 60% of MFI. However, the PUD will be an all affordable building with 28 of the units serving as replacement units for the Lincoln Heights and Richardson Dwellings communities. This is a significantly greater amount of affordable housing, and at deeper levels of affordability, than would have been required if the Property was developed as a matter of right. The charts below indicate that none of the affordable housing will be subject to the Inclusionary Zoning (“IZ”) requirements set forth in Subtitle C, Chapter 10 of Title 11 DCMR. This is because the Applicant will be requesting that the Zoning Administrator grant an exemption from those requirements pursuant to 11-C DCMR § 1001.6. The Commission makes no finding as to whether the exemption should be granted, and notes that if the request is denied, the requirements of Chapter 10 of Title 11-C DCMR as well as the IZ Act as defined at 11- B DCMR § 100.1 will apply.
36. The Applicant will provide affordable housing in accordance with the chart below:

Residential Unit Type	Floor Area/ % of Total*	# of Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	76,888/100%	86	Up to 60% of MFI	Life of the Project	Rental	
Affordable Non-IZ**	6,151/8%	7	Up to 60% of MFI	Life of the Project	Rental	Pursuant to § 1001.6
Affordable Non-IZ/ Replacement Units	18,862/25%	Up to 28	Up to 60% of MFI		Rental	Subject to HAP Contract with DCHA ***
Affordable Non-IZ	58,026/68%	Min. of 58	Up to 60% of MFI	Life of the Project	Rental	All units that are not replacement units shall be Affordable Non-IZ units

\* Refers to the residential gross floor area, but the floor area may be adjusted to subtract the building core factor.

\*\* If the IZ exemption is denied, these units shall be Inclusionary Zoning units instead of Affordable Non-IZ units.

\*\*\* These shall be replacement units for the Lincoln Heights and Richardson Dwellings communities. The HAP contract will determine the actual number of replacement units and the control period for those units. At the conclusion of the control period, the former Replacement Unit shall convert to an “Affordable Non-IZ” unit.

37. Employment and Training Opportunities (§ 305.5(h)). The Applicant has entered into a First Source Employment Agreement with the Department of Employment Services, which requires that District residents are given priority for new jobs created by municipal financing and development programs. The Applicant has also entered into a SBE agreement with the District Department of Small and Local Business Development to ensure that a preference is made to District-based firms pursuing District government issued procurement opportunities. Copies of these agreements are attached as Exhibits H and I of the Applicant’s statement in support. (Ex. 4H-4I.)
  
38. Within 120 days of the Commission’s final action approving the PUD, the Applicant will host a job fair for residents of the Deanwood neighborhood and the Lincoln Heights and Richardson Dwelling communities. The job fair will include applications for training and employment opportunities related to the construction and operation of the PUD.
  
39. Building Space for Special Uses (§ 305.5(j)). The Applicant will dedicate approximately 1,223 square feet of the ground floor as a community room, which will be made available to the broader community for meetings and neighborhood activities
  
40. Environmental Benefits (§ 305.5(k)). The PUD will meet the requirements of the *Enterprise Green Communities* standard for residential buildings. It will employ environmentally sustainable strategies as called for in the Green Communities standard such as high efficiency mechanical systems, lighting, and windows; low-flow plumbing

systems; and energy star appliances; low-emitting and recycled construction materials; and an extensive green roof and courtyard.

41. Uses of Special Value to the Neighborhood or the District as a Whole ((§ 305.5(q)). The proposed development implements the "Physical Plan" element of the New Communities Initiative. Among other things, this small area plan calls for 140 replacement units for the Lincoln Heights and Richardson Dwellings properties, in order for those properties to be redeveloped with new mixed-income residential communities.
42. The Applicant will set aside approximately 1,200 square feet of the ground-floor retail/commercial space for neighborhood serving retail or services, with preference being given to a business or organization owned and/or operated by a Ward 7 SBE or CBE.
43. As part of the PUD, the Applicant will relocate the China Cafe carryout currently located at 612 Division Avenue, N.E. The restaurant will be relocated to the south along Division Avenue and will include the construction of a new restaurant. This will allow for the continued operation of a valued local business.

### Comprehensive Plan

44. The Commission finds that the PUD advances the purposes of the Comprehensive Plan; is consistent with the Future Land Use Map and Generalized Policy Map; complies with the guiding principles in the Comprehensive Plan; and furthers a number of the major elements of the Comprehensive Plan.
45. Purposes of the Comprehensive Plan. The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. D.C. Code §1-245(b) (¶ 1-301.62). The Commission finds that the Project significantly advances these purposes by promoting the social, physical, and economic development of the District through the provision of a high-quality residential development that will increase the housing supply, improve the District's natural and architectural assets, promote economic growth and jobs for District residents, and improve the surrounding community. The Project will achieve community goals by providing significant new affordable housing, and will do so through the construction of aesthetically pleasing new buildings that respect the character of the surrounding neighborhood without generating any adverse impacts.
46. Future Land Use Map. According to the District of Columbia Comprehensive Plan Future Land Use Map, the Property is designated as mixed-use Moderate-Density Residential

and Low-Density Commercial. The Moderate-Density Residential designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone Districts are generally consistent with the Moderate Density Residential category; the R-5-B Zone District and other zones may also apply in some locations. (10A DCMR § 225.4.)

The Low-Density Commercial Designation is used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding zone districts are generally C-1 and C-2-A, although other districts may apply. (10A DCMR § 225.8.)

47. The Framework Element of the Comprehensive Plan provides that the Land Use Map is not a zoning map. (*See* 10A DCMR § 226.1(a); *see also* Z.C. Order No. 11-13.) Whereas zoning maps are parcel-specific and establish detailed requirements for setback, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. (*Id.*) By definition, the Map is to be interpreted broadly. (*Id.*) Furthermore, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. The granting of density bonuses (for example, through PUDs) may result in heights that exceed the typical ranges cited here. (*Id.* at § 226.1(c).) The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans. (*Id.* at § 266.1(d).)
48. The Project requires a map amendment to the MU-5-A zone, which is intended to “permit medium density, compact mixed use development with an emphasis on residential use.” (11-G DCMR § 400.4.) The Project is six stories tall, and the Future Land Use Map’s description of “Medium Density Residential” states that it is “used to define neighborhoods where mid-rise (4-7 stories) apartment buildings are the predominant use.” (10A DCMR § 225.5.) The Commission nonetheless believes that the Project is not inconsistent with the Future Land Use Map. The Future Land Use Map calls for a mix of Moderate-Density Residential and Low-Density Commercial uses for the Property. While the Project’s density and height exceed what would be permitted in the highest intensity moderate mixed-use zone, MU-4, the additional residential density permitted in the MU-5-A zone allows the Project to provide additional 0.99 FAR of residential space than would be permitted through a PUD under MU-4 zoning. All of this additional density will be used to provide affordable housing in this Project for residents with incomes not exceeding 60% MFI and replacement units for Lincoln Heights and

Richardson Dwellings. The Commission therefore believes that this is one of the instances in which the granting of bonus density and height through a PUD that exceeds the typical ranges designated on the Future Land Use Map is appropriate because of the superior public benefits of this particular PUD, and that as a result, this location is one in which a different zone than those listed as “generally consistent” with the moderate density residential category on the Future Land Use Map is appropriate. (See 10A DCMR § 226.1(c).) This is further supported by the fact that the MU-5-A (previously, the C-2-B Zone) is specifically identified as a corresponding zone district in the *Lincoln Heights & Richardson Dwellings New Communities Initiative Revitalization Plan*, which was approved by the City Council on December 19, 2006, pursuant to Resolution No. 16-923. (Ex. 4E.) The Commission therefore finds that the Project is not inconsistent with the Future Land Use Map.

49. Generalized Policy Map. The Generalized Policy Map of the Comprehensive Plan designates the Property as a Main Street Mixed-Use Corridor. Main Street Mixed-Use Corridors are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood (e.g., 14<sup>th</sup> Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper-story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. (10A DCMR § 223.14.)
50. The Commission finds that the proposed map amendment will help implement the policies embodied in the Generalized Policy Map by strengthening the Nannie Helen Burroughs/ Division Avenue Main Street Corridor through the redevelopment of underutilized and blighted parcels into an active and productive use. Redevelopment of the Property will benefit the existing businesses in the neighborhood and the District, generally. Furthermore, redevelopment of the Property will result in improvements to the public realm adjacent to the Property, thus improving pedestrian circulation along this portion of Division Avenue.
51. Guiding Principles and Major Elements of the Comprehensive Plan. The Commission further finds that the PUD is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities, as discussed in the paragraphs below.
52. Managing Growth and Change. In order to manage growth and change in the District, the Comprehensive Plan encourages diversity and asserts that the District “cannot sustain itself by only attracting small, affluent households. To retain residents and attract a diverse population, the city should provide services that support families [and prioritize] sustaining and prompting safe neighborhoods... and housing for families.” (10A DCMR § 217.2.) Diversity also means maintaining and enhancing the District’s mix of housing

types... [with] housing developed for households of different sizes, including growing families as well as singles and couples.” (10A DCMR § 217.3.) The Comprehensive Plan also states that redevelopment and infill opportunities along corridors is an important part of reinvigorating and enhancing neighborhoods. (10A DCMR § 217.6.) The Commission finds that the PUD is fully consistent with each of these goals since the PUD results in redevelopment of the Property into a vibrant, mixed-use, mixed-income development intended to attract a diverse population of residents.

53. Creating Successful Neighborhoods. One of the guiding principles for creating successful neighborhoods is to protect, maintain, and improve residential neighborhoods. (10A DCMR § 218.1.) The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. (10A DCMR § 218.3.) Public input in decisions about land use and development is an essential part of creating successful neighborhoods, from development of the Comprehensive Plan, to implementation of the Plan's elements. (10A DCMR § 218.8.) The Commission finds that the PUD furthers these goals because it will simultaneously protect and improve the existing residential neighborhood while producing new affordable housing on a vacant site. The Applicant has engaged neighborhood stakeholders, and will continue to do so as part of the PUD process, to ensure that redevelopment of the site creates a positive impact on the neighborhood.
54. Building Green and Healthy Communities. The Commission finds that the Project is consistent with the guiding principles of the Building Green and Healthy Communities Element. One of the guiding principles for building green and healthy communities is that building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (10A DCMR § 221.3.) The PUD will meet the requirements of the *Enterprise Green Communities* standard for residential buildings. The PUD will employ environmentally sustainable strategies as called for in the Green Communities standard such as: high efficiency mechanical systems, lighting, and windows; low flow plumbing systems; and energy star appliances; low-emitting and recycled construction materials; and an extensive green roof and courtyard.
55. The Commission also finds that the PUD furthers the objectives of the *Lincoln Heights & Richardson Dwellings New Communities Initiative Revitalization Plan*, which was approved by the City Council on December 19, 2006, pursuant to Resolution No. 16-923, which encourages rezoning the Property to C-2-B zone (MU-5-A under the Zoning Regulations of 2016). (Ex. 4E.) The PUD will provide up to replacement housing units for Lincoln Heights/Richardson Dwellings, as well as additional housing.
56. The Commission also finds that the PUD furthers the objectives and policies from various elements of the Comprehensive Plan, including the Land Use, Transportation, Housing, Environmental Protection, Economic Development Element, Urban Design Citywide elements, Infrastructure Element and the Far Northeast and Southeast Area Element, as set forth in the Applicant’s Statement in Support and the OP Reports. (Ex. 4, 13, 29.)



**Office of Planning Reports**

57. On June 16, 2017, OP submitted a report to the Commission recommending that the application be set down for a public hearing. (Ex. 10.) The OP report stated that the Project “is not inconsistent with the Comprehensive Plan” and “generally meets the specific recommendations outlined in the Lincoln Heights/Richardson Dwellings Small Area Plan (2006).” (Ex. 13, p. 1.) The report also recommended that the Applicant provide the following: (i) an improved plan set, including streetscape plans and on-street perspectives; (ii) provide consistent data regarding the overall gross floor area and affordable gross floor area; (iii) CTR and Transportation Demand Management (“TDM”) measures; (iv) refinement to the flexibility requests; (v) information on whether the Project would be LEED-Gold; and (vi) consideration of the provision of a green roof and solar panels.
58. On November 6, 2017, OP submitted a hearing report reiterating that the application is not inconsistent with the Comprehensive Plan and recommended approval of application including the flexibility requested. (Ex. 29.) OP stated that the “the proposed PUD meets this criterion and would not be inconsistent with the Comprehensive Plan’s Generalized Future Land Use Map designation of moderate density residential and low-density commercial, the Generalized Policy Map designation of a Main Street Mixed-Use Corridor and the Guiding Principles of the Framework Element. It also is consistent with the Land Use, Transportation, Housing, Urban Design, and Environmental Elements; as well as the policies of the Far Northeast and Southeast Area Element.” (*Id.* at 5.)
59. The Commission finds that the Applicant sufficiently answered all of the outstanding questions posed by OP in its pre-hearing statement, supplemental pre-hearing statement, and at the public hearing. (Ex. 19-19G and Ex. 28-28A-A3.)

**DDOT Report and Testimony**

60. On November 6, 2017, DDOT submitted a hearing report. (Ex. 30.) The DDOT hearing report indicated no objection to the application subject to the Applicant doing the following:
- a. Revisi  
ng its loading management plan and implement it for the life of the Project.
  - b. Enhan  
cing the TDM measures to include the following elements:
    - i. Fund  
and install an expansion of at least four docks to the existing Capital Bikeshare station at the intersection of Division Avenue and Foote Street, N.E. to bring it up to the DDOT minimum standard of 19 docks;

- ii. Work with a private carshare provider to place at least one carshare vehicle on the Property;
- iii. Work with goDCgo in order to implement the TDM Management plan;
- iv. Unbu ndle parking from the rent or purchase of all units for residents and the retailer;
- v. Charg e at least market rate for parking; and
- vi. Provi de at least eight shopping cars for residential use.

61. The Applicant responded to the DDOT’s hearing report by memorandum dated November 14, 2017, prepared by Gorove/ Slade Associates. (Ex. 32-32A.) The memorandum included a revised loading management plan and revised Transportation Demand Management measures.

62. At the public hearing, Aaron Zimmerman of DDOT testified that DDOT was agreeable to the Applicant’s revised TDM measures and revised loading management plan and stated that DDOT had no objection to the application, subject to the revised loading management plan and revised Transportation Demand Management measures submitted by the Applicant.

**ANC Report**

63. ANC 7C, the ANC in which the Property is located, filed a resolution in support of the Project, indicating that at its regularly scheduled and duly noticed public meeting of June 8, 2017, at which a quorum of commissioners was present, ANC 7C voted 6-0-1 to support the application. (Ex. 16.) Commissioner Patricia Malloy, the Single Member District Representative for ANC 7C-01, which includes the Property, also submitted a letter in support of the application. (Ex. 37.)

64. Commissioner Antawan Holmes, Chairperson of ANC 7C, testified on behalf of ANC 7C at the public hearing, encouraging support of small and local businesses and employment opportunities through the PUD. In response, at the public hearing, the Applicant offered to expand the PUD benefits and benefits package to include the following:

- a. Withi n 120 days of the Commission’s final action approving the PUD, the Applicant will host a job fair for residents of the Deanwood neighborhood and the Lincoln Heights and Richardson Dwelling communities. The job fair will include applications for

training and employment opportunities related to the construction and operation of the PUD; and

- b. The Applicant agrees to set aside approximately 1,200 square feet of the ground-floor retail/commercial space for neighborhood serving retail or services. Preference for the lease of the space will be a business or organization owned and/or operated by a Ward 7 SBE or CBE.

These proffers were also documented in the Applicant’s post-hearing submission filed on November 29, 2017. (Ex. 38-38A.) Commissioner Holmes also commented on the sudden proliferation of bike share systems in the neighborhood.

### **Interagency Review**

65. OP circulated the application to DDOT, DOEE, the Department of Housing and Community Development (“DHCD”), DC Office of Aging, DC Public Schools, DC Water and DC Fire and Emergency Service for their review of the Project. (Ex. 28, p. 13.) OP’s Report included comments from DOEE. Other than DDOT, there are no comments in the record from any of the aforementioned agencies.

### **CONCLUSIONS OF LAW**

1. Pursuant to the Zoning Regulations, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD: (a) results in a project superior to what would result from the matter-of-right standards; (b) offers a commendable number or quality of meaningful public benefits; and (c) protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. (11-X DCMR § 300.1.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, yards, and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of 11-X DCMR, Chapter 3 of the Zoning Regulations to encourage the development of well planned developments which will offer a variety of building types with more attractive

and efficient overall planning and design, not achievable under matter-of-right development.

4. The PUD, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The mix of uses for the Project is appropriate for the Property. The impact of the Project on the surrounding area is not unacceptable. Accordingly, the Project should be approved.
5. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
6. The Applicant's requests for flexibility are consistent with the Comprehensive Plan. Moreover, the PUD benefits and amenities are reasonable tradeoffs for the requested development flexibility.
7. Approval of the PUD is appropriate because the Project is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the Project will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP reports in this case and, as explained in this decision, finds its recommendation to grant the application persuasive.
9. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. ANC 7C's report expressed no issues or concerns. Because the ANC expressed no issues or concerns, there is nothing for the Zoning Commission to give great weight to. (*See Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) The Commission carefully considered the ANC 7C's position supporting approval of the application and concurred in its recommendation of approval.
10. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2- 1401 et seq. (2007 Repl.)).

**DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for consolidated review and approval of a planned unit development and related Zoning Map amendment from the MU-3 to the MU-5-A zone for Square 5196, 19, 37, 805 and 814. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below.

**A. Project Development**

1. The Project shall be developed in accordance with the plans titled “Strand Residences,” prepared by PGN Architects, PLLC dated October 26, 2017, and marked as Exhibits 28AA1-28AA3 of the record, and as modified by the plans included with the Applicant’s post-hearing submission dated November 29, 2017, and marked as Exhibit 38A of the record (collectively the “Plans”).
2. The Applicant has flexibility with the design of the PUD in the following areas:
  - a. To be able to provide a range in the number of residential units – 86 units, plus or minus 10%, so long as all of the residential units are reserved for households with incomes not exceeding 60% of the MFI and up to 28 units are reserved as replacement units for the Lincoln Heights/Richardson Dwellings communities controlled by the DC Housing Authority;
  - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
  - c. To vary the final selection of the color of the exterior materials, within the color ranges reflected in the approved architectural drawings, without making changes to the exterior materials; and to make minor refinements to exterior details, locations and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes that do not substantially alter the exterior design necessary to comply with all applicable District of Columbia laws and regulations;
  - d. To be able to provide solar panels on the roof of the building, so long as the solar panels comply with all setback requirements of the Zoning Regulations

and there is no reduction the amount of green roof designed for the Project;

- e. To vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the DDOT Public Space Division;
- f. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved Plans; and
- g. To locate retail entrances in accordance with the needs of the retail tenants and vary the façades as necessary within the general design parameters proposed for the PUD and to vary the types of uses designated as “retail” use on the approved Plans to include the following use categories: (i) Retail (11-B DCMR § 200.2(cc)); (ii) Services, General (11-B DCMR § 200.2(dd)); (iii) Services, Financial (11-B DCMR § 200.2(ee)); and (iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j)).

**B. Public Benefits**

1. **Prior to the issuance of a final Certificate of Occupancy for the Project**, the Applicant shall have obtained final approval from DCRA of the building permits required for the installation of the electrical, HVAC and plumbing systems for the Strand Theater, and shall have advertised the leasing of the space for a commercial use.
2. The Applicant shall provide affordable housing as set forth in this condition:
  - a. The Applicant shall provide the affordable housing set forth in the following chart. The chart assumes that the Applicant will be granted an exemption from the Inclusionary Zoning regulations (“IZ Regulations”) set forth in Subtitle C, Chapter 10 of the Zoning Regulations, pursuant to 11-C DCMR § 1001.6 (“IZ Exemption”). However, the Commission takes no position as to whether the IZ Exemption should be granted:

Residential Unit Type	Floor Area/ % of Total*	# of Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total	76,888/ 100%	86	Up to 60% of MFI	Life of the Project	Rental	
Affordable Non-IZ**	6,151/8%	7	Up to 60% of MFI	Life of the Project	Rental	Pursuant to § 1001.6

Affordable Non-IZ / Replacement Units	18,862/ 25%	Up to 28	Up to 60% of MFI		Rental	Subject to HAP Contract with DCHA***
Affordable Non-IZ	58,026/ 68%	Min. of 58	Up to 60% of MFI	Life of the Project	Rental	All units that are not replacement units shall be Affordable Non-IZ units

\* Refers to the residential gross floor area, but the floor area may be adjusted to subtract the building core factor.

\*\* If the IZ exemption is denied, these units shall be Inclusionary Zoning units instead of Affordable Non-IZ units.

\*\*\* These shall be replacement units for the Lincoln Heights and Richardson Dwellings communities. The HAP contract will determine the actual number of replacement units and the control period for those units. At the conclusion of the control period, the former Replacement Unit shall convert to an “Affordable Non-IZ” unit.

- b. Each control period shall commence upon the issuance of the first certificate of occupancy; and
- c. Should the IZ Exemption be granted, the affordable housing requirements of this condition shall be stated in the covenant required by 11- DCMR § 311.6; and all units not reserved as Replacement Units shall be Affordable Non-IZ units for households not exceeding 60% of MFI.

Should the IZ Exemption be denied, the Applicant shall nevertheless provide affordable housing in accordance with this condition, unless the IZ Regulations impose more restrictive standards. The Applicant shall record the covenant required by the IZ Act as to eight percent of the residential gross floor of the building (which is equal to seven units), and shall execute the monitoring and enforcement documents required by 11-X DCMR § 311.6 as to the remaining residential gross floor area.

3. **Prior to the issuance of a Building Permit for the Project**, the Applicant shall submit to the Zoning Administrator a copy of the executed SBE Agreement with DSLBD and a copy of the executed First Source Employment Agreement with DOES.

4. **Prior to the issuance of a building permit for the PUD**, the Applicant shall submit to the Zoning Administrator evidence that a job fair for training and employment opportunities related to the construction and operation of the PUD was hosted for residents of the Deanwood neighborhood and the Lincoln Heights and Richardson Dwelling communities.

5. **For the life of the Project**, approximately 1,223 square feet of the ground floor of the

building shall be used as a community room that will be made available to the broader community for meetings and neighborhood activities.

6. **Prior to the issuance of a final Certificate of Occupancy for the Project**, the Applicant shall furnish a copy of its preliminary Enterprise Green Communities certification application to the Zoning Administrator demonstrating that the building has been designed to meet the Enterprise Green Communities standard for residential buildings, as shown on the Enterprise Green Communities Checklist on Sheet A-34 of the Plans. (Ex. 38AA2.)
7. **For the life of the Project**, the PUD shall include approximately 1,200 square feet of retail/commercial space at the ground floor of the building. The Applicant shall furnish evidence to the Zoning Administrator that leasing of the space was marketed to businesses or organizations owned and/or operated by Ward 7 SBEs or CBEs.
8. **Prior to the issuance of a final Certificate of Occupancy for the Project**, the Applicant shall relocate the China Cafe carryout currently located at 612 Division Avenue, N.E. The restaurant shall be relocated to the south along Division Avenue and shall include the construction of a new restaurant.

C. **Transportation Incentives – During the operation of the building**, the Applicant shall provide a Transportation Management Program, as set forth in the TDM section of the memo prepared by Gorove/Slade Associates, dated November 14, 2017 (Ex. 32A). The TDM Plan shall include the following:

1. The Applicant shall work with DDOT and goDCgo (DDOT's TDM program) to implement TDM measures at the Property.
2. The Applicant shall identify a TDM Leader (for planning, construction, and operations) at the building, who will act as a point of contact with DDOT/Zoning Enforcement with annual updates. The TDM Leader will work with residents to distribute and market various transportation alternatives and options.
3. The Applicant shall share the full contact information of the TDM coordinator for the site with DDOT and goDCgo.
4. The Applicant shall provide TDM materials to new residents in the Residential Welcome Package materials.
5. The Applicant shall meet Zoning requirements to provide bicycle parking facilities at the proposed development. This includes secure parking located



on-site and a minimum of eight short-term bicycle parking spaces around the perimeter of the Site (in the form of four bicycle racks).

6. The Applicant shall provide a bicycle repair station to be located in the secure long-term bicycle storage room.
7. The Applicant shall install a Transportation Information Center Display (electronic screen) within the residential lobby containing information related to local transportation alternatives.
8. The Applicant shall fund the expansion of at least four docks to the existing Capital Bikeshare station at the intersection of Division Avenue and Foote Street, N.E., bringing it up to the DDOT minimum standard of 19 docks, at a maximum contribution of \$2,000.
9. The Applicant shall work with a private carshare provider to place at least one carshare vehicle on site. In the event that a carshare provider cannot be secured for this project, the Applicant will offer a one-year Capital Bikeshare membership for each unit for the initial residents of the building or offer the carshare space as an electric vehicle charging station. This contingency plan would allow for the designated carshare space to be available for unrestricted use by the Applicant.
10. The Applicant shall provide at least eight shopping carts for residential use.

**D. Loading Management Plan – For the life of the Project, the Applicant shall implement a loading management plan for the PUD as follows:**

1. Residents, vendors, and/or on-site tenants shall be required to coordinate and schedule deliveries with an assigned loading coordinator, and the loading coordinator shall be on duty during delivery hours.
2. Residents shall be required to schedule move-in and move-outs with the loading manager through leasing regulations.
3. Trucks accessing the on-site service space shall be limited to a maximum of 20 feet in length. All trucks 20 feet and under must meet service zone requirements.
4. Signage indicating vehicles over 20 feet in length are prohibited in the public alley shall be placed in a conspicuous location to alert all drivers.
5. All residents and tenants shall be required to schedule any loading operation conducted using a truck greater than 20 feet in length. These operations must take place from the street parking alongside Division Avenue, N.E.

6. Residents utilizing moving trucks greater than 20 feet in length shall be required to obtain “Emergency, No Parking” signs during the duration of the move. The fees for this service will be paid by the resident.
7. Commercial loading activity utilizing trucks greater than 20 feet shall utilize parking along Division Avenue, N.E.
8. Deliveries shall be scheduled such that the capacity of the service space is not exceeded. In the event that an unscheduled delivery vehicle arrives while the service space is full, that driver shall be directed to return at a later time when the service space is available. Should a delivery vehicle arrive at a time when the service space is unoccupied and no delivery is immediately scheduled, the driver may utilize the service space for a short period of time.
9. The two surface spaces included in the development shall not be utilized for pickup or drop-off services. These short-term spaces intended for retail purposes are located in the rear of the building, far from the residential and retail entrances on NHB Avenue, N.E. Additionally, while these spaces have a direct connection to the residential building, it is at an unstaffed location. The main residential entrance along NHB Avenue, N.E. shall have a staffed lobby where a security check can be made on who is entering the premises.
10. Inbound and outbound truck maneuvers shall be monitored to ensure that trucks accessing the service space do not block vehicular traffic along the alley except during those times when a truck is actively entering or exiting the loading space.
11. Trucks using the service space shall not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 – Chapter 9, Section 900 (Engine Idling), the regulations set forth in DDOT’s Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System.
12. The loading manager shall be responsible for disseminating DDOT’s Freight Management and Commercial Vehicle Operations document to drivers as needed to encourage compliance with District laws and DDOT’s truck routes. The dock manager shall also post these documents in a prominent location within the service area.
13. Trash collection operations shall take place from Division Avenue, N.E., adjacent to the proposed curb cut. This shall be accomplished with the utilization of rolling dumpsters to transfer waste from the trash room to the waste collection truck on Division Avenue, N.E. Responsibility of the waste transfer from the trash room to a curbside location for the collection truck shall be that of the loading manager on duty the morning of waste collection.
14. In compliance with Design and Engineering Manual (DEM) regulations (31.5.5), the proposed curb cut for the relocated alley will be 25 feet away from the

adjacent curb cut servicing a church parking lot on Division Avenue, N.E. DEM regulations require five-foot setbacks for on-street parking from the alley edge (45.1.3), thus not allowing enough length for on-street parking between the alley and church parking lot curb cuts. The length between the two curb cuts shall be signed for no parking.

15. Waste collection trucks shall stop in front of the no parking space between the alley and church parking lot curb cuts and alley curb cut to perform waste collection without interference to traffic along southbound Division Avenue, N.E. or on-street parking.

**E. Miscellaneous**

1. No  
building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer and Regulatory Affairs. Such covenant shall bind the Applicant and all successors in title to construct and use the Property in accordance with this Order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The  
PUD shall be valid for a period of two years from the effective date of this Order within which time an application shall be filed for a building permit. Construction must begin within three years of the effective date of this Order.
3. The  
Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
4. The  
Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning

Administrator requests and shall simultaneously file that letter with the Office of Zoning.

On November 16, 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, Peter G. May, and Michael G. Turnbull to approve).

On January 29, 2018, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on March 30, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

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

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