



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 22-97, Health Care Provider Facility Expansion Program Establishment Act of 2018
- D.C. Council schedules a public hearing on Bill 22-0504, Student Loan Debt Forgiveness Act of 2017 and Bill 22-0692, Youth Mentoring Initiative Establishment Act of 2018
- D.C. Council schedules a public oversight roundtable on the “Implementation of Law 21-264, The Universal Paid Leave Act”
- D.C. Council schedules a public oversight roundtable on the “District of Columbia’s First Source Hiring Law”
- Board of Elections schedules a public hearing to consider the proposed “University Incubator Initiative & Referendum”
- Department of Human Services announces funding availability for the Fiscal Year 2019 Refugee Health Program and the Refugee Resettlement Program
- District Department of Transportation announces service changes to the DC Circulator effective June 24, 2018

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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MAYOR

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ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L22-90 Ann Hughes Hargrove Park Designation Act of 2018..... 005744

L22-91 Dining with Dogs Act of 2018 005745

L22-92 Boris Nemtsov Plaza Designation Act of 2018..... 005746

L22-93 Disability Services Reform Amendment Act of 2018..... 005747

L22-94 Fair Elections Amendment Act of 2018..... 005748

L22-95 Workforce Development System Transparency Amendment Act of 2018 005749

L22-96 Adult Career Pathways Task Force Expansion Amendment Act of 2018 005750

L22-97 Health Care Provider Facility Expansion Program Establishment Act of 2018 005751

L22-98 School Health Innovations Grant Program Amendment Act of 2018 005752

D.C. ACTS

A22-346 Walter Alley Designation Act of 2018 [B22-117]005753 - 005754

A22-347 Medical Marijuana Certified Business Enterprise Preference Amendment Act of 2018 [B22-161]005755 - 005756

A22-348 Ernest Everett Just Court Designation Act of 2018 [B22-518]005757 - 005758

A22-349 Lois Mailou Jones Alley Designation Act of 2018 [B22-531]005759 - 005760

A22-350 Watkins Alley Designation Act of 2018 [B22-538]005761 - 005762

A22-351 Israel Baptist Church Way Designation Act of 2018 [B22-557]005763 - 005764

A22-352 Business Improvement Districts Tax Exemption Amendment Act of 2018 [B22-585]005765 - 005766

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

D.C. ACTS CONT'D

A22-353 Parcel F1 Easement Disposition Act of 2018
[B22-609]005767 - 005768

A22-354 Swampoodle Park Designation Act of 2018
[B22-629]005769 - 005770

A22-355 Southwest Waterfront Exemption Temporary
Amendment Act of 2018 [B22-763]005771 - 005772

A22-356 Modifications to Contract No. CW46185
Approval and Payment Authorization
Emergency Act of 2018 [B22-795]005773 - 005774

A22-357 Modifications to Contract No. DCKA-2016-C-0016
Approval and Payment Authorization Emergency
Act of 2018 [B22-798]005775 - 005776

A22-358 Modifications to Contract No. DCKA-2013-C-0029
Approval and Payment Authorization Emergency
Act of 2018 [B22-799]005777 - 005778

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -

Proposed Resolutions PR22-858 and PR22-859 005779

COUNCIL HEARINGS

Notice of Public Hearings -

B22-0504 Student Loan Debt Forgiveness Act of 2017 005780

B22-0692 Youth Mentoring Initiative Establishment
Act of 2018..... 005780

B22-0739 TOPA Bankruptcy Tenant Displacement
Prevention Amendment Act of 2018
(Reconvened) (Government Witness Only)005781 - 005782

B22-0640 Rental Housing Commission Independence
Clarification Amendment Act of 2017
(Reconvened) (Government Witness Only)005781 - 005782

B22-0655 Housing Production Trust Fund Board
Nominee Confirmation Clarification
Amendment Act of 2018
(Reconvened) (Government Witness Only)005781 - 005782

B22-777 Pathways to District Government Careers
Act of 2018 (Revised) 005783

B22-0778 Youth Vote Amendment Act of 2018 (Revised)..... 005784

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

COUNCIL HEARINGS CONT'D

Notice of Public Oversight Roundtables -

Implementation of Law 21-264, The Universal Paid Leave Act 005785

The District of Columbia’s First Source Hiring Law 005786

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

Barracks Lane Restaurant - ANC 6B - New 005787

Chelsea Vietnamese Food (Carry out and Restaurant) - ANC 1A - New - CORRECTION 005788

Chelsea Vietnamese Food (Carry out and Restaurant) - ANC 1A - New - RESCIND 005789

Cloakroom - ANC 6E - Renewal 005790

Holiday Inn (Capitol) - ANC 6D - New 005791

Karibbean Kitchen - ANC 1A - New 005792

ZK Lounge & West Africa Grill - ANC 5C - Substantial Change 005793

Elections, Board of -

Receipt and Intent to Review Initiative Measure - The University Incubator Initiative & Referendum - July 11, 2018 005794 - 005795

Public-Private Partnerships, Office of -

Notice of Public Hearings - Delivery of Smart Street Lighting Project (Postponed) 005796

Zoning Adjustment, Board of - July 11, 2018 - Public Hearings

19777 Hilary Dove and Ranieri Cavaceppi - ANC 3E (Appeal) 005797 - 005799

19781 ROK Development LLC - ANC 4D 005797 - 005799

19784 Steven and Hilda Hooten - ANC 6B 005797 - 005799

19785 Paul Vinovich - ANC 6B 005797 - 005799

19786 Steve and Nancy Perry - ANC 6A 005797 - 005799

19793 Denise and Michael Bloomfield - ANC 2E 005797 - 005799

Zoning Commission - Cases -

06-11P Hillel at The George Washington University 005800 - 005803

17-11 3200 Penn Ave PJV, LLC 005804 - 005806

18-06 Office of Planning – Text Amendment to Subtitle G Creating a New MU-4A Zone and Renaming MU-4 to MU-4B 005807 - 005812

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

FINAL RULEMAKING

Consumer and Regulatory Affairs, Department of - Amend
 12 DCMR (Construction Codes Supplement of 2013),
 Subtitle M (Fees), Ch. 1 (DCRA Permits Division Schedule of Fees),
 Sec. 101 (Building Permit Fees), to establish a fee
 for the Department’s accelerated review pilot program..... 005813

Contracting and Procurement, Office of -
 Amend 27 DCMR (Contracts and Procurement),
 Ch. 27 (Bonds, Other Security, and Insurance),
 Sec. 2703 (Performance and Payment Security),
 to update regulations governing payment bonds
 and performance securities for construction or
 non-construction service contracts005814 - 005817

Health, Department of - Amend 17 DCMR
 (Business, Occupations, and Professionals),
 Ch. 92 (Teaching Licenses for Dentistry and
 Dental Hygiene), to add
 Sec. 9211 (Continuing Education Requirements),
 Sec. 9212 (Approved Continuing Education Programs
 and Activities), and
 Sec. 9213 (Continuing Education Credits),
 to require LGBTQ training for dentists and
 dental hygienists.....005818 - 005825

EMERGENCY RULEMAKING

Behavioral Health, Department of - Amend 16 DCMR
 (Consumers, Commercial Practices, and Civil Infractions),
 to rename Ch. 35 (Department of Mental Health (DMH) Infractions) to
 Ch. 35 (Department of Behavioral Health (DBH) Infractions),
 Sec. 3501(Mental Health Community Residence Facility Infractions),
 to revise the existing infraction regulation for Mental Health
 Community Residence Facilities; Emergency Rulemaking
 extends rules from Proposed Rulemaking published
 on March 23, 2018 at 65 DCR 002974;
 Expires September 17, 2018..... 005826 - 005830

NOTICES, OPINIONS, AND ORDERS

MAYOR’S ORDERS

2018-045 Designation of Special Event Areas – Beat the Streets005831 - 005832

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES**

Briya Public Charter School -
Request for Proposals - Immigration Legal Services
and Branding and Marketing Services 005833

Center City Public Charter Schools -
Notice of Intent to Award Sole Source Contract -
Miracle Method..... 005834

City Arts and Prep Public Charter School -
Notice of Intent to Enter Sole Source Contracts -
Multiple Vendors005835 - 005836

Request for Proposals - Building Systems Maintenance,
Custodial, and Special Education Services 005837

Corrections Information Council, DC -
Notice of Public Meeting - June 7, 2018..... 005838

D.C. Bilingual Public Charter School -
Request for Proposals - Maintenance/HVAC Services..... 005839

Energy and Environment, Department of -
Notice of Filing of a Request for a Voluntary
Cleanup Certificate of Completion -
2800 Sherman Avenue, NW -
Case No. VCP2015-035 005840

Notice of Filing of a Voluntary Cleanup Action Plan -
1719 T Street, NW - Case No. VCP2017-053 005841

Health, Department of -
Board of Marriage and Family Therapy
Meeting - June 5, 2018..... 005842
Board of Massage Therapy Meeting -
June 14, 2018 (Rescheduled) 005843
Board of Medicine Meeting - May 30, 2018..... 005844

Historic Preservation Review Board -
Notice of Intent to Nominate Historic Districts to the
National Register of Historic Places - Case No. 16-19 -
Kingman Park Historic District..... 005845

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Human Services, Department of -
 Notice of Funding Availability -
 Refugee Health Program - Fiscal Year 2019 - Grant
 to Non-Profit Community-Based Health Organizations005846 - 005847

Refugee Resettlement Program - Fiscal Year 2019 -
 Grant to Non-Profit Community-Based Organizations005848 - 005849

Judicial Disabilities and Tenure, Commission on -
 Judicial Tenure Commission Begins Reappointment
 Evaluations of Superior Court Judges Brian Holeman,
 Craig Iscoe, and J. Michael Ryan.....005850 - 005851

Judicial Tenure Commission Begins Review of
 Superior Court Judge John M. Mott.....005852 - 005853

KIPP DC Public Charter Schools -
 Request for Proposals -
 School Books..... 005854
 Food Service Management Services 005854

Invitation for Bid - Food Service Management Services005854

Secretary, Office of the -
 Recommendations for Appointments as DC Notaries Public -
 Effective July 1, 2018005855 - 005863

Somerset Prep DC Public Charter School -
 Notice of Intent to Enter Sole Source Contracts -
 Student Information Systems 005864
 Student Assessment Services 005864

Request for Proposals -
 Data Consulting Services 005865
 Special Education Consulting Services 005866

Transportation, District Department of -
 DC Circulator Service Changes - Effective June 24, 2018005867 - 005868

Washington Global Public Charter School -
 Request for Proposals - Facility Management/
 Maintenance Services..... 005869

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Water and Sewer Authority, DC -

Board of Directors Meeting - June 7, 2018.....005870

Zoning Adjustment, Board of - Cases -

19737 Fulcrum Properties Group, LLC - ANC 6B - Order005871 - 005875

19740 Francisca Vigaud-Walsh - ANC 1B - Order005876 - 005878

19748 Acton Academy Foundation - ANC 2A - Order005879 - 005882

19749 Muksy, LLC - ANC 3D - Order.....005883 - 005885

Zoning Commission - Cases -

14-18A Mid-City Financial Corporation - Order No.

14-18A(1).....005886 - 005891

16-29 Poplar Point RBBR, LLC (d/b/a Columbian

Quarter Holdings) - Order.....005892 - 005948

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-90

"Ann Hughes Hargrove Park 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 22-292 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on March 8, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-274 and was published in the March 16, 2018 edition of the D.C. Register (Vol. 65, page 2637). Act 22-274 was transmitted to Congress on March 26, 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 22-274 is now D.C. Law 22-90, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

COUNCIL OF THE DISTRICT OF COLUMBIA

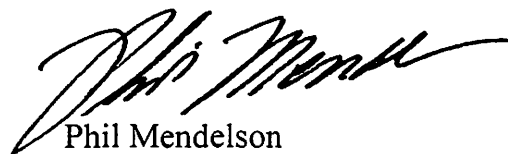
NOTICE

D.C. LAW 22-91

"Dining with Dogs 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 22-510 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on March 8, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-275 and was published in the March 16, 2018 edition of the D.C. Register (Vol. 65, page 2639). Act 22-275 was transmitted to Congress on March 26, 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 22-275 is now D.C. Law 22-91, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

COUNCIL OF THE DISTRICT OF COLUMBIA

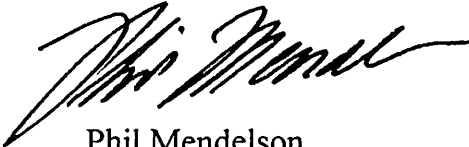
NOTICE

D.C. LAW 22-92

"Boris Nemtsov Plaza 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 22-539 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on March 8, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-276 and was published in the March 16, 2018 edition of the D.C. Register (Vol. 65, page 2642). Act 22-276 was transmitted to Congress on March 26, 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 22-276 is now D.C. Law 22-92, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

COUNCIL OF THE DISTRICT OF COLUMBIA

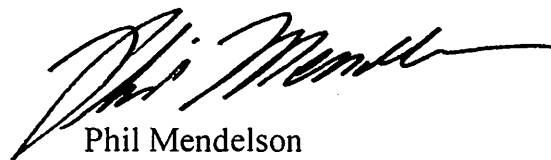
NOTICE

D.C. LAW 22-93

"Disability Services Reform Amendment 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 22-154 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on March 12, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-277 and was published in the March 23, 2018 edition of the D.C. Register (Vol. 65, page 2823). Act 22-277 was transmitted to Congress on March 26, 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 22-277 is now D.C. Law 22-93, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

COUNCIL OF THE DISTRICT OF COLUMBIA

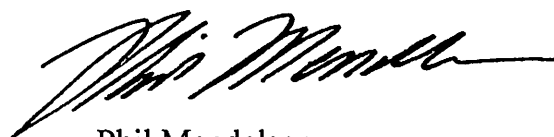
NOTICE

D.C. LAW 22-94

"Fair Elections Amendment 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 22-192 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on March 12, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-278 and was published in the March 23, 2018 edition of the D.C. Register (Vol. 65, page 2847). Act 22-278 was transmitted to Congress on March 26, 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 22-278 is now D.C. Law 22-94, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-95

"Workforce Development System Transparency Amendment 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 22-401 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on March 12, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-279 and was published in the March 23, 2018 edition of the D.C. Register (Vol. 65, page 2861). Act 22-279 was transmitted to Congress on March 26, 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 22-279 is now D.C. Law 22-95, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-96

"Adult Career Pathways Task Force Expansion Amendment 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 22-554 on first and second readings January 9, 2018, and February 6, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-280 and was published in the March 23, 2018 edition of the D.C. Register (Vol. 65, page 2868). Act 22-280 was transmitted to Congress on March 26, 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 22-280 is now D.C. Law 22-96, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-97

"Health Care Provider Facility Expansion Program Establishment 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 22-176 on first and second readings January 9, 2018, and February 6, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-281 and was published in the March 23, 2018 edition of the D.C. Register (Vol. 65, page 2870). Act 22-281 was transmitted to Congress on March 26, 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 22-281 is now D.C. Law 22-97, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-98

"School Health Innovations Grant Program Amendment 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 22-232 on first and second readings January 9, 2018 and February 6, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-282 and was published in the March 23, 2018 edition of the D.C. Register (Vol. 65, page 2874). Act 22-282 was transmitted to Congress on March 26, 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 22-282 is now D.C. Law 22-98, effective May 5, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30
May	1, 2, 3, 4

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-346

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To officially designate the entire portion of the public alley system within Square 756, bounded by 2nd Street, N.E., C Street, N.E., 3rd Street, N.E., Massachusetts Avenue, N.E., and D Street, N.E., in Ward 6, as Walter Alley.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Walter Alley Designation 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) (“Act”), and notwithstanding the requirements of section 421(f) of the Act (D.C. Official Code § 9-204.21(f)), the Council officially designates the entire portion of the public alley system within Square 756, bounded by 2nd Street, N.E., C Street, N.E., 3rd Street, N.E., Massachusetts Avenue, N.E., and D Street, N.E., as “Walter Alley”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

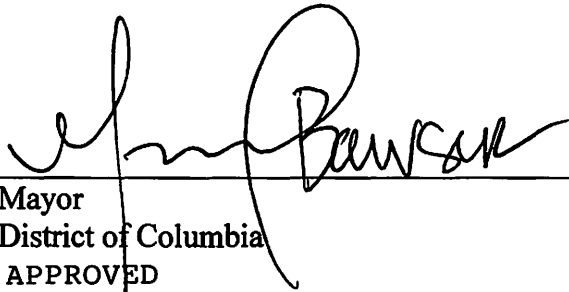
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-347

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to establish a preference for certified business enterprises that apply for the registration of a dispensary, cultivation center, or testing laboratory.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Marijuana Certified Business Enterprise Preference Amendment Act of 2018".

Sec. 2. Section 7(d) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(d)), is amended by adding a new paragraph (5) to read as follows:

“(5)(A) Any application for registration of a dispensary, cultivation center, or testing laboratory submitted by a certified business enterprise pursuant to this subsection after the effective date of the Medical Marijuana Certified Business Enterprise Preference Emergency Amendment Act of 2017, effective June 28, 2017 (D.C. Act 22-83; 64 DCR 6229), shall be awarded a preference equal to 20 points or 7.5% of the available points, whichever is more.

“(B) For the purposes of this paragraph, the term “certified business enterprise” shall have the same meaning as provided in section 2302(1D) of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)).”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

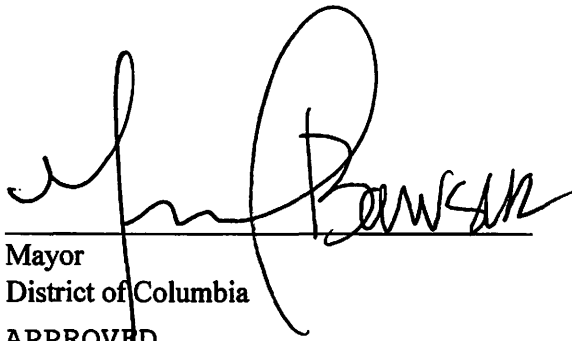
The act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-348

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To officially designate the entire portion of the public alley system within Square 3094, bounded by 4th Street, N.W., T Street, N.W., 5th Street, N.W., and Florida Avenue, N.W., in Ward 1, as Ernest Everett Just Court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ernest Everett Just Court Designation 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 entire portion of the public alley system within Square 3094, bounded by 4th Street, N.W., T Street, N.W., 5th Street, N.W., and Florida Avenue, N.W., in Ward 1, as “Ernest Everett Just Court”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.


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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-349

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To officially designate the entire portion of the public alley system within Square 3049, bounded by Park Place, N.W., Irving Street, N.W., Warder Street, N.W., and Kenyon Street, N.W., in Ward 1, as Lois Mailou Jones Alley.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Lois Mailou Jones Alley Designation 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) (“Act”), and notwithstanding the requirements of section 421(f) of the Act (D.C. Official Code § 9-204.21(f)), the Council officially designates the entire portion of the public alley system within Square 3049, bounded by Park Place, N.W., Irving Street, N.W., Warder Street, N.W., and Kenyon Street, N.W., in Ward 1, as “Lois Mailou Jones Alley”.

Sec. 3. Fiscal impact statement.

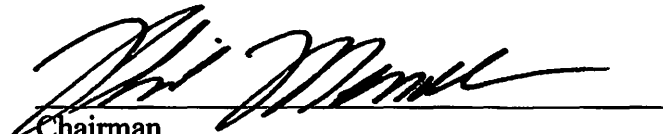
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

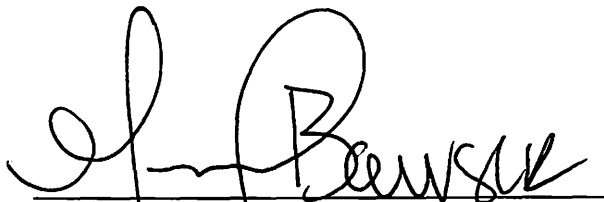
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-350

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To officially designate the entire portion of the public alley system within Square 1043, bounded by 13th Street, S.E., Pennsylvania Avenue, S.E., G Street, S.E., 14th Street, S.E., and E Street, S.E., in Ward 6, as Watkins Alley.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Watkins Alley Designation 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 entire portion of the public alley system within Square 1043, bounded by 13th Street, S.E, Pennsylvania Avenue, S.E., G Street, S.E., 14th Street, S.E., and E Street, S.E., as “Watkins Alley”.

Sec. 3. Fiscal impact statement.

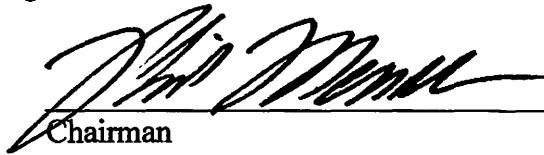
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

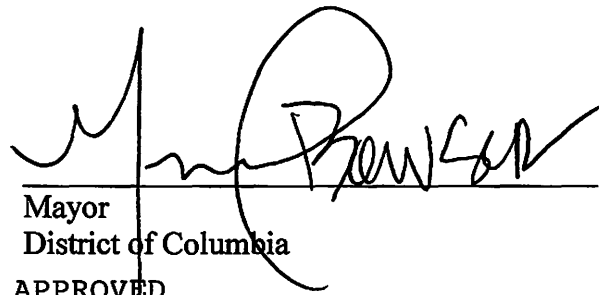
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-351

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To symbolically designate the 1200 block of Saratoga Avenue, N.E., in Ward 5, as Israel Baptist Church Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Israel Baptist Church Way Designation Act of 2018”.

Sec. 2. Pursuant to sections 401, 403a, and 423 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, 9-204.03a, and 9-204.23), the Council symbolically designates the 1200 block of Saratoga Avenue, N.E., as “Israel Baptist Church Way”.

Sec. 3. Fiscal impact statement.

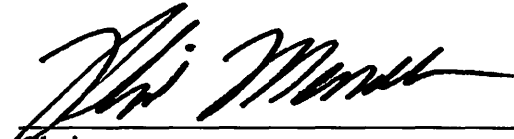
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

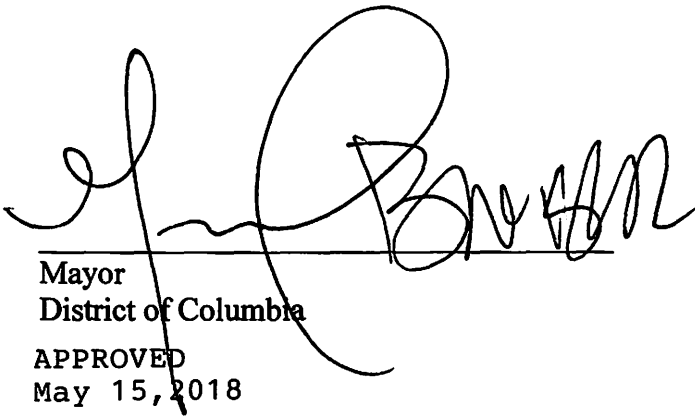
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-352

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To amend Chapter 46 of Title 47 of the District of Columbia Official Code to exempt Business Improvement Districts from certain taxation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Business Improvement Districts Tax Exemption Amendment Act of 2018”.

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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

“47-4666. BID corporation – tax exemptions.”.

(b) A new section 47-4666 is added to read as follows:

“§ 47-4666. BID corporation – tax exemptions.

“(a)(1) Except as provided in subsection (b) of this section, a BID corporation, as defined in § 2-1215.02(4), its real and personal property, income, and transactions, shall be exempt from District taxation, including, without limitation, sales, use, franchise, gross sales or receipts, income, personal or real property, transfer, or excise taxes.

“(2) A BID corporation shall obtain a certificate of exemption from the Mayor, as required by law or regulation.

“(b) A BID corporation shall not be exempt from employment or withholding taxes.

“(c) The Council orders that all unpaid taxes described in subsection (a)(1) of this section, including any interest, penalties, fees, and other related charges assessed from May 29, 1996, through the effective date of this section be forgiven.”.

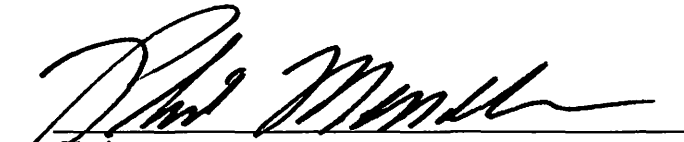
Sec. 3. Fiscal impact statement.

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


ENROLLED ORIGINAL

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-353

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To declare that certain real property known for tax and assessment purposes as portions of Lots 809, 810, and 814 in Square 744S are no longer required for public purposes and to authorize the disposition of the property to the lessee of F1 Parcel, known for tax and assessment purposes as Lot 812, in Square 744S.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Parcel F1 Easement Disposition Act of 2018”.

Sec. 2. Notwithstanding An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*), the Council declares that the real property known for tax and assessment purposes as portions of Lots 809, 810, and 814 in Square 744S (“Property”) is no longer required for public purposes and authorizes the disposition of the Property through the conveyance of a setback easement and access easement to the lessee of the F1 Parcel (Lot 812, Square 744S), for the purpose of facilitating the development of the adjacent Parcel F1.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

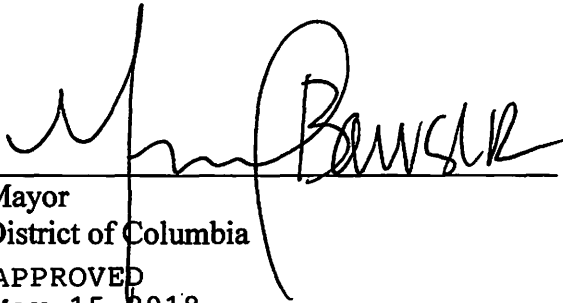
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-354

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To officially designate the park in Lot 68 in Square 749, bounded by L Street, N.E., 2nd Street, N.E., K Street, N.E., and 3rd Street, N.E., in Ward 6, as Swampoodle Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Swampoodle Park Designation Act of 2018”.

Sec. 2. Pursuant to sections 401 and 422 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 and 9-204.22), the Council officially designates the park in Lot 68 in Square 749, bounded by L Street, N.E., 2nd Street, N.E., K Street, N.E., and 3rd Street, N.E., as “Swampoodle Park”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

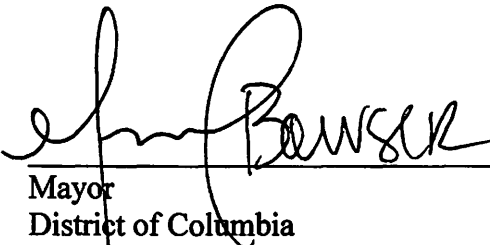
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-355

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To amend, on a temporary basis, section 25-314 of the District of Columbia Official Code to create an exemption to the 400-foot restriction for taverns, multipurpose facilities, and off-premises retailers located in the Southwest Waterfront area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Southwest Waterfront Exemption Temporary Amendment Act of 2018”.

Sec. 2. Section 25-314(b) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “paragraphs (2) through (5)” and inserting the phrase “paragraphs (2) through (8)” in its place.

(b) Paragraph (3) is amended as follows:

(1) Designate the existing text as subparagraph (A).

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

“(B) The exception in subparagraph (A) of this paragraph shall not apply if the currently functioning establishment holding a license of the same class is exempt from the 400-foot restriction under paragraph (8) of this subsection.”.

(c) A new paragraph (8) is added to read as follows:

“(8) The 400-foot restriction shall not apply to an application for an on-premises retailer’s license, class CT, DT, CX, or DX, or an off-premises retailer’s license, class A or B, located in the Mixed Use-12 Zone, Square 473, according to the official atlases of the Zoning Commission of the District of Columbia.”.

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.

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


ENROLLED ORIGINAL

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

(c) This act shall expire after 225 days of its taking effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 15, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-356

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To approve, on an emergency basis, Modification Nos. 2, 3, and 4 to Contract No. CW46185 with Ramsell Corporation to provide a pharmacy benefit management system, 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. CW46185 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. 2, 3, and 4 to Contract No. CW46185 with Ramsell Corporation to provide a pharmacy benefit management system, 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 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.

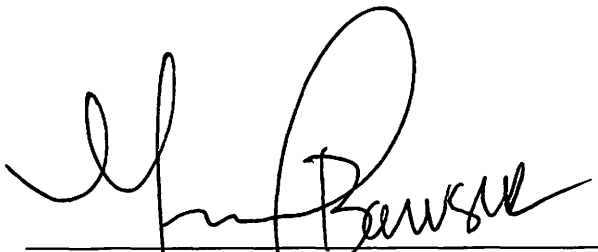
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
May 15, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-357

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To approve, on an emergency basis, Modification Nos. 2, 3, and 4 to Contract No. DCKA-2016-C-0016 with Capitol Paving of D.C., Inc. to operate, maintain, and expand the existing regional Green Infrastructure Construction, 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-2016-C-0016 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. 2, 3, and 4 to Contract No. DCKA-2016-C-0016 with Capitol Paving of D.C., Inc. to operate, maintain, and expand the existing regional Green Infrastructure Construction, and authorizes payment in the not-to-exceed amount of \$10,614,350 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.

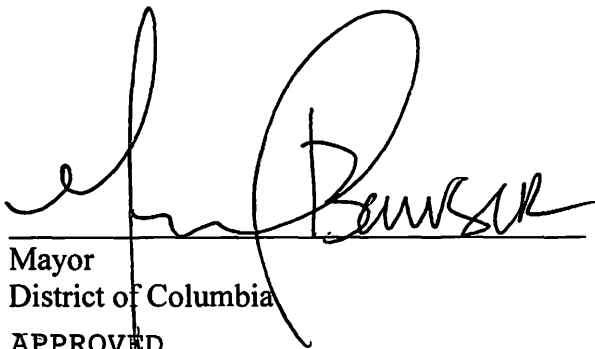
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
May 15, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-358

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 15, 2018

To approve, on an emergency basis, Modification Nos. 8, 9, and 10 to Contract No. DCKA-2013-C-0029 with Fort Myer Construction Corporation to provide continued sidewalk restoration 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. DCKA-2013-C-0029 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. 8, 9, and 10 to Contract No. DCKA-2013-C-0029 with Fort Myer Construction Corporation to provide continued sidewalk restoration and repair services, and authorizes payment in the not-to-exceed amount of \$27.3 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.

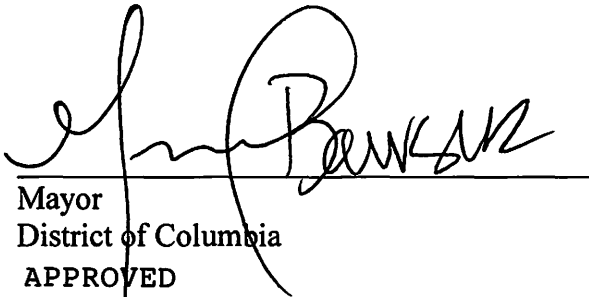
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

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
May 15, 2018

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

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

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

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

PR22-858 Local Rent Supplement Program Contract No. 2016-LRSP-08A
Approval Resolution of 2018

Intro. 5-16-18 by Chairman Mendelson at the request of the District of Columbia Housing Authority and Retained by the Council with comments from the Committee on Housing and Neighborhood Revitalization

PR22-859 St. Paul on Fourth Street, Inc. Revenue Bonds Project Approval Resolution of 2018

Intro. 5-18-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

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

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC HEARING**

on

B22-0504, the “Student Loan Debt Forgiveness Act of 2017”

and

B22-0692, the “Youth Mentoring Initiative Establishment Act of 2018”

on

**Monday, June 25, 2018
11:00 a.m., Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announces the scheduling of a public hearing on B22-0504, the “Student Loan Debt Forgiveness Act of 2017” and B22-0692, the “Youth Mentoring Initiative Establishment Act of 2018.” The hearing will be held at 11:00 a.m. on Monday, June 25, 2018 in Hearing Room 500 of the John A. Wilson Building.

The stated purpose of B22-0504 is to establish a student loan debt forgiveness program for District of Columbia residents.

The stated purpose of B22-0692 is to establish the Youth Mentoring Initiative in the Office of Out of School Time Grants and Youth Outcomes to coordinate and expand programs and public/private partnerships supporting youth mentoring programs and opportunities for at-risk youth.

The Committee invites the public to testify or submit written testimony. Those who wish to testify may sign-up online at <http://bit.do/educationhearings> or call the Committee on Education at (202) 724-8061 by 5:00 p.m. Thursday, June 21, 2018. Persons wishing to testify are encouraged to bring 10-15 copies of their written testimony.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ashley Strange, Committee Assistant, at astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Monday, July 9, 2018.

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

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 22-0739, “TOPA Bankruptcy Tenant Displacement Prevention Amendment Act of 2018”

Bill 22-0640, “Rental Housing Commission Independence Clarification Amendment Act of 2017”

and

Bill 22-0655, “Housing Production Trust Fund Board Nominee Confirmation Clarification Amendment Act of 2018”

(Government Witness Only)

on

Friday, June 01, 2018, at 11:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Friday, June 01, 2018, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will reconvene a public hearing on Bill 22-0739, “TOPA Bankruptcy Tenant Displacement Prevention Amendment Act of 2018”, Bill 22-0640, “Rental Housing Commission Independence Clarification Amendment Act of 2017”, and Bill 22-0655, “Housing Production Trust Fund Board Nominee Confirmation Clarification Amendment Act of 2018” for the purpose of hearing from the government witness. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:00 a.m. This is a continuance of the hearing that was held on Monday, May 21, 2018.

B22-0739, the “TOPA Bankruptcy Tenant Displacement Prevention Amendment Act of 2018”, would amend the Tenant Opportunity to Purchase Act of 1980 to no longer exempt bankruptcy sales of housing accommodations from transfers subject to the act. An owner of a rental housing accommodation that was acquired pursuant to a court-ordered sale would be required to give tenants an opportunity to purchase the housing accommodation at 105% of the purchase price, plus reasonable out-of-pocket third-party and capital improvement costs.

Bill 22-0640, the “Rental Housing Commission Independence Clarification Amendment Act of 2017”, would clarify that the Rental Housing Commission is an independent agency within the executive branch of the District government.

Bill 22-0655, the “Housing Production Trust Fund Board Nominee Confirmation Clarification Amendment Act of 2018”, would clarify that a nominee for the Housing Production Trust Fund Board shall be deemed disapproved if the Council does not approve by resolution the nomination within the 90-day period of review.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on May 31, 2018. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 500, Washington, D.C. 20004. The record will close at 5:00 p.m. on June 15, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

****REVISED****

**CHAIRPERSON ELISSA SILVERMAN
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

ANNOUNCES A PUBLIC HEARING ON

B22-777, the “Pathways to District Government Careers Act of 2018”

**Thursday, June 14, 2018, 10:00 a.m.
Hearing Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Elissa Silverman, Chair of the Committee on Labor and Workforce Development, announces a public hearing on B22-777, the “Pathways to District Government Careers Act of 2018.” The hearing will be held at 10:00 a.m. on Thursday, June 14, 2018, in Room 123 of the John A. Wilson Building. ****This notice has been updated to reflect a new date.****

The purpose of B22-0777 is to establish apprenticeships in District government employment, to provide District high school graduates with priority in applications to and interviews for entry-level job openings with District government, and to establish partnerships between the District of Columbia Department of Human Resources and District public high schools to promote pathways to District government employment.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at labor@dccouncil.us or (202) 724-7772 by 5:00 p.m. on Tuesday, June 12, 2018, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

If a witness is unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at labor@dccouncil.us or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, June 28, 2018.

****This notice has been updated to reflect a new date.****

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

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

ANNOUNCES A PUBLIC HEARING ON

BILL 22-0778, THE “YOUTH VOTE AMENDMENT ACT OF 2018”

**Wednesday, June 27, 2018, 2:00 p.m.
Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, June 27, 2018, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public hearing on Bill 22-0778, the “Youth Vote Amendment Act of 2018”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 2:00 p.m. *Please note that this notice has been revised to reflect the updated start time of 2:00 p.m. rather than the previously noticed start time of 10 a.m.*

The stated purpose of Bill 22-0778, the “Youth Vote Amendment Act of 2018”, is to amend the District of Columbia Election Code of 1955 to allow sixteen- and seventeen-year-olds to vote.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us or at (202) 724-7808, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Friday, June 22**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty double-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on July 12.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRPERSON ELISSA SILVERMAN
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

Implementation of Law 21-264, The Universal Paid Leave Act

**Wednesday, July 11, 2018, 1pm
Hearing Room 120 John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Elissa Silverman, Chairperson of the Committee on Labor and Workforce Development, announces a public roundtable before the Committee on implementation of the Universal Paid Leave Amendment Act of 2016 (L21-264). The law establishes a paid leave system to provide partial wage replacement for District residents in need of leave from work due to serious family illness, personal medical leave, or care for a new child. Previous oversight roundtables were held on November 20, 2017, and January 31, 2018, as well as during the Department of Employment Services FY19 budget oversight hearing on April 20, 2018.

At this roundtable, the committee will review the quarterly reports due by June 30, 2018, in addition to the status of other elements of implementation. D.C. Official Code §32-541.04(h) requires quarterly a “project plan that explains in detail the timeline, including specific dates by which milestones of the project will be accomplished, for the development of all software necessary to administer the paid-leave system.” D.C. Official Code §32-541.04(i) requires quarterly “a requirements document that explains in detail the requirements needed in order to develop all software necessary to administer the paid-leave system established pursuant to this act.” The roundtable will be held at 1p.m. on Wednesday, July 11, 2018, in Room 120 of the John A. Wilson Building.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at labor@dccouncil.us or (202) 724-7772 by noon on Monday, July 9, 2018, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the roundtable, written statements will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at labor@dccouncil.us or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, July 25, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRPERSON ELISSA SILVERMAN
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON

The District of Columbia's First Source Hiring Law

**Thursday, June 21, 2018, 11:00 a.m.
Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember Elissa Silverman, Chair of the Committee on Labor and Workforce Development, announces a public roundtable on the District of Columbia's First Source hiring law and employment program, which sets hiring requirements for taxpayer-funded projects. The roundtable will be held at 11:00 a.m. on Thursday, June 21, 2018, in Room 500 of the John A. Wilson Building.

The purpose of this roundtable is to discuss First Source in light of two reports by the Office of the District of Columbia Auditor (ODCA) released on April 19, 2018: "DOES Lacks Policies and Procedures to Effectively Monitor D.C.'s First Source Program" and "Fewer than One-Fifth of First Source Provisions Have Been Effectively Implemented and the District Has Not Demonstrated Success in Hiring and Retaining District Employees." The Committee is interested in hearing from ODCA, the Department of Employment Services, employers, job seekers and others about the efficacy of the current program and its enforcement as well as how this critical program can be strengthened and improved.

Those who wish to testify before the Committee are asked to contact Ms. Charnisa Royster at labor@dccouncil.us or (202) 724-7772 by 5:00 p.m. on Tuesday, June 19, 2018, to provide their name, address, telephone number, organizational affiliation and title (if any), as well as the language of oral interpretation, if any, they require. Those wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. Those representing organizations will have five minutes to present their testimony, and other individuals will have three minutes to present their testimony; less time will be allowed if there are a large number of witnesses.

If a witness is unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to Ms. Royster at labor@dccouncil.us or mailed to the Committee on Labor and Workforce Development, Council of the District of Columbia, Suite 115 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, July 6, 2018.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 25, 2018
Protest Petition Deadline: July 9, 2018
Roll Call Hearing Date: July 23, 2018
Protest Hearing Date: September 19, 2018

License No.: ABRA-109778
Licensee: EI LLC
Trade Name: Barracks Lane Restaurant
License Class: Retailer's Class "C" Tavern
Address: 517 8th Street, S.E.
Contact: El Alami Ikhlar: (202) 247-0526

WARD 6

ANC 6B

SMD 6B03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on July 23, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on September 19, 2018 at 4:30 pm.

NATURE OF OPERATION

New Tavern serving American food. Total Occupancy load is 99 with seating for 99. Sidewalk Café with 12 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES

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

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ

Sunday through Saturday 10am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**** CORRECTION****

Placard Posting Date: May 18, 2018
Protest Petition Deadline: July 2, 2018
Roll Call Hearing Date: July 16, 2018
Protest Hearing Date: September 12, 2018

License No.: ABRA-109883
Licensee: Chelsea Corporation
Trade Name: Chelsea Vietnamese Food (Carry out and Restaurant)
License Class: Retailer's Class "C" Restaurant
Address: 1413 Park Road, N.W.
Contact: Phuong Nguyen: (202) 758-2415

WARD 1

ANC 1A

SMD 1A05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 16, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date. **The Protest Hearing date is scheduled on September 12, 2018 at 4:30 p.m.**

****NATURE OF OPERATION**

A new Class "C" family-owned Vietnamese food restaurant, serving authentic Vietnamese food, including pho. The restaurant will offer sit-down service including alcoholic beverages, as well as carry-out options for food only. The restaurant will have 60 seats, and a Total Occupancy Load of 67.

****PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION**

Sunday – Saturday, 10am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**** RESCIND****

Placard Posting Date: May 18, 2018
Protest Petition Deadline: July 2, 2018
Roll Call Hearing Date: July 16, 2018
Protest Hearing Date: September 12, 2018

License No.: ABRA-109883
Licensee: Chelsea Corporation
Trade Name: Chelsea Vietnamese Food (Carry out and Restaurant)
License Class: Retailer's Class "C" Restaurant
Address: 1413 Park Road, N.W.
Contact: Phuong Nguyen: (202) 758-2415

WARD 1

ANC 1A

SMD 1A05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 16, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date. **The Protest Hearing date is scheduled on September 12, 2018 at 4:30 p.m.**

NATURE OF OPERATION

A new Class "C" family-owned Vietnamese food restaurant, serving authentic Vietnamese food, including pho. The restaurant will offer sit-down service including alcoholic beverages, as well as carry-out options for food only. The restaurant will have 60 seats, and a Total Occupancy Load of 67. **Licensee is requesting an Entertainment Endorsement to provide live entertainment.

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

Sunday – Saturday, 10am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/25/2018

Notice is hereby given that:

License Number: ABRA-087875

License Class/Type: C Nightclub

Applicant: 476 K, LLC

Trade Name: Cloakroom

ANC: 6E05

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

476 K ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
7/9/2018

A HEARING WILL BE
7/23/2018

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

ENDORSEMENT(S): Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of
Sunday:	10:30 am - 2 am	10:30 am - 2 am	-
Monday:	10:30 am - 2 am	10:30 am - 2 am	-
Tuesday:	10:30 am - 2 am	10:30 am - 2 am	-
Wednesday:	10:30 am - 2 am	10:30 am - 2 am	-
Thursday:	10:30 am - 2 am	10:30 am - 2 am	-
Friday:	10:30 am - 3 am	10:30 am - 3 am	-
Saturday:	10:30 am - 3 am	10:30 am - 3 am	-

	Hours of Summer Garden	Hours of Sales Summer
Sunday:	10:30 am - 2 am	10:30 am - 2 am
Monday:	10:30 am - 2 am	10:30 am - 2 am
Tuesday:	10:30 am - 2 am	10:30 am - 2 am
Wednesday:	10:30 am - 2 am	10:30 am - 2 am
Thursday:	10:30 am - 2 am	10:30 am - 2 am
Friday:	10:30 am - 3 am	10:30 am - 3 am
Saturday:	10:30 am - 3 am	10:30 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 25, 2018
Protest Petition Deadline: July 9, 2018
Roll Call Hearing Date: July 23, 2018
Protest Hearing Date: September 19, 2018

License No.: ABRA-109749
Licensee: Federal Center Hotel Associates, LLC
Trade Name: Holiday Inn (Capitol)
License Class: Retailer's 25 Percent Class "B"
Address: 550 C Street, S.W.
Contact: Stephen J. O'Brien: 202-625-7700

WARD 6

ANC 6D

SMD 6D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 23, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The **Protest Hearing date** is scheduled on **September 19, 2018 at 4:30pm**.

NATURE OF OPERATION

New 25% Class B selling beer and wine located within a hotel without direct access to the street.

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

Sunday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 25, 2018
Protest Petition Deadline: July 9, 2018
Roll Call Hearing Date: July 23, 2018
Protest Hearing Date: September 19, 2018

License No.: ABRA-109111
Licensee: Karibbean Kitchen, LLC
Trade Name: Karibbean Kitchen
License Class: Retailer's Class "C" Tavern
Address: 1400 Meridian Place, N.W.
Contact: LaShawn Ridgley: (202) 299-1204

WARD 1 ANC 1A SMD 1A02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on July 23, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The Protest Hearing date is scheduled on September 19, 2018 at 1:30 p.m.

NATURE OF OPERATION

New Class "C" Tavern offering Jamaican and Caribbean food. The tavern will have 100 seats and a Total Occupancy Load of 100.

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

Sunday, 12pm - 10pm
Monday - Thursday, 12pm - 12am
Friday - Saturday, 12pm - 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 25, 2018
Protest Petition Deadline: July 9, 2018
Roll Call Hearing Date: July 23, 2018

License No.: ABRA-096141
Licensee: Zion Kitchen and Trading, Inc.
Trade Name: ZK Lounge & West Africa Grill
License Class: Retailer’s Class “C” Restaurant
Address: 1805 Montana Ave, N.E.
Contact: Oyindamola Akinkugbe: (240) 882-2718

WARD 5 ANC 5C SMD 5C05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 23, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Licensee is requesting to increase seating from 34 seats to 79 seats, with a new Total Occupancy Load of 85.

CURRENT HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday – Thursday 10am – 2am
Friday – Saturday 10am – 3am

CURRENT HOURS OF ENTERTAINMENT

Sunday – Thursday 6pm – 2am
Friday – Saturday 6pm – 3am

D.C. BOARD OF ELECTIONS**NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE**

The Board of Elections shall consider in a public hearing whether the proposed measure "The University Incubator Initiative & Referendum" is a proper subject matter for initiative at the Board's regular meeting on July 11, 2018 at 10:30 a.m., at 1015 Half Street S.E., Suite 750, Washington DC 20003.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Thursday, July 5, 2018 to the Board of Elections, General Counsel's Office, 1015 Half Street, S.E., Suite 750, Washington, D.C. 20003.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization represented (if any) by calling the General Counsel's office at 727-2194 no later than Friday, July 6, 2018 at 4:00p.m.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

SHORT TITLE

"The University Incubator Initiative & Referendum"

SUMMARY STATEMENT

In 2017-2018, Congress passed the "Tax Cuts and Jobs Act (Public Law No: 115-97)" to include Opportunity Zones to address economic stimulation in distressed communities.

The "University Incubator Initiative & Referendum" measure will create a "Universal Inclusion Startup Incubator" connected to all colleges and universities creating and requiring a startup environment at graduation. A Public-Private Placement requiring "No Public Funds" will facilitate a technology transfer to the private sector, while creating startup economic opportunity and equity building at the college level. A percentage of private funding under the Opportunity Zone requirement should be allocated to Universal Incubators.

LEGISLATIVE TEXT

Should a Revision and/or Amendment to Developing Law in the DC Code under the Federal "Tax Cuts and Jobs Act (Public Law No: 115-97)" be approved to include a "Universal Inclusion

Startup Incubator" at the college and university level via Opportunity Zones in the District of Columbia?

Congressional Public Law No: 115-97 SEC. 13823. OPPORTUNITY ZONES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

“Subchapter Z—Opportunity Zones

“SEC. 1400Z-1. DESIGNATION.

“(a) QUALIFIED OPPORTUNITY ZONE DEFINED.—For the purposes of this subchapter, the term ‘qualified opportunity zone’ means a population census tract that is a low-income community that is designated as a qualified opportunity zone.

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS**NOTICE OF PUBLIC HEARINGS - POSTPONED****Delivery of Smart Street Lighting Project**

The District of Columbia Office of Public-Private Partnerships (“DC OP3”), in coordination with the District Department of Transportation (“DDOT”) and the Office of the Chief Technology Officer (“OCTO”), hereby gives notice that the previously scheduled public hearings regarding the District’s Smart Lighting Project (“Project”) have been postponed indefinitely. The District intends to reschedule the hearings at a later date and will provide notice to effected Advisory Neighborhood Commissions (ANCs) and in the D.C. Register at least 30 days prior to those hearings.

The Project is proposed modernize the District’s more than 75,000 streetlights by converting them to LED technology with remote monitoring and control capabilities and deploy Smart City technology, including expansion of the District broadband Wi-Fi network and a platform for future uses and applications. It is also anticipated that the selected developer will obtain private financing for the Project and operate and maintain the existing and improved lighting systems under a long-term, performance-based contract.

For those interested in learning more about the Project, please visit <http://op3.dc.gov/streetlights>.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JULY 11, 2018
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD THREE

19777
ANC 3E **Appeal of Hilary Dove and Ranieri Cavaceppi**, pursuant to 11 DCMR Subtitle Y § 302, from the determination made on April 6, 2018 by a Program Analyst in the Office of the Zoning Administrator, Department of Consumer and Regulatory Affairs, that the placement of three air conditioning compressor units in a side yard did not violate the side yard setback requirements and was not a cause for zoning enforcement action in the R-1-B Zone at premises 4400 Albemarle Street N.W. (Square 1590, Lot 43).

WARD FOUR

19781
ANC 4D **Application of ROK Development LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to construct a third story and rear addition to an existing principal dwelling unit and convert it to a three-unit apartment house in the RF-1 Zone at premises 524 Jefferson Street N.W. (Square 3209, Lot 102).

WARD SIX

19784
ANC 6B **Application of Steven and Hilda Hooten**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, to expand an existing rear deck addition to an existing principal dwelling unit and construct a rear accessory garage in the RF-1 Zone at premises 237 10th Street S.E. (Square 944, Lot 66).

WARD SIX

19785
ANC 6B **Application of Paul Vinovich**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the use requirements of Subtitle U §§ 301.1(g) and 301.1(d), and under Subtitle E § 5201 from the nonconforming structure requirements of Subtitle C § 202.2 to construct a second story and roof deck addition to an existing accessory structure in the RF-1 Zone at premises 322 8th Street S.E. (Square 924, Lot 50).

BZA PUBLIC HEARING NOTICE

JULY 11, 2018

PAGE NO. 2

WARD SIX

19786 **Application of Steve and Nancy Perry**, pursuant to 11 DCMR Subtitle X, ANC 6A Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a third-story rear addition to an existing principal dwelling unit in the RF-1 Zone at premises 1016 Massachusetts Avenue N.E. (Square 965, Lot 41).

WARD TWO

19793 **Application of Denise and Michael Bloomfield**, pursuant to 11 DCMR Subtitle ANC 2E X, Chapter 9, for a special exception under Subtitle D §§ 1206.4 and 5201, from the rear addition requirements of Subtitle D § 1206.3, to construct a second-story rear addition to an existing principal dwelling unit in the R-20 Zone at premises 1519 28th Street N.W. (Square 1266, Lot 281).

PLEASE NOTE:

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

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

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

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

Do you need assistance to participate?

Amharic

BZA PUBLIC HEARING NOTICE

JULY 11, 2018

PAGE NO. 3

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

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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。这些是免费提供的服务。

French

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Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
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**

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

TIME AND PLACE: **Monday, July 16, 2018, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 06-11P (Hillel at The George Washington University – Modification of Significance of Z.C. Order No. 06-11L and Request for Further Special Exception Relief from the Penthouse Setback Requirements (Square 42, Lots 820 & 840)

THIS CASE IS OF INTEREST TO ANC 2A

On April 25, 2018, the Office of Zoning received an application filed by Hillel at The George Washington University (“Applicant” or “Hillel”) requesting approval of a Modification of Significance to Z.C. Order No. 06-11L (“Order”) and the approved plans pursuant to 11-Y DCMR § 704. In addition, the Applicant seeks further special exception relief from the penthouse setback requirements pursuant to 11-C DCMR § 1504 and 11-X DCMR § 901.

The Property that is the subject of this application is located at 2300 H Street, N.W. on the southwest corner of the intersection of 23rd and H Street, N.W. and is currently improved with Hillel’s existing structure (“Property”). The Property consists of approximately 4,575 square feet of land and is located within the University’s Campus Plan Boundary. The property immediately to the west, along H Street, is owned by the University and improved with an eight-story residence hall (Amsterdam Hall). The property immediately to the south, along 23rd Street, is owned by St. Mary’s Episcopal Church and improved with a rowhouse structure, parish hall, and main sanctuary.

Z.C. Order No. 06-11L granted certain variance and special exception approval in order to permit the construction of a new four-story building that included worship space, a dining facility, and academic and student life space. The Commission granted area variance relief from the floor area ratio (“FAR”), lot occupancy, rear yard, and parking requirements of the Zoning Regulations as well as special exception approval from the roof structure setback requirements (penthouse). In the near term, Hillel proposed to lease two floors of the Project to the University for University-related uses. To authorize the University use, the Commission also approved an amendment to the Campus Plan as well as a further processing of the Campus Plan. The Commission also approved a minor modification to the campus-wide first-stage PUD in Z.C. Order No. 06-11M in order to effectuate the University use within the Project.

The Applicant’s proposed modified design does not increase the approved height or density and it eliminates the need for the previously approved FAR, lot occupancy, and rear yard relief. The Project will continue to incorporate the parking variance as well as the Campus Plan amendment

and further processing approval approved in the Order. These areas of relief remain in effect pursuant to the Order. Although the Order granted relief for the penthouse setback, the new design requires additional relief for the penthouse setback.

Among other things, the application requests modifications to:

- **Building Design:** the building footprint will be approximately 20% smaller than what was previously approved (due to an increase in the rear yard); change in building materials, projections and the layout of the interior space); and
- **Zoning Relief:** elimination of previously approved FAR, lot occupancy, and rear yard; request for additional penthouse setback relief.

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

How to participate as a witness.

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

How to participate as a party.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TIME AND PLACE: **Monday, July 23, 2018, @ 6:30 p.m. – 2nd Case**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 17-11 (3200 Penn Ave PJV, LLC – Map Amendment @ Square 5539, Lots 835 and 840)

THIS CASE IS OF INTEREST TO ANC 7B

On May 26, 2017, the Office of Zoning received a petition from 3200 Penn Ave PJV, LLC (“Petitioner”) requesting approval of a Zoning Map amendment to rezone the property consisting of Lots 835, 838, 839, and 840 in Square 5539 from MU-3/R-1-B to MU-4. On October 2, 2017, the Commission held a public hearing on the petition. In response to testimony provided by adjacent and nearby neighbors regarding the potential impacts of future mixed-use development on the aforementioned lots immediately adjacent to R-1-B zoned properties, the Commission requested the Petitioner to work with adjacent and nearby neighbors to evaluate whether the creation of a new [custom] zone could alleviate the concerns raised at the public hearing. The Commission scheduled the petition for deliberation for November 13, 2017.

On October 30, 2017, the Petitioner requested the Commission to defer its deliberation on the petition to allow more time to establish a set of development parameters that would address the concerns expressed by adjacent and nearby neighbors, which would be implemented through the creation of a modified version of the MU-4 zone. (Exhibit 50.) The Commission granted the Petitioner’s request for deferral.

On April 23, 2018, the Petitioner submitted a request to amend the subject petition to (i) modify the properties included in the requested map amendment, and (ii) modify the specific zone being requested. (Exhibit 51.) To address the concerns expressed regarding the height of future development on Lot 838 and 839, which have an elevation that is substantially higher than the immediately adjacent residential properties, the Petitioner requested to remove Lots 838 and 839 from the subject petition, leaving only Lots 835 and 840 to be rezoned. Secondly, the Petitioner requested that Lots 835 and 840 be rezoned to MU-4A. The requested MU-4A zone is a modified version of the existing MU-4 zone that contains parameters developed by the Petitioner and neighbors in coordination with the Office of Planning (“OP”).

On March 24, 2018, OP submitted a text amendment to the Commission that would create the MU-4-A zone, and rename the existing MU-4 zone to MU-4B (Z.C. Case No. 18-06). In its report, OP recommended that the Commission setdown the proposed text amendment for public hearing, and further recommended that the Commission also setdown the Petitioner’s amended petition so that the public hearings for both cases could occur on the same date. On March 30,

2018, the Commission voted to setdown Z.C. Case No. 18-06, as submitted by OP, and Z.C. Case No. 17-11, as modified by the Petitioner.

The MU-4A zone would be created within Subtitle G (Mixed Use (“MU”) Zones) of the Zoning Regulations. The general purpose of MU zones is, among other things, to provide for mixed-use developments that permit a broad range of uses at varying densities consisting of housing, shopping, and business needs, including residential, office, service, and employment centers. According to the setdown report submitted by OP in Z.C. Case No. 18-06, as a matter of right the MU-4A zone will permit a maximum building height of 50 feet; a maximum density of 2.0 FAR (2.4 FAR with Inclusionary Zoning), of which no more than 1.5 FAR can be devoted to non-residential uses. Developments within the MU-4A zone will be permitted to have a 12-foot habitable penthouse, and a 15-foot mechanical penthouse. Regarding lot occupancy, except in Square 5539, the maximum permitted lot occupancy for residential use in the MU-4A zone will be 60% (75% with Inclusionary Zoning). In Square 5539, the maximum permitted lot occupancy for both residential and nonresidential use will be 60%, with no increase in lot occupancy provided with Inclusionary Zoning. Finally, the MU-4A zone will contain transition setback requirements that would apply to any lot line that directly abuts any Residential (“R”) zone.

The public hearing for this petition, as amended by the Petitioner, will be conducted in accordance with the rulemaking case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11-Z DCMR Chapter 5.

How to participate as a witness.

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

Time limits.

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- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING

TIME AND PLACE: Monday, July 23, 2018, @ 6:30 p.m. (1st Case)
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 18-06 (Office of Planning – Text Amendment to Subtitle G Creating a New MU-4A Zone and Renaming MU-4 to MU-4B)

THIS CASE IS OF INTEREST TO ALL ANCs

On April 24, 2018, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (OP) proposing a text amendment to the Zoning Regulations of 2016 (11 DCMR) to create a new MU-4A zone and to rename the MU-4 zone to the MU-4B. On April 30, 2018, the Commission voted to set down the petition for a public hearing. The OP set down report served as the supplemental filing required by 11-Z DCMR § 502.

The proposed new MU-4A is intended to be a zone with more density and height than the existing MU-3 but less than the MU-4 zone. The proposed new MU-4A zone would have a 2.4 maximum floor area ratio (FAR), a height limit of fifty feet (50 ft.) and four (4) stories, and additional setback and buffer requirements than are required in the original MU-4 zone. The proposed new zone would specifically require a lower maximum lot occupancy for all uses on Square 5539. This petition would also rename the MU-4 zone to the MU-4B zone but there would be no change to the development standards of the MU-4B zone.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text; deleted text is shown in ~~striketrough~~ text):

Amend Subtitle G, Chapter 4 as follows:

SUBTITLE G, MIXED USE (MU) ZONES, CHAPTER 4, MIXED USE ZONES MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30

Amend Subtitle G § 400.3 as follows:

400 PURPOSE AND INTENT

400.3 The MU-4 zone is **zones are** intended to:

(a) ...

Amend Subtitle G § 402, Density – Floor Area Ratio (FAR), as follows:

402 DENSITY – FLOOR AREA RATIO (FAR)

402.1 The maximum permitted FAR in the MU-3 through MU-10 zones shall be as set forth in the following table:

TABLE G § 402.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-3	1.0	1.0
	1.2 (IZ)	
<u>MU-4A</u>	<u>2.0</u>	<u>1.5</u>
	<u>2.4 (IZ)</u>	
<u>MU-4 MU-4B</u>	2.5	1.5
	3.0 (IZ)	
MU-5-A MU-5-B	3.5	1.5
	4.2 (IZ)	
MU-6	6.0	2.0
	7.2 (IZ)	
MU-7	4.0	2.5
	4.8 (IZ)	
MU-8	5.0	4.0
	6.0 (IZ)	
MU-9	6.5	6.5
	7.8 (IZ)	
MU-10	6.0	3.0
	7.2 (IZ)	

Amend Subtitle G § 403, Height, as follows:

403 HEIGHT

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table, except as provided in Subtitle G § 403.2:

TABLE G § 403.1: MAXIMUM PERMITTED HEIGHT/STORIES

Zone	Maximum Height (Feet)	Maximum Stories
MU-3	40	3
<u>MU-4A</u>	<u>50</u>	<u>4</u>
<u>MU-4 MU-4B</u>	50	N/A
MU-5-A	65	N/A

Zone	Maximum Height (Feet)	Maximum Stories
	70 (IZ)	
MU-5-B	75	N/A
MU-6	90	N/A
MU-7	65	N/A
MU-8	70	N/A
MU-9	90	N/A
MU-10	90	N/A
	100 (IZ)	
MU-30	110	NA

403.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

TABLE G § 403.3: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3 MU-4 MU-4 MU-4B	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5-A MU-7	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8	20 ft.	1; Second story permitted for penthouse mechanical space
MU-6 MU-9 MU-10 MU-30	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

Amend Subtitle G § 404, Lot Occupancy, as follows:

404 LOT OCCUPANCY

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-3	60%
	60% (IZ)
MU-4A	60%
	75% (IZ)

Zone	Maximum Lot Occupancy for Residential Use
MU-4 MU-4B	60%
	75% (IZ)
MU-5-A	80%
MU-5-B	80% (IZ)
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	N/A
MU-9	N/A
MU-10	75%
	N/A (IZ)
MU-30	N/A

404.2 **Notwithstanding Subtitle G§ 404.1, lots 835 and 840 located on Square 5539 shall not exceed a sixty percent (60 %) maximum lot occupancy for all residential and non-residential uses.**

Add new text Subtitle G § 411, Transition Setback Requirements, as follows:

411 **TRANSITION SETBACK REQUIREMENTS**

411.1 **In the MU-4A zone, the following transition setback requirements shall apply to any building or portion of a building within thirty feet (30 ft.) of a lot line directly abutting an R zone district:**

- a)** **A twenty-foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line. No building or portion of a building may be constructed within the twenty-foot (20 ft.) transition setback; and**
- b)** **An additional upper-story transition setback of ten feet (10 ft.) minimum shall be provided above a building height of forty feet (40 ft.), or top of third story.**

411.2 **Any required transition setback area shall not be used for loading.**

411.3 **A minimum of six feet (6 ft.) of the transition setback area, measured in from the abutting residential lot line, shall be landscaped with evergreen trees subject to the following conditions:**

- (a)** **The trees shall be maintained in a healthy growing condition;**

(b) The trees shall be a minimum of eight feet (8 ft.) high when planted; and

(c) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department’s Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.

411.4 A required transition setback may be inclusive of a required side or rear yard provided all conditions of each section are met.

411.5 No residential communal outdoor recreation space shall be located within fifty feet (50 ft.) of any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, D.C. Official Code § 6-641.01, *et seq.*

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

How to participate as a witness.

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

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

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

- | | | |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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

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

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DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF FINAL RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (“Department”), pursuant to paragraph 7 of the General Expenses title of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 689; Pub. L. 60-303; D.C. Official Code § 6-661.01(a) (2012 Repl.)), and Mayor’s Order 2013-23, dated January 29, 2013, hereby gives notice of the adoption of the following amendment to Chapter 1 (DCRA Permits Division Schedule of Fees) of Title 12 (Construction Codes Supplement of 2013), Subtitle M (Fees), of the District of Columbia Municipal Regulations (DCMR).

This rulemaking establishes a fee for the Department’s accelerated review pilot program.

A Notice of Second Emergency Rulemaking was adopted on January 24, 2018 and published in the *D.C. Register* on May 11, 2018 (65 DCR 5187). The Department published a Notice of Emergency and Proposed Rulemaking on October 20, 2017 (64 DCR 10595). No comments were received and no changes were made to the text of the rule as proposed.

This rulemaking is effective upon publication in the *DC Register*.

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

Section 101, BUILDING PERMIT FEES, is amended as follows:

Paragraph (b) of Subsection 101.1 is amended by adding the following phrase to the end of the paragraph:

Accelerated Permit Review	Projects 50,000 square feet or less.	\$50,000 per day
	Projects 50,001-99,999 square feet	\$50,000 + \$0.50 per each square foot more than 50,000 per day
	Projects 100,000 square feet or more	\$75,000 per day

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF FINAL RULEMAKING

The Chief Procurement Officer (“CPO”) of the District of Columbia, pursuant to the authority set forth in Section 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.06 (2016 Repl.)) (the “Act”), hereby gives notice of the adoption of this final rulemaking to amend Section 2703 (Performance and Payment Security) of Chapter 27 (Bonds, Other Security, and Insurance) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking implements Section 3(n) and (o), of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2015, effective October 8, 2016 (D.C. Law 21-158; codified at D.C. Official Code § 2-357.02 (2016 Repl. and 2017 Supp.)). Section 3(n) authorizes the CPO to reduce the amount of performance and payment bonds for construction contracts. Section 3(o) authorizes the District to require, with regard to non-construction service contracts, performance bonds, payment bonds, letters of credit, or other forms of security from prime contractors in cases in which such security may be effective in furthering the District’s interests or such security may assist subcontractors to receive payment for goods or services. The existing regulations regarding performance and payment bonding requirements for both construction and non-construction contracts are inconsistent with the Act, as amended. This rulemaking will eliminate those inconsistencies and is necessary to provide legal certainty to contracting officers, programmatic staff, and other stakeholders regarding District procurement.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on January 26, 2018, at 65 DCR 678–680. OCP received comments from National Association of Surety Bond Producers (“NASBP”) during the thirty-day comment period, which ended on February 25, 2017. NASBP provided comments on two provisions of this rulemaking. First, NASBP expressed concerns with the proposed changes to 27 D.C.M.R. §§ 2703.3 and 2703.6, which would vest contracting officers with discretion to lower the payment and performance security to fifty percent (50%) of the contract price. According to NASBP, partial payment and performance bonds issued for an amount less than one hundred percent (100%) of the contract amount does not affect a surety’s underwriting scrutiny of the contractor because a surety views the contract risk as the total contract obligation, not the amount of the bond. OCP did not, however, incorporate the changes in response to this concern, in order to maintain consistency with the District’s procurement law. Section 702(b)(1) of the Procurement Practices Reform Act, D.C. Official Code § 2-357.02(b)(1), provides that “[t]he CPO may . . . [r]educe the amount of performance and payment bonds for construction contracts to 50% of the [contract price]”. Eliminating this provision would, therefore, create an inconsistency between the authorizing statute and implementing regulation. Accordingly, OCP did not make any changes to the proposed language of 27 D.C.M.R. §§ 2703.3 and 2703.6

NASBP also provided comments on the proposed language contained in 27 D.C.M.R. § 2703.12 which permits a contracting officer to, with respect to a construction contract, substitute a letter of credit for a bond in an amount equal to at least ten (10) percent of the portion of the contract price that does not include the cost of operation, maintenance, and finance. According to

NASBP, a letter of credit can adversely affect a contractor's credit by appearing as a liability on its financial statement, is inadequate to provide protection in the event of default, and is shorter in duration than a performance or payment bond. However, this provision was expressly added to section 702(b) the Procurement Practices Reform Act by the Procurement Integrity, Transparency, and Accountability Amendment Act of 2015, § 3(n) (D.C. Official Code §§ 2-357.02(b)(2)). Changing the proposed language would, again, create an inconsistency between the authorizing statute and implementing regulation. Moreover, the circumstances under which a letter of credit may be substituted for a performance or payment bond are very limited—the contractor must be a nonprofit corporation or controlled by a nonprofit corporation, have a net worth of at least one million dollars (\$1,000,000), be a licensed general contractor, and have done business as a construction contractor for at least five (5) years. For these reasons, OCP is of the opinion that the regulations as proposed are sufficient to protect taxpayers and are in the best interest of the District. Accordingly, no changes were made to the proposed language of 27 D.C.M.R. § 2703.12.

On May 11, 2018, the CPO took final action to adopt these rules as originally published in the Notice of Proposed Rulemaking.

The rulemaking will become effective upon publication in the *District of Columbia Register*.

Chapter 27, BONDS, OTHER SECURITY, AND INSURANCE, of Title 27 DCMR, CONTRACTS AND PROCUREMENT, is amended as follows:

Section 2703, PERFORMANCE AND PAYMENT SECURITY, is amended to read as follows:

2703 PERFORMANCE AND PAYMENT SECURITY

- 2703.1 The contracting officer shall require a contractor to furnish performance and payment bonds or other security on any construction contract when the District's independent estimate of the cost of the contract exceeds one hundred thousand dollars (\$100,000), in accordance with the provisions of this section.
- 2703.2 The contracting officer may require a contractor to furnish a payment or performance bond or other security for any construction or non-construction contract, regardless of amount, when the contracting officer determines that the security is necessary or advisable to protect the interests of the District. The security shall be furnished in accordance with the provisions of this section.
- 2703.3 The amount of the performance security on any construction contract shall be one hundred percent (100%) of the portion of the original contract price that does not include the costs of operation, maintenance, and finance; provided, the contracting officer may reduce the amount of the performance security to fifty percent (50%) of the original contract price that does not include the costs of operation, maintenance, and finance, if the contracting officer determines that the

lesser amount or percentage would be adequate for the protection of the District. The contracting officer shall state the amount or percentage in the solicitation.

- 2703.4 The contracting officer shall require additional performance security on any construction contract when a contract price is increased. The increase in performance security shall equal one hundred percent (100%) of the increase in the contract price, unless the contracting officer determines that a lesser amount or percentage is adequate for the protection of the District.
- 2703.5 The contracting officer may require additional performance security by directing a contractor to increase the original sum of the existing security or to obtain an additional security.
- 2703.6 The payment security on any construction contract shall be in an amount equal to one hundred percent (100%) of the portion of the original contract price that does not include the costs of operation, maintenance, and finance; provided, the contracting officer may reduce the amount of the payment security to fifty percent (50%) of the portion of the contract price that does not include the costs of operation, maintenance, and finance, if the contracting officer determines that the lesser amount or percentage would be adequate for the protection of the District. The contracting officer shall state the amount or percentage in the solicitation.
- 2703.7 When a construction contract price is increased, the District may require additional payment security in an amount adequate to protect suppliers of labor and material. However, in no event shall the amount of payment security fall below fifty percent (50%) of the portion of the increased contract price that does not include the costs of operation, maintenance, and finance.
- 2703.8 When performance or payment security is required, the solicitation shall contain the following:
- (a) A statement that security is required;
 - (b) The amount of the security expressed as a fixed sum or percentage of the contract price that does not include the costs of operation, maintenance, and finance; and
 - (c) The deadline for submitting acceptable security.
- 2703.9 In construction contracts, the contractor shall furnish all performance and payment bonds (or other securities) by the deadline for submitting bonds (or other securities) as stated in the solicitation. The bonds (or other securities) must be submitted before a notice to proceed is issued.

- 2703.10 No performance security or payment security shall be required after the contract has been executed if it was not specifically required in the contract, except when determined necessary by the contracting officer for a contract modification.
- 2703.11 If the contracting officer uses a letter contract to allow the contractor to proceed with work before execution of the definitive contract, no payments shall be made under the letter contract until the required payment and performance securities have been received.
- 2703.12 In construction contracts, the contracting officer may substitute for a bond required under this chapter, a letter of credit in an amount equal to at least ten percent (10%) of the portion of the contract price that does not include the cost of operation, maintenance, and finance, in cases in which the contractor:
- (a) Is a nonprofit corporation, as defined in D.C. Official Code § 29-401.02(6), or an entity controlled, directly or indirectly, by a nonprofit corporation;
 - (b) Had a net worth of at least one million dollars (\$1,000,000) in the preceding fiscal year;
 - (c) Is a licensed general contractor; and
 - (d) Has done business as a construction contractor for at least five (5) years.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-0095; 63 DCR 6502 (April 29, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 92 (Teaching Licenses for Dentistry and Dental Hygiene) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to establish continuing education requirements for individuals licensed to teach dentistry or dental hygiene in the District of Columbia which will include the mandate to complete (2) hours of continuing education as part of the continuing education requirements on cultural competency or training focusing on clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") beginning with the renewal period ending December 31, 2019.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on November 10, 2017 at 64 DCR 11715. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 92, TEACHING LICENSES FOR DENTISTRY AND DENTAL HYGIENE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

New Sections 9211, 9212, and 9213 are added to read as follows:

9211 CONTINUING EDUCATION REQUIREMENTS

- 9211.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a teacher's license in dentistry or of a teacher's license in dental hygiene beginning with the renewal period ending December 31, 2019, and for subsequent terms.
- 9211.2 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 9212.
- 9211.3 Beginning with the renewal period ending December 31, 2019, an applicant for renewal of a teacher's license in dentistry shall submit proof pursuant to § 9211.11 of having completed thirty (30) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

9211.4 Beginning with the licensure period ending December 31, 2019, an applicant for renewal of a teacher’s license in dental hygiene shall submit proof pursuant to § 9211.11 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date the license expires, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

9211.5 Each applicant for renewal, reactivation, or reinstatement of a teacher’s license in dentistry who is permitted by the Drug Enforcement Agency and the District of Columbia Pharmaceutical Control Division to prescribe controlled substances in the District shall complete two (2) hours of continuing education in the abuse and misuse of controlled substances, and in opioid prescription practices. This continuing education shall be part of the continuing education hours required under Subsection 9211.3 of this chapter.

9211.6 Internet courses and programs shall not be used to satisfy the continuing education CPR certification requirement.

9211.7 Beginning with the licensure period ending December 31, 2019, to qualify for a teacher's license in dentistry, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.) who submits an application to reactivate a license shall submit proof pursuant to § 9211.11 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

9211.8 Beginning with the licensure period ending December 31, 2019, to qualify for a teacher's license in dentistry, an applicant for reinstatement of a license shall submit proof pursuant to § 9211.11 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as

lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

9211.9 Beginning with the licensure period ending December 31, 2019, to qualify for a teacher’s license in dental hygiene, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.) who submits an application to reactivate a license shall submit proof pursuant to § 9211.11 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

9211.10 Beginning with the licensure period ending December 31, 2019, to qualify for a license, an applicant for reinstatement of a teacher’s license in dental hygiene shall submit proof pursuant to § 9211.11 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or

question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

- 9211.11 An applicant for a teacher’s license in dentistry or for a teacher’s license in dental hygiene shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 9211.12 An applicant for renewal of a teacher’s license in dentistry or of a teacher’s license in dental hygiene license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to § 9211.11 and by paying the required additional late fee.
- 9211.13 Upon submitting proof of having completed continuing education requirements and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 9211.14 If an applicant for renewal of a teacher’s license in dentistry or of a teacher’s license in dental hygiene fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant’s license, the license shall be considered to have lapsed on the date of expiration.
- 9211.15 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant’s failure to submit proof of completion was for good cause. As used in this section, “good cause” includes the following:
- (a) Serious and protracted illness of the applicant; and
 - (b) The death or serious and protracted illness of a member of the immediate family.

9212 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES

- 9212.1 The Board, in its discretion, may approve continuing education programs and activities that contribute to the growth of an applicant in professional competence in the practice of dentistry and which meet the other requirements of this section.
- 9212.2 The Board may approve the following types of continuing education programs, if the program meets the requirements of § 9212.3:
- (a) An undergraduate or graduate course given at an accredited college or university;
 - (b) A seminar or workshop;
 - (c) An educational program given at a conference or convention; and
 - (d) In-service training.
- 9212.3 To qualify for approval by the Board, a continuing education program shall do the following:
- (a) Be current in its subject matter;
 - (b) Be developed and taught by qualified individuals; and
 - (c) Meet one of the following requirements:
 - (1) Be administered or approved by a recognized national, state, or local dentistry organization; health care organization; accredited health care facility; or an accredited college or university; or
 - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and be approved by the Board.
- 9212.4 Continuing education credit will not be awarded for programs that do not relate to the theory or clinical application of theory pertaining to the practice of dentistry including but not limited to:
- (a) Courses pertaining to business communications and operations;
 - (b) Courses solely pertaining to medical/dental coding terminology;
 - (c) Courses pertaining to personal self-improvement, financial gain, or career options;
 - (d) Courses designed for lay persons;

- (e) Providing instruction to persons who are not licensed, registered, certified, or students in the field of dentistry, dental hygiene, or dental assisting, or for conducting research, or publications, or any preparation for same;
- (f) On-the-job training;
- (g) Orientation programs or staff meetings, including orientation to new policies, non-therapeutic procedures, equipment, forms, responsibilities, services, etc;
- (h) Presentations made by students;
- (i) Participation in or attendance at, not as a presenter, case conferences, grand rounds, or informal presentations; or
- (j) Work done in the course of an applicant's normal occupations or incident to the performance of his or her regular professional duties, such as teaching didactic courses, research, or course preparation in the case of a teacher or professor.

9212.5 The Board may issue and update a list of approved continuing education programs.

9212.6 An applicant shall have the burden of verifying whether the Board pursuant to this section prior to attending the program approves a program.

9212.7 The Board may approve the following continuing education activities by an applicant:

- (a) Serving as an instructor or speaker at a conference, seminar, workshop, or in-service training;
- (b) Publication of an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal or bulletin;
- (c) Serving as a clinical instructor for students of dentistry or dental residents; and
- (d) Participation in research as a principal investigator or research assistant.

9213 CONTINUING EDUCATION CREDITS

9213.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.

- 9213.2 For approved undergraduate or graduate courses, each semester hour of credit shall constitute fifteen (15) hours of continuing education credit, and each quarter hour of credit shall constitute ten (10) hours of continuing education credit.
- 9213.3 The Board may grant a maximum of thirteen (13) continuing education credits per year to an applicant who attends a full time post-graduate education program.
- 9213.4 The Board may grant credit to an applicant who serves as an instructor or speaker at an acceptable program for both preparation and presentation time, subject to the following restrictions:
- (a) The maximum amount of credit which may be granted for preparation time is twice the amount of the associated presentation time;
 - (b) The maximum amount of credit which may be granted pursuant to this subsection is fifty percent (50%) of an applicant's continuing education requirement; and
 - (c) The presentation shall have been completed during the period for which credit is claimed.
- 9213.5 The Board may grant an applicant who is an author or editor of a published book twenty-five (25) continuing education credits, if the book has been published or accepted for publication during the period for which credit is claimed, and the applicant submits proof of this fact in the application.
- 9213.6 The Board may grant an applicant who is an author of a published original paper five (5) continuing education credits, subject to the same restrictions set forth for books in § 9213.5.
- 9213.7 The Board may grant an applicant who is the sole author of a published book review, review paper, or abstract, two (2) continuing education credits, subject to the same restrictions set forth for books in § 9213.5.

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF EMERGENCY RULEMAKING

The Director of the Department of Behavioral Health (DBH), as the successor-in-interest to the Department of Mental Health, pursuant to the authority set forth in Sections 5113, 5117(10) and (13), and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-0061; D.C. Official Code §§ 7-1141.02, 7-1141.06(10) and (13), and 7-1141.07 (2017 Supp.)), and Sections 104(8) and 114(5)(A) of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code §§ 7-1131.04(8) and 7-1131.14(5)(A) (2012 Repl.)) (the “Act”), hereby gives notice of the adoption of the following emergency rulemaking to amend Chapter 35 (Department of Mental Health (DMH) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

This Notice of Emergency Rulemaking revises the existing infraction regulation for Mental Health Community Residence Facilities (MHCRFs) to conform to the new MHCRF licensing regulation in Chapter 38 of Title 22A of the DCMR, which is effective as of May 1, 2018. A Notice for Proposed Rulemaking was published on March 23, 2018 in the *D.C. Register* at 65 DCR 002974, and received no public comments. In order to maintain accountability of this provider network and ensure resident life, health and safety, the Department needs to maintain the right to issue Notices of Infractions and fines for regulatory violations. The regulation consolidates the current four (4) classes of infractions into three (3) classes, and reorders and renumbers the infractions to conform to the new Chapter 38 requirements.

These emergency rules were adopted on May 21, 2018, became effective immediately, and shall expire on September 17, 2018, unless superseded by publication of another rulemaking notice in the *D.C. Register*.

Chapter 35, DEPARTMENT OF MENTAL HEALTH (DMH) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is renamed DEPARTMENT OF BEHAVIORAL HEALTH (DBH) INFRACTIONS, and Section 3501 of Chapter 35 is amended to read as follows:

3501 MENTAL HEALTH COMMUNITY RESIDENCE FACILITY INFRACTIONS

- 3501.1 Violation of the following provisions shall be a Class 1 infraction:
 - (a) 22-A DCMR § 3801.1 (operating a MHCRF without proper licensure);
 - (b) 22-A DCMR § 3803.1 through § 3803.5 (failure to grant Department or designee right of entry or access to facility records and personnel);
 - (c) 22-A DCMR §§ 3811.3 and 3811.4 (failure to correct deficiencies as directed by the Department);

- (d) 22-A DCMR § 3826.8 (failure to operate effective pest control program, application of pesticides or traps on resident bedding);
- (e) 22-A DCMR §§ 3829.1 through 3829.7 (failure to comply with plumbing and water supply requirements);
- (f) 22-A DCMR § 3831.2 (placement of sleeping facilities near furnace, space heater, water heater or gas meter);
- (g) 22-A DCMR §§ 3833.1 through 3833.19 (failure to comply with fire safety requirements);
- (h) 22-A DCMR §§ 3834.1 through 3834.32 (failure to comply with dietary services requirements);
- (i) 22-A DCMR §§ 3835.1 through 3835.5 (failure to comply with therapeutic diet requirements);
- (j) 22-A DCMR §§ 3838.1 through 3838.9 (failure to comply with resident finances requirements);
- (k) 22-A DCMR §§ 3839.1 through 3839.10 (failure to comply with medication requirements);
- (l) 22-A DCMR §§ 3845.1 through 3845.4 (failure to comply with restraint and seclusion prohibitions);
- (m) 22-A DCMR §§ 3852.1 through 3852.5 (failure to comply with staffing requirements);
- (n) 22-A DCMR §§ 3853.1 through 3853.2 (failure to comply with operator and residence director responsibilities); and
- (o) 22-A DCMR §§ 3861.1 through 3861.15 (failure to comply with transfer, discharge and relocation requirements).

3501.2 Violation of the following provisions shall be a Class 2 infraction:

- (a) 22-A DCMR §§ 3810.1 and 3810.2 (failure to comply with applicable law or inspections);
- (b) 22-A DCMR §§ 3810.3 and 3810.4 (failure to submit Major Unusual Incident report);

- (c) 22-A DCMR §§ 3810.5 and 3810.7 (failure to correct deficiencies or comply with statement of deficiency process);
- (d) 22-A DCMR §§ 3810.9 and 3810.10 (failure to remove staff member subject to abuse or neglect complaint);
- (e) 22-A DCMR § 3810.12 (failure to maintain records);
- (f) 22-A DCMR §§ 3810.14 through 3810.16 (failure to comply with emergency move requirements);
- (g) 22-A DCMR §§ 3822.1 through 3822.7 (failure to comply with insurance requirements);
- (h) 22-A DCMR §§ 3823.1 through 3823.34 (failure to comply with resident's rights and responsibilities requirements);
- (i) 22-A DCMR §§ 3825.1 through 3825.10 (failure to comply with general eligibility and admission requirements);
- (j) 22-A DCMR §§ 3826.1 through 3826.25, not including 3826.8 (failure to comply with environmental requirements)
- (k) 22-A DCMR §§ 3827.1 through 3827.4 (failure to comply with structural and maintenance requirements);
- (l) 22-A DCMR §§ 3828.1 through 3828.5 (failure to comply with lighting and ventilation requirements);
- (m) 22-A DCMR §§ 3830.1 through 3830.6 (failure to comply with heating and cooling requirements);
- (n) 22-A DCMR §§ 3831.1, 3831.3 through 3831.7 (failure to comply with bedroom requirements);
- (o) 22-A DCMR §§ 3832.1 through 3832.5 (failure to comply with bathing and toilet facilities requirements);
- (p) 22-A DCMR §§ 3836.1 through 3836.9 (failure to comply with housekeeping and laundry services);
- (q) 22-A DCMR §§ 3837.1 through 3837.8 (failure to comply with personal property of residents requirements);
- (r) 22-A DCMR §§ 3840.1 through 3840.8 (failure to comply with medical services requirements);

- (s) 22-A DCMR §§ 3841.1 through 3841.5 (failure to comply with resident activities requirements);
- (t) 22-A DCMR §§ 3842.1 through 3842.2 (failure to assist residents to receive mental health services);
- (u) 22-A DCMR §§ 3843.1 through 3843.5 (failure to coordinate with core services agencies);
- (v) 22-A DCMR §§ 3844.1 through 3844.4 (failure to comply with individual recovery plan requirements);
- (w) 22-A DCMR §§ 3846.1 through 3846.6 (failure to comply with resident's records requirements);
- (x) 22-A DCMR §§ 3847.1 through 3847.3 (failure to comply with confidentiality of records requirements);
- (y) 22-A DCMR §§ 3848.1 through 3848.6 (failure to comply with major unusual incident reporting requirements);
- (z) 22-A DCMR §§ 3850.1 through 3850.14 (failure to comply with minimum qualifications for persons working in MHCRF requirements);
- (aa) 22-A DCMR §§ 3851.1 through 3851.2 (failure to comply with qualifications applicable to operators and residence directors);
- (bb) 22-A DCMR §§ 3854.1 through 3854.5 (failure to comply with personnel records requirements);
- (cc) 22-A DCMR §§ 3855.1 through 3855.7 (failure to comply with financial records requirements);
- (dd) 22-A DCMR §§ 3857.1 through 3857.8 (failure to comply with supported residence requirements);
- (ee) 22-A DCMR §§ 3858.1 through 3858.14 (failure to comply with supported rehabilitative residence requirements);
- (ff) 22-A DCMR §§ 3859.1 through 3859.13 (failure to comply with intensive residence requirements); and
- (gg) 22-A DCMR §§ 3860.1 through 3860.10 (failure to comply with transitional residential beds requirements).

3501.3 Violation of the following provisions shall be a Class 3 infraction:

- (a) 22-A DCMR §§ 3824.1 through 3824.4 (failure to comply with residency contract requirements); and
- (b) 22-A DCMR §§ 3849.1 through 3849.5 (failure to comply with resident status procedure requirements).

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-045
May 22, 2018


SUBJECT: Designation of Special Event Areas – Beat the Streets

ORIGINATING AGENCY: Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, 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. Beat the Streets is a program directed by the Metropolitan Police Department to build strong relationships with the community and prevent and deter crime, which may include activities such as a moon bounce, a rock climbing wall, food pantry distribution, and music. The following public space areas shall be designated as Special Event Areas to accommodate Beat the Streets activities:
 - a. On Wednesday, June 20, 2018, commencing at 11:00 a.m. and continuing until 7:30 p.m., the 200 block of N Street, S.W., shall be closed to vehicular traffic;
 - b. On Wednesday, June 27, 2018, commencing at 11:00 a.m. and continuing until 7:30 p.m., the 1400 block of Clifton Street, N.W., shall be closed to vehicular traffic;
 - c. On Wednesday, July 11, 2018, commencing at 11:00 a.m. and continuing until 7:30 p.m., the 2600 block of Douglas Road, S.E.; shall be closed to vehicular traffic;
 - d. On Wednesday, July 18, 2018, commencing at 11:00 a.m. and continuing until 7:30 p.m., the Unit block of N Street, N.E., shall be closed to vehicular traffic;
 - e. On Wednesday, July 25, 2018, commencing at 11:00 a.m. and continuing until 7:30 p.m., the 4300 block of Arkansas Avenue, N.W., shall be closed to vehicular traffic;

- f. On Wednesday, August 1, 2018, commencing at 11:00 a.m. and continuing until 7:30 p.m., the 6200 block of Dix Street, N.E., shall be closed to vehicular traffic; and
 - g. On Wednesday, August 8, 2018, commencing at 11:00 a.m. and continuing until 7:30 p.m., the 100 block of Atlantic Street, S.W., shall be closed to vehicular traffic.
2. The designated areas shall be operated and overseen by the Metropolitan Police Department.
 3. This Order is authorization for the use of the designated streets and curb lanes 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. All building, health, life, safety, and use of public space requirements shall remain applicable to the Special Event Area designated by this Order.
 4. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: _____

 LAUREN C. VAUGHN
 SECRETARY OF THE DISTRICT OF COLUMBIA

BRIYA PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Briya PCS solicits proposals for the following:

- **Immigration Legal Services**
- **Branding and Marketing Services**

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on Tuesday, June 5, 2018. Contact: bids@briya.org

CENTER CITY PUBLIC CHARTER SCHOOLS**NOTICE OF INTENT TO AWARD SOLE SOURCE CONTRACT**

Center City Public Charter Schools states it's Intent to Award a Sole Source Contract for the following:

Center City PCS intends to award a sole source contract to Miracle Method for the purposes of restoring all existing tiles located throughout the second floor and stairwells at the Petworth campus.

To obtain copies of full Notice of Intent, please visit our website:
<http://www.centercitypcs.org/contact/requests-for-proposal>

Contact Person:

Natasha Harrison
nharrison@centercitypcs.org

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Curricular Design and Consulting Services**

City Arts & Prep Public Charter School intends to enter into a sole source contract with the **AppleTree Institute for Education Innovation** (“AppleTree”) for products and services related to AppleTree’s “Every Child Ready” instructional model.

- City Arts & Prep Public Charter School constitutes the sole source for AppleTree for curricular design, consulting, implementation, support, and related services for the use of the “Every Child Ready” curricular materials and instructional model as well as provision of materials requisite for the implementation of that system.
- For further information regarding this notice, contact bids@cityartspcs.org no later than **5:00 pm, June 5, 2018**.

Student Assessment and Professional Development Services

City Arts & Prep Public Charter School intends to enter into a sole source contract with the **Northwest Evaluation Association Measures of Academic Progress** (“MAP”) for products and services related to MAP’s student assessment and professional development products to help identify and close gaps in student learning for the upcoming school year.

- City Arts & Prep Public Charter School constitutes the sole source for MAP for student assessment services and professional development that will lead to student achievement.
- For further information regarding this notice, contact bids@cityartspcs.org no later than **5:00 pm, June 5, 2018**.

Student Assessment and Professional Development Services

City Arts & Prep Public Charter School intends to enter into a sole source contract with **The Achievement Network** (“ANet”) for student assessment and professional development services to help identify and close gaps in student learning for the upcoming school year.

- City Arts & Prep Public Charter School constitutes the sole source for ANet for student assessment services and professional development that will lead to student achievement.
- For further information regarding this notice contact bids@cityartspcs.org no later than **5:00 pm, June 5, 2018**.

Literacy Platform and Professional Development Services

City Arts & Prep Public Charter School intends to enter into a sole source contract with **Achieve3000** for products and services related to Achieve3000’s “Pro Differentiated Literacy Solution” literacy platform to help reach all students at their individual reading levels to accelerate their learning and improve student achievement.

- City Arts & Prep Public Charter School constitutes the sole source for Achieve3000 for the licensing and use of the “Pro Differentiated Literacy Solution” classroom materials and literacy instruction system, as well as provision of classroom materials and professional development requisite for the implementation of that system.
- For further information regarding this notice, contact bids@cityartspcs.org no later than **5:00 pm, June 5, 2018**.

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Building Systems Maintenance, Custodial, and Special Education Services

City Arts + Prep PCS solicits proposals for the following:

- **Building Systems Maintenance Services**
- **Custodial Services**
- **Special Education Services**

Proposals and requests for the full RFP should be emailed to bids@cityartspcs.org no later than 5:00 P.M., Tuesday, June 5, 2018.

D.C. CORRECTIONS INFORMATION COUNCIL**NOTICE OF PUBLIC MEETING**

The DC Corrections Information Council (CIC), in accordance with the DC Official Code § 2-575, hereby gives notice that it has scheduled the following meeting for **Thursday, June 7, 2018, from 6:00 pm to 7:30 pm, in the Office of Neighborhood Safety and Engagement (ONSE), 100 42nd St NE, Washington, DC 20019**. For additional information, please contact Sheila Walker, CIC Administrative Assistant, at (202) 478-9211 or sheila.walker@dc.gov.

The CIC is an independent monitoring body mandated by the US Congress and the DC Council to inspect, monitor, and report on the conditions of confinement at facilities where DC residents are incarcerated. This includes facilities operated by the Federal Bureau of Prisons, the DC Department of Corrections, and private contractors. Through its mandate, the CIC collects information from many different sources, including facility inspections, communication with incarcerated DC residents, and community outreach.

Below is the draft agenda for this meeting. A final agenda will be posted on the CIC website, available at <http://cic.dc.gov/>.

DRAFT AGENDA

- I. Call to Order
- II. Roll Call
- III. Introduction of New Staff
- IV. Agency Liaison Report
- V. CIC Board Composition - Update
- VI. Recent Reports
- VII. Recent and Scheduled Inspections
- VIII. Other
- IX. Schedule Next CIC Open Meeting and Set Open Meeting Schedule
- X. Vote to Close Remainder of Meeting, pursuant to DC Code § 2-575(b)(10) to discuss the appointment, employment, assignment, promotion, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.
- XI. Closed Session of Meeting (if approved by the Board)
- XII. Adjournment

CLOSED MEETING

- I. Closed Session of Meeting (if approved by the Board)
- II. Adjournment

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

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY18.19:

- Maintenance/HVAC 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 Tuesday, June 5, 2018**. Proposals should be emailed to bids@dcbilingual.org

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF A REQUEST FOR A
VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION

**2800 Sherman Avenue, NW
Case No. VCP2015-035**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312, D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program (VCP) in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Site Completion Report and a request for a Certificate of Completion to support a Voluntary Cleanup Program (VCP) project at real property addressed as 2800 Sherman Avenue, NW. The VCP participant for the referenced address, Case No. VCP2015-035, is 2800 Sherman, LLC, c/o Capital City Real Estate, 1515 14th Street, NW, Suite 201, Washington, DC 20005.

The application identified the presence of petroleum products and volatile organic compounds (VOCs) in soil and groundwater and proposed a remediation action plan. The applicant is developing the property for residential use. A Cleanup Action Plan (CAP) for this site was approved by the Program on June 17, 2016. Based on the cleanup oversight and review of the site completion report, the Voluntary Cleanup Program has determined the issuance of a Certificate of Completion is warranted.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC 1B) for the area in which the property is located. The Site Completion Report is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Site Completion Report and related documents for a charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2600 or by e-mailing kokeb.tarekegn@dc.gov.

Written comments on the proposed approval of the application must be received by the VCP at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN1719 T Street, NW
Case No. VCP2017-053

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received a Voluntary Cleanup Action Plan (VCAP) to perform a remediation action. The applicant for real property located at 1719 T Street, NW, Washington, DC 20005, is 3 Tree LLC, located at 7926 Jones Branch Drive #600 McLean, VA 22102. The VCAP identifies the presence of trace levels of petroleum compounds in the soil and trace levels of petroleum compounds and chlorinated solvents in the groundwater. The applicant intends to redevelop the subject property into a condominium building with 4 units.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-2B) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2600. An electronic copy of the VCAP may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty-one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2017-053 in any correspondence related to this application.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Marriage and Family Therapy (“Board”) hereby gives notice of its regular meetings for the calendar year 2018, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b) (2016 Repl.)).

The Board will continue to meet on a quarterly basis on the first Tuesday of each quarterly period. The Board’s next meeting will be held on Tuesday, June 5, 2018 from 11:00 AM to 1:00 PM. The meeting will be open to the public from 11:00AM until 11:30 AM to discuss various agenda items and any comments and/or concerns from the public. In accordance with § 575(b) of the Open Meetings Act of 2010 (D.C. Official Code § 2-575(b) (2016 Repl.)), the meeting will be closed from 11:30 AM until 1:00PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

Subsequent meetings of the calendar year will be held at the same time on the following dates:

Tuesday, September 4, 2018

Tuesday, December 4, 2018

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Massage Therapy (“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, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b) (2016 Repl.)).

The Board meets on the third Thursday of every other month. However, due to schedule conflict, the meeting previously scheduled for Thursday, May 17, 2018, is being postponed to Thursday, June 14, 2018, from 9:00 AM – 1:00 PM. The meeting will be open to the public from 9:00 AM until 12:00 PM to discuss various agenda items and any comments and/or concerns from the public. In addition, the Board will conduct a hearing on its intent to deny the licensure application of Ping Jin. The hearing will be open to public attendance. 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 12:00 PM to 1:00 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’s subsequent meetings in 2018 will be held on the following dates:

Thursday, July 19, 2018

Thursday, September 20, 2018

Thursday, November 15, 2018

The meetings will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
May 30, 2018

On May 30, 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.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

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

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, JD

HISTORIC PRESERVATION REVIEW BOARD**DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER****NOTICE OF INTENT TO NOMINATE HISTORIC DISTRICTS
TO THE NATIONAL REGISTER OF HISTORIC PLACES**

The State Historic Preservation Officer hereby provides public notice of his intent to nominate the following historic district to the National Register of Historic Places. The Historic Preservation Review Board recently designated these properties as a historic district after duly noticed public hearings. The Board designated the Meridian Hill Historic District on May 3, 2018.

Under the provisions of the Historic Protection Act (D.C. Code §6-1102(5)(c)), this district become effective when the State Historic Preservation Officer nominates or issues a written determination to nominate the properties to the National Register of Historic Places. Thirty (30) days after the date of this notice, the properties will become subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 16-19**Kingman Park Historic District**

Affected Advisory Neighborhood Commissions: 5D, 7D and 5C

Affected Properties:

All lots in Squares 4458, 4459, 4460, 4461, 4462, 4463, 4464, 4480, 4481, 4482, 4483, 4483E, 4484, 4486, 4516, 4517, 4518, 4522, 4523, 4525, 4528;

Lots 85, 87-96 and 833 in Square 4515;

Lots 49-51, 69-75 and 800-802 in Square 4526; Lots 13-19 in Square 4527;

Lots 56-75 and 806 in Square 4550;

Lot 33 in Square 4558;

All lots in Parcel 160; Lot 60 in Parcel 149; Lots 7 and 10 in Parcel 162; Lot 5 in Parcel 171; and all of Reservation 343G.

Listing in the D.C. Inventory of Historic Sites and the National Register of Historic Places provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

**DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION
REFUGEE HEALTH PROGRAM**

NOTICE OF FUNDING AVAILABILITY (NOFA)

FISCAL YEAR 2019 (FY19)

Grant to Non-Profit Community-Based Health Organizations

Request for Application (RFA) Release Date: June 4, 2018

The Department of Human Services (DHS), Family Services Administration (FSA) is the lead agency within the District of Columbia (District) that implements the requirements under the Refugee Resettlement Program (Program) established pursuant to the United States Refugee Act of 1980, as amended (Pub. L. No. 96-212, 8 U.S.C. §1101 *et seq.*, 45 C.F.R. §400.1 *et seq.*) (the Act). The purpose of the Program is to provide for the effective resettlement of refugees and to assist them to achieve economic self-sufficiency as quickly as possible. To facilitate the purpose of the Program, FSA intends to award federal grant funds to one (1) eligible community-based or faith-based health organization to promote the health of recently resettled refugees in the District by performing comprehensive health screenings, immunizations, and follow-up services for the refugee population, providing the Program with data from refugee health screening results, identifying barriers to refugee self-sufficiency and well-being, providing required immunizations and basic health education and tools. The Grantee shall also designate a Refugee Health Coordinator to facilitate access to a full range of health care services for all refugee populations in the District.

Eligibility

Applications are requested from public or private, not-for-profit established service providers based in the District and primarily serving the target refugee communities. Eligible organizations include community-based, faith-based, non-profit organizations located in the District. The service and activity to be funded through the grant should have an immediate and direct impact on refugee clients, and meet the requirements of the Program and the Act.

Award Period

The term of this grant period shall be for twelve (12) months beginning from the date of the award, with the option of two (2) additional years, if funding is available and satisfactory performance by the Grantee.

Available Funding

FSA intends to make one (1) grant award of up to seventy-five thousand federal dollars (\$75,000) to fund an eligible organization for a twelve (12) month period with the option of two (2) additional years, if funding is available.

The Request for Application (RFA) will be released on Monday, June 4, 2018. A copy of the RFA may be obtained from FSA's main office located at 64 New York Avenue, NE, Washington, DC 20002. In addition, the RFA will also be available on the City

Administrator's website, located at <http://www.oca.dc.gov> under the link to the District Grants Clearinghouse. For additional information, please contact Ms. Debra Crawford, FSA State Refugee Coordinator by email at: debra.crawford@dc.gov.

The deadline for submission is Friday, June 29, 2018 at 4:45 p.m.

Applicants are encouraged to attend the Pre-Application conference scheduled for Friday, June 8, 2018 from 1:30 p.m. until 2:30 p.m. p.m. at the FSA office located at 64 New York Avenue, NE, 5th Floor, Conference Room 563, Washington, DC 20002. Applicants interested in attending the Conference should RSVP to Genet Derebe, Refugee Program Coordinator, at (202) 698-4316 or genet.derbe@dc.gov on or before, Wednesday, June 6, 2018.

**DEPARTMENT OF HUMAN SERVICES
FAMILY SERVICES ADMINISTRATION
REFUGEE RESETTLEMENT PROGRAM**

NOTICE OF FUNDING AVAILABILITY

FISCAL YEAR 2019 (FY19)

Grant to Non-Profit Community-Based Organizations

Request for Applications (RFA) Release Date: June 4, 2018

The Department of Human Services (DHS), Family Services Administration (FSA) is the lead agency within the District of Columbia (District) that implements the requirements under the Refugee Resettlement Program (Program) established pursuant to the United States Refugee Act of 1980, as amended (Pub. L. No. 96-212, 8 U.S.C. §1101 *et seq.*, 45 C.F.R. §400.1 *et seq.*) (the Act). The purpose of the Program is to provide for the effective resettlement of refugees and to assist them to achieve economic self-sufficiency as quickly as possible. To facilitate the purpose of the Program, FSA intends to award federal grant funds to one (1) eligible community-based or faith-based organization that directly assists refugees in the District to make available resources for employment training and placement for refugees to be economically self-sufficient, provide opportunities for English language training, ensure cash assistance, and guarantee gender equality in all training and instruction.

Eligibility

Eligible organizations include community-based, faith-based, non-profit organizations located in the District. The service and activity to be funded through the grant should have an immediate and direct impact on refugee clients, and meet the requirements of the Program and the Act.

Award Period

The term of this grant period shall be for twelve (12) months beginning from the date of the award, with the option of two (2) additional years, if funding is available and satisfactory performance by the Grantee.

Available Funding

FSA intends to make one (1) grant award of up to one hundred thousand federal dollars (\$100,000) to fund an eligible organization for a twelve (12) month period with the option of two (2) additional years, if funding is available.

The Request for Application (RFA) will be released on Monday, June 4, 2018. A copy of the RFA may be obtained from FSA's main office located at 64 New York Avenue, N.E., Washington, D.C. 20002. In addition, the RFA will also be available on the City Administrator's website, located at <http://www.oca.dc.gov> under the link to the District Grants Clearinghouse. For additional information, please contact Ms. Debra Crawford, FSA State Refugee Coordinator by email at: debra.crawford@dc.gov.

The deadline for submission is Friday, June 29, 2018 at 4:45 pm

Applicants are encouraged to attend the Pre-Application conference scheduled for Friday, June 8, 2018 from 12:00 PM until 1:00 PM. at the FSA office located at 64 New York Avenue, N.E., 5th Floor, Conference Room 563, Washington, DC 20002. Applicants interested in attending the Conference must RSVP to Genet Derebe, Refugee Resettlement Program Monitor, at (202) 698-4316 or genet.derbe@dc.gov on or before, **Wednesday, June 6, 2018.**

**DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND
TENURE****Judicial Tenure Commission Begins Reappointment Evaluations Of
Judges Brian Holeman, Craig Iscoe, And J. Michael Ryan**

This is to notify members of the bar and the general public that the Commission has begun inquiries into the qualifications of **Judges Brian Holeman, Craig Iscoe, and J. Michael Ryan** of the Superior Court of the District of Columbia, who are declared candidates for reappointment as Associate Judges. The terms of Judges Holeman and Iscoe expire on October 29, 2018, and Judge Ryan's term expires on November 4, 2018.

Under the provisions of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 796 (1973), §443(c) as amended by the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573, 100 Stat. 3233, §12(1) provides in part as follows:

"...If a declaration (of candidacy) is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written statement of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the nomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court."

The Commission hereby requests members of the bar, litigants, interested organizations, and members of the public to submit any information bearing on the qualifications of Judges Holeman, Iscoe, and Ryan 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 shall be kept confidential unless expressly authorized by the person submitting the information

All communications should be received by the Commission no later than **June 29, 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/AssociateJudgeSuperiorCourt1219>.

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

**DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND
TENURE****Judicial Tenure Commission Begins Review Of
Judge John M. Mott**

This is to notify members of the bar and the general public that the Commission is reviewing the qualifications of **Judge John M. Mott** of the Superior Court of the District of Columbia, who is retiring and has requested a recommendation for an initial appointment 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 the qualifications of Judge Mott 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 **June 29, 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>, for Judge Mott.

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

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****School Books**

KIPP DC is soliciting proposals from qualified vendors for school books. The RFP can be found at www.kippdc.org/procurement. All proposals should be uploaded to the website no later than 5:00 PM EST, on June 5th, 2018. Questions can be addressed to tania.honig-silbiger@kippdc.org.

INVITATION FOR BID (IFB)**Food Service Management Services**

KIPP DC is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the schools for the 2018-19 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. Additional specifications outlined in the IFB such as; student data, days of service, meal quality, etc. may be obtained beginning on 5/25/18 from Dionna Day at 202-223-4505 or dionna.day@kippdc.org:

Proposals will be accepted at 2600 Virginia Ave. NW, Ste. 900 Washington, DC 20037 on 6/18/18, not later than 3pm.

All bids not addressing all areas as outlined in the IFB will not be considered.

REQUEST FOR PROPOSALS (RFP)**Food Service Management Services**

KIPP DC is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the schools for the 2018-19 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. Additional specifications outlined in the IFB such as; student data, days of service, meal quality, etc. may be obtained beginning on 5/25/18 from Dionna Day at 202-223-4505 or dionna.day@kippdc.org:

Proposals will be accepted at 2600 Virginia Ave. NW, Ste. 900 Washington, DC 20037 on 6/18/18, not later than 3pm.

All bids not addressing all areas as outlined in the RFP will not be considered.

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 July 1, 2018.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on May 25, 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.

D.C. Office of the Secretary **Effective: July 1, 2018**
Recommendations for Appointments as DC Notaries Public **Page 2**

Achbezef	Nebel	ABC Visa and Passport Services, Inc 2228 Decatur Place, NW, Suite 100	20008
Aguilera	Jennifer G.	Union Station Investco, LLC 2 W 40 Massachusetts Avenue, NE	20002
Anderson	Latonya	Pilgrim Rest Baptist Church 4611 Sheriff Road, NE	20019
Anderson	Shirley L.	Wiley Rein, LLP 1776 K Street, NW	20006
Artemel	Deniz	McEneaney Associates, Inc 4315 50th Street, NW	20016
Barbee III	Norvell Davis	Edens Limited Partnership, LLP 1272 5th Street, NE	20002
Barber	Sabrina J.	Edens Limited Partnership, LLP 1272 5th Street, NE	20002
Barnhart	Saundra	SyDar of DC, LLC 5650 3rd Street, NE	20011
Booth	Alison	Jemsek Specialty Clinic 2440 M Street, NW, Suite 205	20037
Boston	Zakia	Self 1330 7th Street, NW	20001
Bradford	La Juan Shelita	Federal Emergency Management Agency 500 C Street, SW, 8th Floor	20472
Brooks	Pamela S.	Ingleside at Rock Creek Presbyterian Retirement Community 3050 Military Road, NW	20015
Brown	Holly	Marriott Vacation Club 1130 Connecticut Avenue, NW, Suite 700	20036
Brown	Kimberly	Consumer Financial Protection Bureau 1700 G Street, NW	20552
Burns	Constance A.	National Association of American Veterans, Inc 1725 I Street, NW, Suite 300	20006

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

Butts	Allison E.	Self 2800 Wisconsin Avenue, NW, Suite 502	20007
Campos	Cynthia E.	Airports Council International- North America 1615 L Street, NW, Suite 300	20036
Carey	Morgan	Bus Boys and Poets, Stone Soup, Inc. 1347 T Street, NW	20009
Chavez	Christian	Bank Fund Staff Federal Credit Union 1725 I Street, NW	20006
Chung	Craig Alexander	Worldwide Settlements, Inc 1929 K Street, NW, Suite 300	20006
Conaway	Jacqueline T.	Federal Housing Finance Agency 400 7th Street, SW	20219
Damron	Susan	Brinks Gilson & Lione 1775 Pennsylvania Avenue, NW, Suite 900	20006
Davis	Kristin	M & T Bank 1420 Wisconsin Avenue, NW	20007
Day	Nina	Self 301 Delafield Place, NW, # 104	20011
Deal	Valerie	Office of the Attorney General for the District of Columbia 441 4th Street, NW, Suite 630 South	20001
Deen	Alicia A.	EIG Management Company, LLP 1700 Pennsylvania Avenue, NW, Suite 800	20006
Denaburg	Jason W.	Arent Fox, LLP 1717 K Street, NW	20006
Donahue	Jill A.	The Holladay Corporation 3400 Idaho Avenue, NE, Suite 500	20016
Dudley	Laura L.	AMIDEAST 2025 M Street, NW, Suite 600	20036

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

Effective: July 1, 2018

Page 4

Erdman	Rebecca W.	The Washington Institute for Near East Policy 1111 19th Street, NW, Suite 500	20036
Estevez	Sonya	Estevez and Associates, LLC 3600 14th Street, NW	20010
Everhart	Elizabeth	Mission First Housing Development Corporation 1330 New Hampshire Avenue, NW, Apartment 116	20036
Faryar	Sultana	JLL 2020 K Street, NW, Suite 1100	20006
Felder	Corlis B.	The Morris & Gwendolyn Cafritz Foundation 1825 K Street, NW, Suite 1400	20006
Fender	Ann M.	Georgetown Visitation Preparatory School 1524 35th Street, NW	20007
Gaylord	Rachel Rose	Self 600 Harvard Street, NW, Unit 2	20001
Gaymon	Crystal V.	Akerman, LLP 750 9th Street, NW, Suite 750	20001
Gerarden	Paul	United States House of Representatives, Office of the Chief Administrative Officer B-227 Longworth Building HOB	20515
Goode	Demetria	Pact 1828 L Street, NW, Suite 300	20036
Grant	Dana M.	Department of Justice, Civil Rights Division 950 Pennsylvania Avenue, NW	20530
Gray	LaCretia D.	Wiley Rein, LLP 1776 K Street, NW	20006
Harris	Anthony J.	Bank of America 1090 Vermont Avenue, NW	20005
Harris	Bernice	Howard University Hospital 2041 Georgia Avenue, NW - Office 4B15	20060

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

Effective: July 1, 2018

Page 5

Harrold	Shelia R.	Oppenheimer 5301 Wisconsin Avenue, NW, Suite 300	20015
Hertzberg	Rebecca J.	Gensler 2020 K Street, NW	20006
Hill-Waddell	Venita	Brookfield Properties Management, LLC 750 9th Street, NW, Suite 700	20001
Hobson	Frances A.	Spiegel & McDiarmid, LLP 1875 Eye Street, NW	20006
Hudson	Karen L.	Constantine Cannon, LLP 1001 Pennsylvania Avenue, NW	20004
Humphreys	Emma L.	Jemsek Specialty Clinic 2440 M Street, NW, Suite 205	20037
Jackson	Cynthia	Self 1619 Fairlawn Avenue, SE	20020
James	Lynette Elaine	Chaiken Sherman Cammarata Siegel, PC 1232 17th Street, NW	20036
Javed	Afshan Noreen	Federal Emergency Management Agency 500 C Street, SW, 8th Floor	20472
Jean-Pierre	Paule	DC Office of Human Rights 441 4th Street, NW, Suite 570N	20001
Johns	India R.	Oppenheimer 5301 Wisconsin Avenue, NW, Suite 300	20015
Johnson	Victoria Black	District of Columbia Department of General Services 2000 14th Street, NW	20009
Kabre	Jean R.	Lincoln Property Company 101 Constitution Avenue, NW	20001
Kan	Flora	Aestar, LLC 1775 Eye Street, NW, Suite 1150	20006
Karmacharya	Shree	The Ocean Foundation 1320 19th Street, NW, 5th Floor	20036

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

Effective: July 1, 2018

Page 6

King	Ruth H.	Ermer Law Group 1413 K Street, NW, Suite 600	20005
Lervik	Tanya K.	IUBAC 620 F Street, NW, Floor 9	20004
Lightfoot	Tinee'Sha Nicole	District of Columbia Department of Human Services 64 New York Avenue, NE	20002
Lomax	Shantese	Bridgepoint Hospital National Harbor 4601 Martin Luther King, Jr. Avenue, SW	20032
Loxtercamp	Denise A.	Premium Title & Escrow, LLC 3407 14th Street, NW	20010
Lusby	Theresa Ann	United States Capitol Police 119 D Street, NE	20510
Lyman	April M.	U.S House of Representatives, Office of the Chief Administrative Officer B-227 Longworth Building	20515
Mack	Cate	Sullivan & Cromwell, LLP 1700 New York Avenue, NW, Suite 700	20006
Marcuson	Zandria	EngenderHealth 505 9th Street, NW, Suite 601	20004
McCleary	Michael	Willard InterContinental Hotel 1401 Pennsylvania Avenue, NW	20004
McMullen	Matthew James	Neal R. Gross & Company 1323 Rhode Island Avenue, NW	20005
Medinaceli	Andrea D.	Self 3891 Newark Street, NW, Unit A481	20016
Meli	Christelle N.	Bank of America 722 H Street, NE	20002
Mosley	Asheli Niambi	Neal R. Gross & Company 1323 Rhode Island Avenue, NW	20005
Mwitanti	Kerris M.	Citibank NA 1218 Connecticut Avenue, NW	20036

D.C. Office of the Secretary **Effective: July 1, 2018**
Recommendations for Appointments as DC Notaries Public **Page 7**

Norzom	Tenzin	International Finance Corporation 2121 Pennsylvania Avenue, NW	20433
Oglesby	Odalisa	District of Columbia Department of General Services 2000 14th Street, NW	20009
Ortega Vasquez	Katerin L.	Law Offices of Duane O. King 1920 L Street, NW	20036
Penning	Elizabeth Marie	Penzance 1680 Wisconsin Avenue, NW, Suite 300	20007
Perez	Eric R.	Regan Associates Chartered 1003 K Street, NW, 3rd Floor	20001
Pomeroy	Barbara A.	Wiley Rein, LLP 1776 K Street, NW	20006
Poole	Connie S.	Accenture 800 Connecticut Avenue, NW, Suite 600	20006
Poteat	Cynthia René	Self (Dual) 1565 41st Street, SE	20020
Potts	Terri	Wiley Rein, LLP 1776 K Street, NW	20006
Powell	Bridget	Federal Emergency Management Agency 500 C Street, SW, 8th Floor	20472
Powell	Catherine A.	Wiley Rein, LLP 1776 K Street, NW	20006
Richardson	Kelli	Self (Dual) 1445 Ogden Street, NW, Apartment 308	20036
Rivera	Apolinar	Bank of America, NA 3131 Mount Pleasant Street, NW	20010
Rodriguez	Lori J.	Economists Incorporated 2121 K Street, NW, Suite 1100	20037
Sanborn	Richard M.	Alderson Reporting Company 1155 Connecticut Avenue, NW, Suite 200	20005

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

Effective: July 1, 2018

Page 8

Sesay-Bah	Mariama I.	Self 2300 Washington Place, NE, Apartment 307	20018
Simmons	Vanassa	Self 4306 12th Place, NE	20017
Slewion	Maria	Hillis-Carnes 1414 North Capital, Street, NW	20002
Smith	Charlyia	Federal Emergency Management Agency 500 C Street, SW, 8th Floor	20472
Southall	Kelly Moss	Scout Properties 3620 12th Street, NE	20017
Stroh	Tracy Jean	Derenberger & Page Reporting, Inc 1430 S Street, NW	20009
Takacs	Linda	Public Company Accounting Oversight Board 1666 K Street, NW	20006
Taylor	Ebony G.	Metro Offices 1250 Connecticut Avenue, NW, Suite 200	20036
Tesfa	Eden Sahle	Bain & Company 1717 K Street, NW, Suite 1100	20006
Thomas	Angela Maria	Sandy Spring Bank 1146 19th Street, NW	20036
Thomas	Jamie W.	District of Columbia Department of Human Services 64 New York Avenue, NE, 5th Floor	20002
Thompson	Christopher J.	Orchard Global Asset Management 2900 K Street, NW, Suite 506	20007
Thompson	Marc	Office of the US Attorney for the District of Columbia 555 4th Street, NW	20001
Tirado	Maria M.	Hayman Woodward, PLLC 1050 Connecticut Avenue, NW, Suite 500	20036

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

Effective: July 1, 2018

Page 9

Trovati	Joslyn Faith	American Israel Public Affairs Committee (AIPAC) 251 H Street, NW	20001
Vakhrushev	Sergey	Janilcar, Inc 5001 New Hampshire Avenue, NW	20011
Vazquez	Andrew James	Lee/Shoemaker, PLLC 1400 Eye Street, NW, Suite 200	20005
Veale	Katherine D.	EIG Management Company, LLC 1700 Pennsylvania Avenue, NW, Suite 800	20006
Vozenilek	Nikita A.	Sullivan & Cromwell, LLP 1700 New York Avenue, NW, Suite 700	20006
Walker	Jennifer Mayer	Akerman, LLP 750 9th Street, NW, Suite 750	20001
Wang	Jesse	Smithsonian Institution 1000 Jefferson Drive, SW	20560
Ward	John D.	John D. Ward Attorney at Law 2201 N Street, NW, Apartment 212	20037
Washington	Tamika L.	The Ocean Foundation 1320 19th Street, NW, 5th Floor	20036
White	Dina	Tribune Company - Los Angeles Times 1100 Vermont Avenue, NW	20005
Wilkins	Ann	United States Court of Appeals for the DC Circuit 333 Constitution Avenue, NW	20001
Wright	Seanera	Han Group, LLP 1020 19th Street, NW, Suite 800	20036
Zano	Lilian P.	John F. Kennedy Center for the Performing Arts 2700 F Street, NW	20566

SOMERSET PREP DC PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Student Information Systems**

Somerset Prep DC Public Charter School intends to enter into a sole source contract with PowerSchool for student information systems for the 2018-2019 school year.

- Somerset Prep DC Public Charter School constitutes the sole source for PowerSchool for student information systems for the 2018-2019 school year.
- For further information regarding this notice contact sspdc_bids@somersetprepdc.org no later than **4:00 pm Friday, June 1, 2018**.

Student Assessment Services

Somerset Prep DC Public Charter School intends to enter into a sole source contract with The Achievement Network for student assessment services to help identify and close gaps in student learning for the 2018-2019 school year.

- Somerset Prep DC Public Charter School constitutes the sole source for The Achievement Network for student assessment services that will lead to student achievement for the 2018-2019 school year.
- For further information regarding this notice contact sspdc_bids@somersetprepdc.org no later than **4:00 pm Friday, June 1, 2018**.

SOMERSET PREP DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Data Consulting Services**

Somerset Prep Public Charter School is soliciting bid proposals from qualified vendors for the 2018-2019 school year.

GUIDELINES

The school must receive a PDF version of your proposal no later than 5pm EDT on **June 1, 2018**. Proposals should be emailed to sspdc_bids@somersetprepdc.org.

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

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

SCOPE OF WORK

Contractor proposals should address the following items:

- Data Consulting Services

CONSIDERATION

Any additional work outside the scope of work as defined above will be quoted separately as required.

PAYMENT

Please indicate proposed payment schedule. Submission of invoices is required for payment.

SOMERSET PREP DC PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Special Education Consulting Services**

Somerset Prep Public Charter School is soliciting bid proposals from qualified vendors for the 2018-2019 school year.

GUIDELINES

The school must receive a PDF version of your proposal no later than 5pm EDT on **June 1, 2018**. Proposals should be emailed to sspdc_bids@somersetprepdc.org.

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

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

SCOPE OF WORK

Contractor proposals should address the following items:

- Special Education Consulting Services

CONSIDERATION

Any additional work outside the scope of work as defined above will be quoted separately as required.

PAYMENT

Please indicate proposed payment schedule. Submission of invoices is required for payment.

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE TO THE REGISTER****DC CIRCULATOR SERVICE CHANGES****Notice of Service Changes Effective Sunday, June 24, 2018**

The Director of the District Department of Transportation, pursuant to the authority of Sections 5(a)(1)(Q), 11b(1) and 11e(a-1)(1) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.04(a)(1)(Q), 50-921.32(1) and 50-921.35(a-1)(1) (2012 Repl.)); and Mayor's Order 2009-43, dated March 26, 2009, hereby gives notice of this service changes action to adopt rules that will modify Chapter 15 (DC Circulator) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR) sections 1501.1; 1501.2; and 1502.2(a)(b)(d)(e).

The notice to the public provides an update to the DC Circulator routes to more accurately reflect the six routes that will be in operation starting June 24, 2018 operation; modify the span of service of the Georgetown to Union Station, Congress Heights to Union Station and Eastern Market to L'Enfant Plaza Routes; and eliminate the use of DC Circulator-exclusive paper passes.

Summary of Service Changes**Route Realignment**

The Capitol Hill Loop will change to the Capitol Hill and Southwest Loop with the introduction of the Eastern Market to L'Enfant Plaza service.

Current Route:

Capitol Hill Loop -- Union Station to points in the Capitol Hill neighborhood, which may include the Capitol South and Navy Yard Metro Stations

New Route:

Eastern Market to L'Enfant Plaza -- Eastern Market Metro to L'Enfant Plaza Metro via Barracks Row, Navy Yard, M Street SE/SW, and Waterfront Metro.

The North-South Loop will change to connect Congress Heights to Union Station.

Current Route:

North-South Loop -- Mt. Vernon Square, 7th or 9th Street, NW, the National Mall, and Water Street, SW;

New Route:

Congress Heights - Union Station: new service connecting Union Station and Congress Heights Metro via Barracks Row and Historic Anacostia.

Service Hour Adjustments

Starting June 24, 2018, the following routes will operate as noted below:

1. The L'Enfant Plaza Metro – Eastern Market route will run seven days a week from 7 am – 9 pm.
2. The Congress Heights – Union Station route will run seven days a week from 7 am – 9 pm.
3. The Georgetown – Union Station route will run year-round late-night service between McPherson Square and Union Station from 9 pm to 3 am on Fridays and Saturdays.

Fare Payment Option Revision

1. The DC Circulator-exclusive paper bus passes will be discontinued.
2. No new passes will be sold after June 23, 2018.
3. Current paper pass holders can redeem their passes until September 30, 2018. After this date, these passes will not be accepted.
4. Riders will still have the option to purchase the SmarTrip ® based “7-Day Regional Bus Pass” sold by WMATA, and all other DC Circulator payment methods will remain unchanged.
5. No change is proposed to the base fare of \$1 per trip.

A public hearing was held on January 4, 2018 to discuss these proposed changes. If you have any questions regarding this notice, please contact Circe Torruellas at circe.torruellas@dc.gov or via phone at 202-671-2020.

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Washington Global Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Facility Management/Maintenance Services

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Wednesday, June 13, 2018** unless otherwise stated in associated RFP's. Proposals should be emailed to bids@washingtonglobal.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.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, June 7, 2018 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

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

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of May 3, 2018 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

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

Application No. 19737 of Fulcrum Properties Group, LLC, pursuant to 11 DCMR Subtitle X, Chapter 10, for a use variance from the use provisions of Subtitle U § 301.1, to use the existing two-story building for an office use in the RF-1 Zone at premises 500 13th Street S.E. (Square 1043, Lot 817).

HEARING DATE: April 25, 2018

DECISION DATE: April 25, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on April 10, 2018, at which a quorum was present, the ANC voted 8-0-1 to support the application. (Exhibit 93 (Resolution) and 94 (Report).) ANC Commissioner Daniel Ridge testified in support of the application at the public hearing on April 25, 2018, emphasizing the ANC's support for office use on both floors of the structure.

The Office of Planning ("OP") submitted a timely report recommending approval of use variance relief as to the first floor of the structure, but denial as to the second floor of the structure. (Exhibit 87.) Specifically, OP indicated that the Applicant had demonstrated an exceptional situation resulting in an undue hardship with regard to the first floor, noting that it was constructed as a commercial space including "limited separation between the building and the sidewalk, large commercial bay windows, and a corner-facing door." (Exhibit 87.) These characteristics would create privacy concerns and make the space unattractive for potential residential buyers. With regard to the second floor, however, OP found that the Applicant did not

demonstrate an exceptional situation resulting in an undue hardship, as “[u]nlike the first floor, the second floor has a fully constructed dwelling unit and a typical residential floor plan.” OP further recommended that allowing office use to replace the existing residential use on the second floor would be a substantial detriment to the public good and cause substantial harm to the zone plan because “[l]osing a residential unit is contrary to the character and zoning of the immediate neighborhood.” (Exhibit 87.) OP notes that the intent of the RF-1 Zone is to protect the existing housing stock and that commercial uses are intended to be restricted.

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 84.)

Neighbors submitted 55 letters in support to the record. (Exhibits 30-82, 92, and 95.) In addition, Councilmember Charles Allen submitted a letter in support of the application. (Exhibit 88.) At the public hearing on April 25, 2018, Brian Rodgers, Walter Winston, David McKean, Sandra Moscoso, Darren Cole, Floyd Mills, and Ralph Garboushian testified in support of the application. The Capitol Hill Restoration Society submitted a letter in opposition to the application. (Exhibit 91.)

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for a use variance from the use provisions of Subtitle U § 301.1, to use the existing two-story building for an office use in the RF-1 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001)). Great weight means acknowledgement of the issues and concerns of the Office of Planning. In this case, OP recommended approval of the use variance with regard to the first floor of the property; however, OP recommended denial for relief on the second floor on the basis that the Applicant had not demonstrated: (1) that there is an exceptional circumstance causing an undue hardship of maintaining the second-floor residential use, and (2) that the removal of the existing residential use would not cause a substantial detriment to the public good and to the zone plan. The Board was persuaded by OP’s recommendation to approve use variance relief for the first floor, but was not persuaded by OP’s recommendation to deny relief for the second floor on these grounds.

First, the Board finds that the second floor of the building is affected by the same unique conditions as the first floor, such as the corner lot location with high commercial visibility, the commercial history of the lot, and the abutting commercial and industrial uses. As a result of these exceptional circumstances, the Applicant has been unable to successfully sell the second-floor units for residential purposes. As noted in the Applicant’s testimony, the Subject Property has been on the market for almost a year and has been consistently on and off the market for three to four years, despite having being in above average condition and having a price per square foot below the median. (BZA Hearing Transcript of April 25, 2018 (“Tr.”) at p. 233.) The

Board also credits the written submission of realtor, A. Daniel Bouchard, who indicated that he became involved with the sale of the Subject Property in 2015. Mr. Bouchard indicates that, during this time, he received only one letter of intent for the property and that any potential buyers were not interested in the property for residential use. (Exhibit 86.) Mr. Bouchard further noted that the Subject Property is located in a desirable neighborhood, where homes are typically on the market for an average of 21 days, which makes the inability to find a prospective residential buyer all the more notable in this case. (Exhibit 86.) Given the evidence and testimony in the record, the Board finds that the Applicant has demonstrated that the second floor is constrained by exceptional conditions, such that retaining the residential use would cause an undue hardship.

In addition, the Board finds that converting the second-floor residential units into an office use would not cause a substantial detriment to the public good or to the zone plan. With regard to the public good, the Board was persuaded by the support of neighbors of the proposed project that the second floor office use would not have adverse impacts on the community. Further, because the office use is relocating from another location in the neighborhood, the Board finds that the proposed use and operations of the Subject Property would be harmonious with the surrounding area. (Tr. at 241.) Although OP expressed concern about the resulting loss of residential units, the Board was persuaded by the testimony of ANC Commissioner Daniel Ridge, noting that the ANC has been working with developers on the creation of hundreds of residential units in close proximity to the Subject Property, including affordable units. (Tr. at p. 265-66.) Though the Board considers loss of residential units to be a potential adverse impact of a proposed project, the evidence and testimony support the Board's finding that the loss of the existing residential use will not be a substantial detriment to the public good in this case. With regard to the zone plan, the Board considered the Applicant's testimony that the majority of the building faces E Street, S.E., which is predominantly commercial and industrial uses. (Tr. at 234.) The Board also notes that Square 1043 contains RF-1, MU-4, and PDR-1 Zones and was persuaded by the Applicant's argument that the proposed neighborhood-serving office use would create a low-impact transition to more intensive uses and Zones in the vicinity. (Tr. at 237-38.) For these reasons, the Board was not persuaded by OP's recommendation to deny the use variance relief for the second floor of the Subject Property.

The Board is also required to give "great weight" to issues and concerns raised by the affected ANC. (D.C. Official Code § 1-309.10(d).) In this case ANC 6B voted 8-0-1 to support the application, raising no issues or concerns. (Exhibit 93 (Resolution) and 94 (Report).)

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a use variance from 11 DCMR Subtitle U § 301.1, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

VOTE: 3-1-1 (Carlton E. Hart, Robert E. Miller, and Lesylleé M. White to APPROVE; Lorna L. John to DENY; Frederick L. Hill not present.)

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: May 11, 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.

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

BZA APPLICATION NO. 19737

PAGE NO. 4

DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 19740 of Francisca Vigaud-Walsh, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, to construct a partial second story, rear addition to an existing principal dwelling unit in the RA-2 Zone at premises 2241 13th Street N.W. (Square 271, Lot 232).

HEARING DATE: May 9, 2018

DECISION DATE: May 9, 2018

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by memoranda, dated January 26, 2018 and April 6, 2018, from the Zoning Administrator (“ZA”), certifying the required relief. (Exhibits 8 (original) and 34 (revised).)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 1B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. The ANC did not submit a report. The Applicant’s agent testified that he presented before the ANC and that they voted unanimously in support of the application.

The Office of Planning (“OP”) submitted a timely report, dated April 27, 2018, in support of the amended relief. (Exhibit 41.)

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 40.)

Sixteen letters of support of the application from neighbors were submitted to the record. (Exhibits 14, 29, and 30.)

¹ The original ZA memo noted that variance relief was needed (Ex. 8), but the Applicant revised the plans to lower lot occupancy to what is allowable by special exception and a revised ZA memo indicated that is the relief required. (Ex. 34.) The Applicant also verbally amended the application to add relief for nonconforming structure, as recommended by the Office of Planning. The Board accepted the amendment at the hearing and the caption has been amended accordingly.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1 and the nonconforming structure requirements of Subtitle C § 202.2, to construct a partial second story, rear addition to an existing principal dwelling unit in the RA-2 Zone. The only parties to the case were the Applicant and the ANC. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle F §§ 5201 and 304.1, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 32 AND 33.**

VOTE: **5-0-0** (Frederick L. Hill, Peter G. May, Lesylleé M. White, Lorna L. John, and Carlton E. Hart to APPROVE.)

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: May 11, 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

BZA APPLICATION NO. 19740

PAGE NO. 2

§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

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

Application No. 19748 of Acton Academy Foundation, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use requirements of Subtitle U § 203.1(l), and the private school requirements of Subtitle X § 104, to permit a private school in the R-17 Zone at premises 2430 K Street N.W. (Square 28, Lots 172 and 846).

HEARING DATE: May 16, 2018

DECISION DATE: May 16, 2018

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 31 (corrected), 3 and 12 (original).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2A, which is automatically a party to this application. The ANC submitted a timely report in support of the application. The ANC report indicated that at a duly noticed and scheduled public meeting on April 18, 2018, at which a quorum was present, the ANC voted 7-0-0 in support of the application. (Exhibit 40.)

The Office of Planning ("OP") submitted a timely report, recommending approval of the application with conditions. (Exhibit 45.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application with conditions. (Exhibit 44.)

Eight letters from neighbors in support of the application were submitted to the record. (Exhibits 46, 47, 49-51, 53-54, and 56.) Also, a letter of support for the application from the Foggy Bottom Association was submitted to the record. (Exhibit 48.) Two representatives from St. Paul's Episcopal Church as well as a nearby neighbor testified in support of the application.

As a preliminary matter, the Board heard a request for party status in opposition from the West End Citizens Association ("WECA"). (Exhibit 38.) On a unanimous vote, the Board denied the

request for party status. Barbara Kahlow from WECA testified in opposition to the application, citing WECA's concerns regarding noise and traffic. (Exhibit 60.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the use requirements of Subtitle U § 203.1(1), and the private school requirements of Subtitle X § 104, to permit a private school in the R-17 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X §§ 901.2 and 104, and Subtitle U § 203.1(1), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 14A AND THE FOLLOWING CONDITIONS:**

1. Drop-off and pick-up of children shall be administered per the plan provided in Exhibit 42D and the accompanying narrative at Exhibit 42, subject to DDOT's concurrence.
2. Up to eight off-street parking spaces shall be provided for faculty and staff use on Lot 846.
3. The Applicant shall be limited to 24 morning vehicle trips. In the event the site generates more than 24-inbound morning vehicle trips, the Applicant shall coordinate with DDOT to develop and implement TDM strategies.
4. The number of students shall not exceed 60.
5. The number of faculty and staff shall not exceed 8.

VOTE: **4-0-1** (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Anthony J. Hood to APPROVE; Lorna L. John, not present or voting.)

BZA APPLICATION NO. 19748
PAGE NO. 2

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: May 17, 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 CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION,

BZA APPLICATION NO. 19748

PAGE NO. 3

FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 19749 of Muksy, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a two story rear addition to a principal dwelling unit in the R-1-A Zone at premises 3645 49th Street N.W. (Square 1507, Lot 4).

HEARING DATE: May 16, 2018

DECISION DATE: May 16, 2018

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 11.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. The ANC submitted a report in support of the application. The ANC report, dated May 2, 2018, indicated that at a duly noticed and scheduled public meeting at which a quorum was present, the ANC voted 9-0-0 in support of the application. (Exhibit 31.)

The Office of Planning ("OP") submitted a report in support of the application. (Exhibit 32.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 28.)

Two letters in support of the application from adjacent property owners were submitted to the record. (Exhibits 29 and 30.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a two story rear addition to a principal dwelling unit in the R-1-A Zone. No parties appeared at the

public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2; Subtitle D §§ 306.1 and 5201; and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 9.**

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Anthony J. Hood to APPROVE.)

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: May 17, 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.

BZA APPLICATION NO. 19749

PAGE NO. 2

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 14-18A(1)
Z.C. Case No. 14-18A
Mid-City Financial Corporation
(Second-Stage Approval for a PUD and Modification of an Approved First-Stage PUD
@ Square 3953, Lots 1-3)
ORDER DENYING MOTION FOR RECONSIDERATION
April 30, 2018

By Z.C. Order No. 14-18A effective as of April 13, 2018 (the “Second-Stage Order”), the Zoning Commission for the District of Columbia (“Commission”) granted the application of Mid-City Financial Corporation (“Applicant”) for second-stage approval of a planned unit development (“PUD”) and modification of an approved first-stage PUD and related Zoning Map amendment (collectively, the “Second-Stage PUD”). The property that is the subject of the Second-Stage PUD includes Lots 1-3 in Square 3953 (the “Property”) of the Brookland Manor apartment complex in the Brentwood neighborhood of Ward 5. As part of the approved first-stage PUD in Z.C. Order No. 14-18, the Property was rezoned to the R-5-B zone district.¹

Procedural History of the Second-Stage PUD Proceeding

The Brookland Manor/Brentwood Village Residents Association (“Association”) was a party to the Second-Stage PUD proceeding before this Commission.

The Commission held the original public hearing on the Second-Stage PUD application on February 23, 2017, and the hearing was continued to March 16, 2017. (Exhibit [“Ex.”] 193 ¶¶ 14, 20.) The Association made post-hearing filings on April 18, 2017 and again on May 3, 2017. (Ex. 183,187.)

The Commission approved the Second-Stage PUD by vote on May 22, 2017. The Second-Stage Order became final effective upon publication in the *D.C. Register*. (11-Z DCMR § 604.9.)

On April 16, 2018, the Association filed a request (the “Motion”) that the Commission reconsider the Second-Stage Order and hold further hearings on the Second-Stage PUD application. (Ex. 195.)

On April 23, 2018, the Applicant filed a response asking the Commission to deny the Motion (the “Response”) pursuant to Subtitle Z § 700.8 of the Commission’s Rules of Practice and Procedure. (Ex. 196.)

At a regularly-scheduled public meeting on April 30, 2018, the Commission considered the Motion and the Response. The Motion was denied.

¹ These zone districts were renamed as of September 6, 2016, but these re-designations did not impact the Commission’s analysis of the motion that is the subject of this Order or the Second-Stage Order. A typographical error in Finding of Fact (“FF”) ¶ 2 and n.1 of the Order recites that the Zoning Map amendment changed the designation to the Property the R-5-A zone district. The correct zoning designation for the Property is R-5-B, and all such references in the Second-Stage Order to the R-5-A zone district should be understood to refer to the R-5-B zone district, as noted elsewhere in the Second-Stage Order. (See FF ¶ 46 and Conclusions of Law ¶ 4.)

Rules of Procedure Pertaining to a Motion for Reconsideration or Rehearing

Pursuant to Subtitle Z § 700.6, a motion for reconsideration or rehearing must state with specificity the respect in which the final order is claimed to be erroneous, the grounds of the motion, and the relief sought. The Commission may not grant a request for rehearing unless new evidence is submitted that could not reasonably have been presented at the original hearing. (11-Z DCMR § 700.7.)

The Association's Motion – Discussion of Evidence Pertaining to Displacement

The Motion presents what the Association asserts is new evidence that was not available at the time of the public hearing on the Second-Stage PUD. The Association also argues that the Commission erred in certain of its findings and conclusions in the Second-Stage Order regarding displacement. The Association states that the Applicant's overall redevelopment "has resulted in the displacement of residents who resided at Brookland Manor previously, and will continue to result in the displacement of current Brookland Manor residents." (Ex. 195 at 2.) The Association's purported evidence of past and future displacement are each taken in turn below.

Evidence of Past Displacement

In support of its assertion of evidence of past displacement, the Association points to a Memorandum Opinion (the "Opinion"), filed on February 12, 2018 in an ongoing proceeding in the United States District Court for the District of Columbia.² The Opinion arises out of litigation filed on behalf of Brookland Manor residents, which litigation is in relation to the Applicant's proposed overall redevelopment of Brookland Manor and in which the Association alleges such redevelopment fails to further fair housing and has a discriminatory impact on families.

The Commission is not persuaded that the Opinion contains any new evidence, unavailable at the time of the Public Hearing, showing that the Second-Stage PUD that is the subject of the instant proceeding "has resulted in the displacement of residents who resided at Brookland Manor previously." Similarly, the Commission is not persuaded that the Association has provided any evidence that the specifically cited findings or conclusions in the Second-Stage Order are erroneous, for the following reasons.

- As the Applicant notes, the Opinion itself very clearly states that "Indeed, Ms. Borum [the plaintiff resident of Brookland Manor] does not point to a single individual who has been displaced due to the proposed redevelopment since [the Applicant] submitted their First Stage PUD to the [Commission]." (Ex. 196 at 2; Ex. 195 at Exhibit A at 10.) This statement in the Opinion undercuts any claim by the Association that the Opinion contains evidence of any past displacement unknown at the time of the public hearing and post-hearing submissions.³

² *Borum v. Brentwood Village, LLC*, No. 16-1723 (RC) (D.D.C. 2018).

³ Indeed, the Association's April 18, 2017 post-hearing statement raises allegations of evictions by the Applicant of residents of Brookland Manor. These allegations were before the Commission in its deliberations on the Second-Stage PUD application. (See Ex. 193 at FF ¶ 103.)

- The Association does not state with any specificity whether the ongoing federal District Court litigation is pertinent to the Second-Stage PUD, and the Association points to nothing in the Opinion that relates to the proceeding at hand. The factual information presented in the Motion—e.g., pertaining to “118 families (totaling 543 people) in three-, four-, and five-bedroom apartments at Brookland Manor”, the composition of such families, and the 64 overall three-bedroom units approved under the first-stage PUD—whether individually or taken together lacks any reference or relevance to the instant Second-Stage PUD proceeding. The displacement claims alleged and the factual information presented in the Motion appear to pertain to the overall redevelopment of Brookland Manor, which claims and information was thoroughly addressed in the first-stage proceeding. The Commission is by regulation time-barred from revisiting claims relating to displacement arising out of the Commission’s approval of the first-stage PUD unless expressly implicated in the proposed Second-Stage PUD. None of the purportedly new information implicates the Second-Stage PUD, and the Commission declines to now re-open the findings or conclusions in its November 2015 first-stage order related to unit mix or putative displacement impacts, which order was not appealed or challenged.
- Moreover, the Association points to factual information referenced in the Opinion, which information the Association notes is dated “as of January 2017.” (Ex. 195 at 2.) This purportedly new evidence is dated one month prior to the February 2017 public hearing on the instant application. The Association makes no attempt to explain why it did not attempt to present the January 2017 information to the Commission the following month or in its multiple post-hearing submissions filed two and three months thereafter.

Evidence of Future Displacement

Similarly, the Commission does not find any evidence that the Second-Stage PUD “will continue to result in the displacement of current Brookland Manor residents.” This issue was addressed thoroughly during the Second-Stage PUD proceedings and convincingly rebutted by the Applicant. The Commission notes that it thoroughly, and with concern about potential impacts on current residents, investigated the Association’s claims that the Applicant’s distribution of affordable units in the “senior building” (or “Building B” as defined in the Second-Stage Order) would somehow lead to the displacement or disruption of current Brookland Manor resident extended families on account of the Second-Stage PUD unit mix or other possible displacement impacts. (*See* Ex. 193 at FF ¶¶ 100-102.) The Commission requested post-hearing briefings on this topic specifically. (*Id.* ¶¶ 80, 81(n)-(t).) However, the Commission found that although there was initial confusion on this topic, it did not believe that any displacement of current Brookland Manor residents would result from the Second-Stage PUD, finding in the alternative that any displacement that did occur would be acceptable in light of the public benefits.

Without revisiting its previous findings, the Commission notes that the subject Property is currently vacant, and upon completion of the development approved in the instant proceeding, “there will be 800 units on the entire property, a more than adequate amount of housing to accommodate current residents.” (*Id.* ¶¶ 100(c), 110). The Association has presented no evidence, new or otherwise, suggesting that the amount of housing available on the overall property during or upon completion of the development of the project approved in the Second-Stage PUD will be insufficient to house the number of current residents.

Accordingly, after scrutinizing the Motion and the purportedly new information contained therein regarding past and future displacement of Brookland Manor residents, the Commission finds no reasonable basis for concluding that the Second-Stage Order is at all erroneous and finds no examples of new evidence that could not reasonably have been presented at the original hearing. The Commission declines to revisit the conclusions cited in the Motion.

The Association's Motion – Discussion of Evidence Pertaining to Federal Fair Housing Act Violations

In addition to allegations of new evidence regarding past and future displacement of current residents, the Association urges the Commission to reconsider the Second-Stage PUD in light of the federal Fair Housing Act (“FHA”). The Commission again declines.

Federal Fair Housing Act

The Association asks the Commission to reconsider its findings that it cannot consider FHA compliance when evaluating a PUD. The Commission takes notice of a recent holding of the District of Columbia Court of Appeals that in at least some instances the Commission may consider obligations set forth in federal law.⁴ However, the Commission has determined that it does not have the capacity to adjudicate specific or even generalized FHA claims. A federal district court seems to have agreed with the Commission on this point.⁵

This does not mean that the Commission is powerless to consider the effects of its actions that implicate policy objectives governed by the FHA. Quite the contrary, the Commission has broad authority under the Zoning Regulations, its own Rules of Procedure and Practice, and the Comprehensive Plan to consider the effects of its actions on the “health, safety, and welfare” of District residents and other protected interests as urged by the Association. Similarly, the Commission can and does consider the impacts of projects with regard to the promotion of mixed-income housing, affordable housing production, housing for families, the protection of existing affordable rental housing, and anti-displacement practices. Within the realm of District law and viewed through the lens of the Commission’s unique expertise in land use regulation and zoning, the Commission’s power overlaps with the aims of the FHA. Indeed, the Commission made specific findings on these several topics in the Second-Stage Order. (Ex. 193 at FF ¶¶ 70, 104(b).)

District Human Rights Act (“HRA”)

The Association’s urging to re-examine the Second-Stage PUD for compliance with the FHA is undercut by its own assertion that the FHA and the HRA “run directly parallel” to each other and that “the protections contained in [the HRA] mirror those of the [FHA] with respect to the prohibition against familial status discrimination.” (Ex. 195 at 3.) The Commission points out that it has imposed a specific condition in the Second-Stage Order regarding the HRA:

⁴ *Barry Farm Tenants and Allies Assoc. v. Zoning Comm’n.*, No. 15-AA-1000 at 33-34 (D.C. Apr. 26, 2018) (holding that the Commission’s conclusion that it did not have jurisdiction under the federal Uniform Relocation Act was erroneous and remanding for reconsideration of local policies addressing relocation).

⁵ In a federal court order in the above-referenced civil litigation involving the Applicant and certain residents of Brookland Manor, the court noted that “there is no indication that the [Commission] could be considered a “competent” “court” for purposes of reviewing FHA claims.” (Ex. 196 at Exhibit C at 20.)

In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 *et seq.*, (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, *familial status, family responsibilities*, matriculation, political affiliation, genetic information, disability, source of income, or *place of residence* or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

(Ex. 193 at Decision ¶ II.D.4.) (Emphasis added.) Accordingly, to the extent the Association believes the FHA and HRA “parallel” or “mirror” each other, such overlap is subject to an express condition of the Second-Stage Order.

The Association’s Allegations of Error

In the Motion, the Association raises the following allegations of error on the part of the Commission:

- The Association implies that all 535 units in existence today at Brookland Manor are “deeply affordable units.” (Ex. 195 at 3.) The Applicant has presented substantial evidence that only 373 of the existing units are income-restricted “affordable units.” Some are occupied by management and others by market-rate tenants. The Applicant has acknowledged that there are in addition to those 373 affordable units, some units occupied by income-restricted residents through the use of vouchers. But such vouchers are personal to the residents and transferable from one property to another. As articulated in detail in the Second-Stage Order, the voucher-holder-occupied units and the 373 affordable units are not equivalent. Moreover, the overall amount and level of affordable housing in the RIA redevelopment was settled as part of the first-stage PUD. The overall affordable unit count issue is not timely or properly raised for the Commission now to reconsider.
- The Association argues that the Second-Stage PUD’s provision of affordable housing “cannot be considered a public benefit.” The Commission’s procedures say precisely otherwise. (See 11-X DCMR §§ 305.2 and 305.5(g).) The Applicant is replacing the existing 373 affordable units with 373 new construction affordable units. An applicant as part of a generic PUD is under no obligation to provide affordable housing beyond what is required under the Zoning Regulations’ inclusionary zoning requirements. (See *id.* § 305.11.) Affordable housing in excess of the requirement amount is by definition a public benefit and not a requirement of a PUD. The Commission declines to consider, as the Association advances, whether § 300.1 of Subtitle X imposes additional affordable housing requirements given the actual affordable housing proffered by the Applicant as part of the first-stage PUD and in the instant Second-Stage PUD. The Applicant’s construction of 373 affordable units, given the level of affordability, is a public benefit because the Applicant is under no obligation otherwise to provide such units. The Second-Stage PUD’s affordable housing contributes to and is in accordance with that public benefit.

- The Commission previously made findings on the Second-Stage PUD's protection of the public health, safety, welfare and convenience and declines to revisit them here seeing no evidence of error in such earlier findings. (*See, e.g.*, Ex. 193 at FF ¶¶ 70, 73.)
- The Association again raises the issue of the decision to eliminate all five-bedroom units at Brookland Manor. As noted above, that issue was squarely addressed in the first-stage proceeding, was not before the Commission in the instant proceeding, was not timely appealed or challenged, and the Commission is time-barred by regulation from reconsidering it here.
- The Association states, incorrectly, that "all four bedroom units" have been "eliminate[d]." (Ex. 195 at 3.) The first-stage PUD includes four-bedroom townhouse units. (Ex. 193 at FF ¶ 81(s).) Nonetheless, as with the five-bedroom units, this issue has been resolved for more than two years, was not timely appealed or challenged, and is not properly before the Commission now.
- The Association alleges, without elaboration, that the Commission has run afoul of the Housing Element of the Comprehensive Plan. The Commission considered these policies in detail, devoting three pages of the Second-Stage Order to its analysis of the Second-Stage PUD in light of the Housing Element. (Ex. 193 at FF ¶ 104(b).) The Commission has considered the Second-Stage PUD in light of the affordable housing, family housing, and displacement objectives of the Housing Element along with numerous other policy objectives of the Comprehensive Plan and determined that the Second-Stage PUD is not inconsistent with these objectives nor with the Comprehensive Plan as a whole. (*Id.*) The Commission sees no reason to reconsider this conclusion.

For the above-stated reasons, the Commission finds no new evidence not reasonably available at the time of the original public hearing on the instant application and no clear error in the Second-Stage PUD. Accordingly, the Motion is **DENIED**.

On April 30, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **DENY** the Motion by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to approve; Peter G. May, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on May 25, 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. 16-29**

Z.C. Case No. 16-29

Poplar Point RBBR, LLC (d/b/a Columbian Quarter Holdings)

**(First-Stage PUD and Related Map Amendment @ Square 5860, Lots 97, 1025-1031, 1036,
and 1037 and a Portion of the Alley to be Closed, and Square 5861, Lot 91)**

April 12, 2018

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on December 4, 2017 to consider an application from Poplar Point RBBR, LLC (d/b/a Columbian Quarter Holdings) (“Applicant”) for review and approval of a first-stage planned unit development (“PUD”) and related amendment to the Zoning Map from the MU-14 zone to the MU-9 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 97, 1025-1031, 1036, and 1037 in Square 5860 and a portion of the alley to be closed, and Lot 91 in Square 5861 (“Property”) and is located on Howard Road, S.E. in Ward 8, within the jurisdiction of Advisory Neighborhood Commissions (“ANCs”) 8A and 8C. The Property is located on either side of Howard Road, S.E. and in between Interstate 295 and South Capitol Street, S.E. The Property is near the Anacostia River waterfront in Ward 8 and consists of approximately 271,219 square feet (including private streets), or approximately 6.23 acres, of land area. The Property is currently located in the MU-14 zone. (Exhibit [“Ex.”] 2.)
2. On September 21, 2016, the Applicant delivered a notice of its intent (“NOI”) to file the Application to all owners of property within 200 feet of the perimeter of the Property as well as to ANC 8A and ANC 8C, pursuant to § 300.7 of Subtitle Z of the Zoning Regulations. (Ex. 2C.)
3. On December 13, 2016, the Applicant filed the Application for approval of a first-stage PUD and related Zoning Map amendment from the MU-14 zone to the MU-9 zone (“Initial Application”). (Ex. 1-2I13.)
4. The Application was accepted as complete by the Office of Zoning (“OZ”) by letter dated December 21, 2016. (Ex. 4.) OZ referred the Application to ANC 8A, ANC 8C, the Councilmember for Ward 8, and the District of Columbia Office of Planning (“OP”) and notice of the filing of the Application was published in the *D.C. Register*. (Ex. 5-9.)

5. On February 17, 2017, OP delivered a report (“OP Setdown Report”) on the Application, recommending that the Commission set down the Application for public hearing, and requested additional information from the Applicant. (Ex. 10.)
6. During its public meeting on February 27, 2017, the Commission voted to set down the Application for a public hearing (“Setdown”). (See February 27, 2017 Transcript [“Tr. 1”] of the Commission’s Regular Public Meeting.)
7. On July 5, 2017, Applicant filed its initial pre-hearing statement and supporting exhibits (“PHS”), which included information in response to the requests from OP and the Commission, resumes of the Applicant’s proposed expert witnesses and outlines of testimony and paid the requisite hearing fees. The Applicant’s PHS included updates to the Application in response to OP and the Commission’s comments at Setdown, including information about interim uses at the site, additional setbacks to reduce overall massing, clarification of zoning data, more meaningful building connections, improved streetscape, removal of architectural embellishments on the roof, reduction of projecting balconies and bay windows, and refinements to public benefits and amenities. (Ex. 12-14.)
8. Notice of the public hearing to be held on October 26, 2017 was mailed to ANC 8A, ANC 8C, and to owners of property within 200 feet of the Property. (Ex. 18.) Notice of the public hearing was published in the *D.C. Register* on August 18, 2017, in Volume 64, Issue 3. (Ex. 15.)
9. On September 14, 2017, the Applicant caused notice of the Public Hearing to be posted at the Property, and on October 23, 2017, the Applicant filed an affidavit describing the maintenance of such posted notice. (Ex. 20, 27.)
10. On August 30, 2017, the Applicant filed a comprehensive transportation review “CTR”. (Ex. 17-17B.)
11. The Application was further updated by pre-hearing submissions filed on October 6, 2017, including additional information on public benefits and amenities; community outreach and engagement; and updated architectural plans, drawings, and renderings (“Initial 20-Day Statement”). (Ex. 21-21B.)
12. On October 16, 2017, OP, the District Department of Transportation (“DDOT”), and the District Department of Energy and Environment (“DOEE”) each submitted a report (respectively, the “Final OP Report,” the “DDOT Report,” and the “DOEE Report”). (Ex. 22-24.)
13. On October 18, 2017, ANC 8C filed a letter raising concerns with respect to the use of the name “Poplar Point.” (Ex. 25.)
14. On October 19, 2017, ANC 8A filed a letter requesting a postponement of the public hearing. (Ex. 26.)

15. On October 23, 2017, the Applicant filed a request for postponement of the public hearing until December 4, 2017, which request was approved, in response to the concerns of the ANCs. (Ex. 28.)
16. On November 14, 2017, the Applicant filed a supplemental pre-hearing statement (“Second 20 Day Statement”), addressing the concerns of ANC 8C with respect to the use of the name “Poplar Point” and the comments raised by OP, DDOT, and DOEE in their respective reports, an update on community outreach and engagement, and updated architectural plans, drawings, and renderings. (Ex. 38-38C.)
17. On December 4, 2017, the Washington Metropolitan Transit Authority (WMATA) filed a letter describing WMATA’s coordination with the Applicant on proposed improvements to the Anacostia Metro Station entrance (generally, “WMATA Improvements”). (Ex. 47.)
18. A public hearing was conducted on December 4, 2017 (“Public Hearing”). The Applicant provided testimony from Bill Hellmuth of HOK; Jami Milanovich of Wells + Associates; Thomas Skinner, Louis Dubin, and Stephan Rodiger of Redbrick LMD; and John Epting of Goulston & Storrs, PC. (December 4, 2017 Transcript [“Tr. 2”] of the Commission’s Public Hearing for Case No. 16-29). The Commission accepted Jami Milanovich and Bill Hellmuth, who have previously been accepted as experts before the Commission, as experts in this case. (Tr. 2 @ 11-12.)

Parties to the Proceeding and Request for Party Status

19. In addition to the Applicant, ANC 8A and ANC 8C were automatically parties in this proceeding and submitted reports in support of the Application. (Ex. 40, 43.)
20. On December 4, 2017, Current Area Residents EoTR (“CARE”) submitted a request for party status at 4:58 p.m. (Ex. 48; Tr. 2 @ 7.) The Commission denied the request because it was untimely and did not meet the standard for party status.
21. Pursuant to the Commission’s Rules of Practice and Procedure, unless an advance party status request is made, the Commission must “determine whether to grant or deny party status requests at the opening of the first public hearing on the application.” (11-Z DCMR § 404.3.) “A Request for Party Status that is to be considered at a public hearing must be filed with the Commission not less than fourteen (14) days prior to the public hearing.” (11-Z DCMR § 404.4.) The first public hearing was held on December 4, 2017. CARE’s request for party status was due November 20, 2017, and was therefore untimely, having been filed 14 days after the deadline.
22. Separately, the Commission found that even if the request had been timely, CARE did not clearly demonstrate that its interests or the interest of any of its members had met the party status standard, which is that it “would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.” (11-Z DCMR § 404.14.) Instead the Commission found that CARE’s assertions in its party status applications, which were that (1) the approval

of the building would further a non-race neutral DC Department of Housing and Community Development (“DHCD”) policy in an unconstitutional manner, and (2) the value of the public benefits of the Project did not outweigh its adverse impacts, were generalized grievances that would not significantly, distinctively, or uniquely affect CARE or its members. Therefore, CARE failed to meet the standard for party status. (See *Union Market Neighbors v. District of Columbia Zoning Comm’n.*, No. 16-AA-0705, slip op. at 2-3 (D.C. November 22, 2017).)

23. Although the Commission denied CARE’s party status application, the Commission nonetheless considered its arguments, including those made in its party status application, as it would consider the arguments of any group who chose to submit materials for the Commission’s consideration. The Commission’s consideration and disposition of these issues are discussed below in the “Contested Issues Raised by Persons in Opposition” portion of this Order.

Persons in Support and Opposition

24. Larry Greenhill of Savage Technical Services, Frederick Savage of Savage Technical Services, Jimmy Whitehead of Land Matters, LLC, Freddie Winston, and Thomas Brown of Training Grounds Inc. spoke in support of the Application. This testimony noted that Redbrick LMD is undertaking training and employment efforts not just in Ward 8, but in the wider District-Maryland-Virginia area (“DMV”). (Tr. 2 @ 104-111, 117-125.)
25. CARE, a non-party, stated objections in the attachment to its party status request that was denied by the Commission for the reasons stated above. (Ex. 48.) Paulette Matthews, a Barry Farm resident who signed party status application on behalf of CARE, testified in general opposition to change in the area, particularly the racial impact of the Project, but not specifically against the Project. (Tr. 2 @ 111-116.)
26. Chris Otten of DC for Reasonable Development: Ward 8 Review Team (DC4RD: W8RT), Empower DC, and Barry Farms Tenants & Allies (BFTAA) spoke in opposition to the Application and filed comments into the record. (Tr. 2 @ 125-129; Ex. 49). Mr. Otten expressed concerns with impact of the Project on the community aesthetic, culture, and demographic of Ward 8 and Barry Farms, the surrounding recreational area and environment, infrastructure, flood plain, and traffic. Mr. Otten also expressed concerns with the status of any “contract” between the developers and the city with respect to job creation and benefits for Ward 8, the amount of affordable family-sized housing, conditions of job training associated with the Project for Ward 8 residents, and public benefits for the surrounding community, as well as the retail and commercial uses at the Project. Mr. Otten additionally mentioned in his written testimony that, “[t]he Project completely blows out the DC Height Act as well as it relates to Howard Road, representing a canyon effect that is otherwise discouraged by all city planning documents.” (Ex. 49; Tr. 2 @ 125-129.)

Close of Public Hearing, Post-hearing Submissions, and Proposed Action

27. At the close of the Public Hearing, the Commission asked the Applicant to address certain aspects of stormwater management, solar panels, Inclusionary Zoning (“IZ”), phasing, recreational space, rooftop amenities, workforce training amenity, and a quantification of public benefits and amenities. (Tr. 2.) The Applicant addressed those issues in a post-hearing submission dated December 18, 2017, which included a list of proffered benefits and amenities and draft conditions (“Post-Hearing Submission”). (Ex. 51-51B.) The Commission also asked OP to submit an update on the status of planning for the Poplar Point site, adjacent to the Property.
28. On January 16, 2018, the Applicant submitted a cover letter and its draft findings of fact and conclusions of law. (Ex. 52, 52A.)
29. On January 19, 2018, OP submitted a post-hearing report on the status of planning for the Poplar Point site adjacent to the Property. (Ex. 54.)
30. On January 22, 2018, ANCs 8A and 8C submitted a joint report. (Ex. 55.)
31. On January 23, 2018, the Applicant submitted a response to the joint report of ANCs 8A and 8C. (Ex. 56.)
32. At its public meeting on January 29, 2018, the Commission voted to take proposed action to approve the Application. In addition to the proffers and conditions submissions required by the Zoning Regulations, the Commission asked the Applicant to provide a further explanation of the value of the Project’s public benefits, and explicitly authorized the ANCs to submit a response to this submission.
33. The proposed action was referred to the National Capital Planning Commission (“NCPC”) on February 1, 2018, pursuant to § 492 of the Home Rule Act. (Ex. 57.)
34. On February 5, 2018, the Applicant submitted its initial list of final proffers and proposed conditions. The list also included the Applicant’s estimated “Value/Cost” for each item. (Ex. 58.)
35. On March 1, 2018, NCPC submitted a report. The report stated that NCPC’s Executive Director, by delegated action dated February 22, 2018, found that the proposed PUD would not be inconsistent with the Comprehensive Plan for the National Capital. (Ex. 59.)
36. On March 2, 2018, the Applicant submitted a cover letter, its final list of final proffers and proposed conditions, and a motion to accept its late filing. (Ex. 60-60B.)
37. On March 9, ANCs 8A and 8C submitted a joint report. (Ex. 61.)
38. At a public meeting on March 12, 2018, the Commission granted the Applicant’s motion to accept its late filing, considered the post-hearing submissions, and directed the

- Applicant to provide additional information and clarification on its listing of proffers and proposed conditions.
39. On March 26, 2018, the Applicant submitted its response to the Commissioners' comments made at the March 12, 2018 public meeting. (Ex. 62.)
 40. On April 2, 2018, ANCs 8A and 8C submitted a document entitled "Community Benefits Agreement By and Between Redbrick LMD and Advisory Neighborhood Commissions 8A and 8C." (Ex. 63.)
 41. On April 5, 2018, the Applicant filed a motion requesting that the Commission re-open the record to allow it to respond to ANCs 8A and 8C's April 2, 2018 submission. (Ex. 64.) The Commission Chairman denied the motion pursuant to 11-Z DCMR § 602.6.

Overview of the PUD Site

42. The Property consists of approximately 271,219 square feet of land area (including private streets), or approximately 6.23 acres, located on either side of Howard Road, S.E. and in between Interstate 295 and South Capitol Street, S.E. in close proximity to the Anacostia Metrorail station. The site is bounded by National Park Service ("NPS") property to the north, the Anacostia Metrorail station to the east, and the Interstate 295 and South Capitol Street, S.E. interchanges to the south and west. (Ex. 2.)
43. The Property is largely unimproved with some small commercial buildings. The Property is located entirely in the MU-14 zone. The surrounding area features a variety of uses and zone categories. To the north is unzoned NPS property, to the east and southeast are residential and mixed-use communities, and Joint Base Anacostia-Bolling is located to the southwest. Property immediately to the south of the Property is in the PDR-1 zone, and the residential and mixed-use areas to the east and southeast are predominantly in the RA-1 zone. (Ex. 2.)
44. The Property is located within the Poplar Point area on the Anacostia River. The Anacostia, Historic Anacostia, and Barry Farms neighborhoods are located to the east and southeast of the Property. Across the Anacostia River are the Buzzard Point, National Ballpark, and Navy Yard areas. The site is adjacent to the Anacostia Metrorail station, which serves as a Green Line Metrorail station as well as a pick-up point for numerous bus lines. (Ex. 2.)
45. The Future Land Use Map of the Comprehensive Plan locates the Property in the Mixed-Use High-Density Residential/High-Density Commercial, as well as Institutional, land use categories. The Property is also located within the Central Employment Area of the District. (Ex. 2.)

Project Description

46. The Project will raze the existing improvements at the Property to develop a mixed-use project providing residential, retail, and office uses across five “buildings,” referred to as Buildings A-E (“Project”). (Ex. 2, 13, 21-21B, 38-38A2, 51-51B.)
47. Buildings A, D, and E are planned for office use; Buildings B and C will both be residential buildings. All buildings will have ground-floor retail uses and two levels of underground parking. The residential buildings will contain a mix of studio, one-bedroom, two- bedroom, and three-bedroom units. (Ex. 38-38A2.)
48. The Project will provide a meaningful connection between Buildings B and C as well as between buildings D and E. (Ex. 13, 21, 38-38A2.)
49. In total, the Project plans, excluding each building’s penthouse square footage, to construct approximately 52,120 gross square feet of retail use, approximately 691,590 gross square feet of residential use (approximately 700 residential units), and approximately 1,614,670 gross square feet of office space. (Ex. 38-38A2.)
50. The Applicant plans to construct the Project in three phases. Buildings A and D, both designed for office use with ground-floor retail, are expected to be Phase I. Building C, designed for residential use with ground-floor retail, is expected to be Phase II, and Building B, designed for residential use with ground-floor retail, and Building E, designed for office use with ground-floor retail, are expected to be Phase 3. (Ex. 38-38A2.)
51. Because the Property is largely undeveloped or underdeveloped, the Project presents a significant opportunity to improve the streetscape and surrounding area. As part of the Project, the Applicant will conduct major streetscape improvements, including creating a network of private streets intersecting the buildings to create a traditional grid network with a large private alley behind the northern buildings. (Ex. 38, 38A1, 38A2.)
52. The public and private street network will meet District standards and will have space for two-way traffic, parking, and bicycle lanes along Howard Road. The Project also includes significant pedestrian space, with a 14-foot and 16-foot pedestrian realm on the sides of Howard Road, S.E. (Ex. 38, 38A1, 38A2.)
53. The overall circulation plan of the Project not only provides effective circulation for the Project, but creates openings along the private streets and alleys for future development in the Poplar Point area. The Applicant has designed the Project to anticipate and foster future development to seamlessly connect to the Project’s three phases. The Applicant will also coordinate the development of bicycle lanes to connect to the Anacostia Riverwalk Trail and other bicycle networks in the District. (Ex. 2, 38, 38A1, 38A2.)
54. The Project will contain two levels of underground parking underneath all of the buildings. The Project will contain 983 vehicular parking spaces. The Applicant has requested flexibility to adjust the parking downwards if needed to meet market demand. The Applicant will provide the minimum number of bicycle parking spaces required by

the Zoning Regulations, with approximately 90 short-term bicycle parking spaces, and 590 long-term bicycle parking spaces.

- 55. The Project will contain garage access from the private street between Buildings A and B and from the service drive Buildings D and E. Loading entrances for Buildings D and E will be provided from the service drive between the buildings, and loading entrances for Buildings A, B, and C will be provided from the alley to the north of the Project. (Ex. 38, 38A1, 38A2.)
- 56. The Applicant will devote 10% of the residential gross floor area plus eight percent of the total habitable penthouse space to affordable IZ units. The unit mix and income distribution of the IZ units will be as follows:

Building B

Residential Unit Type	GFA/Percentage of Total	Units	Reserved for household earning equal to or less than	Affordable Control Period	Tenure (rental or sale)	Notes
Total	419,590 sf of GFA (100%)	420	NA	NA	NA	
Market Rate	377,631 sf of GFA (90%)	378	Market Rate	NA	NA	
IZ	11,567 sf of GFA (2.5% + 8% of the total habitable penthouse space)	TBD in the 2 nd -stage PUD submission	50% MFI	Life of the project	Rental and/or sale	3 bedroom units
IZ	10,490 sf of GFA (2.5%)	TBD in the 2 nd -stage PUD submission	60% MFI	Life of the project	Rental and/or sale	3 bedroom units
IZ	20,980 sf of GFA (5%)	TBD in the 2 nd -stage PUD submission	60% MFI	Life of the project	Rental and/or sale	Unit size will be proportional to market rate unit sizes
Total Penthouse Habitable GFA	13,500 sf habitable GFA (100% of penthouse habitable space will be market rate)	TBD in the second stage PUD submission	Market rate	NA	NA	8% of penthouse of the total habitable penthouse space shall be reserved at 50% of AMI

Building C

Residential Unit Type	GFA/Percentage of Total	Units	Reserved for household earning equal to or less than	Affordable Control Period	Tenure (rental or sale)	Notes
Total	272,000 sf of GFA (100%)	272	NA	NA	NA	
Market Rate	244,800 sf of GFA (90%)	245	Market Rate	NA	NA	
IZ	7,440 sf of GFA (2.5% + 8% of the total habitable penthouse space)	TBD in the 2 nd -stage PUD submission	50% MFI	Life of the project	Rental and/or sale	3 bedroom units
IZ	6,800 sf of GFA (2.5%)	TBD in the 2 nd -stage PUD submission	60% MFI	Life of the project	Rental and/or sale	3 bedroom units
IZ	13,600 sf of GFA (5%)	TBD in the 2 nd -stage PUD submission	60% MFI	Life of the project	Rental and/or sale	Unit size will be proportional to market rate unit sizes
Total Penthouse Habitable GFA	8,000 sf habitable GFA (100% of penthouse habitable space will be market rate)	TBD in the 2 nd -stage PUD submission	Market rate	NA	NA	8% of penthouse of the total habitable penthouse space shall be reserved at 50% of AMI

In addition to the affordable housing specified above, the Applicant shall provide a housing trust fund payment for habitable space on the roof of the offices. (Ex. 60A.).

- 57. The Project will be constructed to a density of 8.99 floor area ratio (“FAR”) and a height of 130 feet. The MU-9 zone permits a maximum FAR of 9.36 in a PUD project. A PUD project in the MU-9 zone is permitted a maximum building height of 130 feet. (Ex. 2, 38-38A2, 44A1-A10, 51-51b).

PUD Flexibility

- 58. The Applicant requested flexibility to vary the phasing anticipated for the Project, vary interim uses at the Property while the other phases of the Project are being finalized; and adjust the parking downwards if needed to meet market demand, but not below the minimum required by the Zoning Regulations. (Ex. 13.)

Government Agency Reports

- 59. In the OP Setdown Report, OP requested that the Applicant (a) provide retail on the ground floor of all buildings, (b) provide more details on the interim uses of the site, (c) examine deeper commitment to amenities, (d) provide full roof and penthouse plans, including height and setbacks, as well as rear yard/court-in-lieu calculation, (e) show the meaningful connection between Buildings D and E, (f) explain why Building D needs a

separate parking entrance from Building E, and show where loading occurs for Building D, (g) withdraw the request for flexibility to vary the locations of the office and the residential components, and the request for flexibility to provide above-ground parking within the building's core instead of underground parking. (Ex. 10.)

60. In response to the OP Setdown Report, the Applicant provided the following information and made the following updates to the proposed Project in its PHS and Initial 20-Day Statement: (Ex. 13-13D, 21-21B)
- (a) Applicant proposed to provide ground-floor retail at all buildings;
 - (b) Applicant provided additional information about the interim uses of the site, including interim storing, staging, and parking, as well as urban farming;
 - (c) Applicant provided additional benefits and amenities, including workforce development, streetscape improvements, and additional details with respect to the communication with WMATA about improvements to the Anacostia Metrorail station;
 - (d) Applicant provided roof and penthouse plans;
 - (e) Applicant provided information on the redesigned bridge between buildings D and E and clarified the loading entrance for Building D;
 - (f) Applicant further refined the streetscape and relocated the westernmost curb cut along Howard Road; and
 - (g) Applicant withdrew its requests for flexibility to vary the locations of the office and residential components and its request to provide above-ground parking within the building's core instead of underground parking.
61. In the Final OP Report, OP requested that Applicant (a) provide additional retail on the ground floor of all buildings, (b) offer a greater IZ percentage, deeper affordability, and more three-bedroom IZ units, (c) provide an examination of archaeological resources on the Property, (d) quantify details and timing of the proposed WMATA improvements, (e) clarify why Building D requires a separate parking entrance from Building E, and clarify where loading occurs for Building D, (f) confirm whether the residential portion of the Project will be rental or condominium, (g) make design adjustments to break up façades through indentations, rather than just projection, and provide more renderings of Howard Road, toward the river and open spaces, (h) provide more detail on the meaningful connection between buildings D and E, (i) provide that all new private streets and alleys should be accessible to the public and not closed off for tenant use only, and a public access easement should be a condition of approval of the PUD, and (j) explore ways to make the general contractor apprenticeship more robust (Ex. 22). At the Public Hearing, OP inquired about the size and mix of the IZ units and suggested that the Applicant proffer 12% of the entire floor area as IZ units and supported ANC 8A's questions regarding recreation space. (Tr. 2 @ 82.)

62. The Applicant addressed OP's comments in its Second 20-Day Statement and in its Post-Hearing submission as follows: (Ex. 38-38B, 51-51B)
- (a) Continuous ground-floor retail is provided at the Project;
 - (b) The Applicant shall devote 10% of the residential gross floor area to affordable IZ units at both 50% and 60% AMI. The unit mix and income distribution of the units shall be as follows¹: 50% of the IZ gross floor area will be programmed with three bedrooms with half at 50% AMI and half at 60% AMI. The remaining 50% of the IZ gross floor area will be proportional to the gross floor area reflected in the market unit mix at 60% AMI. The market unit mix will be determined during the planning and design of Phase 2 of the PUD with the delivery of the first residential building;
 - (c) The Applicant is committed to a Phase I study to learn more about the archaeology of the site;
 - (d) The Applicant will continue to work with WMATA to quantify details and timing of WMATA improvements;
 - (e) The entrance to Building D along Howard Road is removed;
 - (f) The Applicant requested that the determination of residential units as rental or condominium be addressed at the PUD stage-two residential submission, as at this early, first-stage of the PUD process, it is premature to determine whether the residential portion of the Project is rental or condominium;
 - (g) The Applicant has provided more detail of building façades and streetscape perspectives that reflect the breaking up of façades and massing of the buildings;
 - (h) The Applicant clarified that Buildings D and E will have a passable connection between them, but demising walls with double doors may be added by future tenants;
 - (i) The Applicant agreed to provide public access in the private streets and service road as a condition of PUD approval;
 - (j) The Applicant commits to enter into a workforce development agreement as part of the stage-two PUD, with an appropriate community organization, such as an ANC;
 - (k) Prior to the issuance of the final certificate of occupancy for the first building, the Applicant shall work with NPS, WMATA, OP, DDOT, DPR, and ANCs 8A and 8C to optimize open space and recreation placemaking opportunities throughout

¹ The Applicant later clarified its affordable housing commitment as set forth in FF 56. (Ex. 60A).

the Project as well as adjacent parks and underutilized land. The design of the open space and recreation improvements shall include a collaborative public charrette process of the Applicant's design team, local neighborhood families, ANC Commissioners, NPS, WMATA, and DC public agencies, including OP; and

- (l) The Applicant shall provide outdoor open space courts at and above grade in buildings A, B, D and E. In addition, all five building will have programmed rooftop amenities within the outdoor open spaces. Prior to the issuance of the final certificate of occupancy for each of these buildings, the Applicant shall deliver these open space courts and amenities.
63. In the Final OP Report, OP noted that it does not generally object to the Applicant's requested flexibility, consisting of (a) PUD-related map amendment from MU-14 to MU-9 ("Map Amendment"), (b) flexibility to vary the phasing anticipated for the Project as the proposed phasing may need to be revised to meet market demands, (c) vary interim uses at the Property while the other phases of the Project are being finalized, and (d) adjust parking downwards if needed to meet market demand. (Ex. 22.)
 64. At the Public Hearing, OP noted its appreciation for the Applicant's adjustment of the ground floor retail to be located on the entire street frontage, the Applicant's agreement to perform Phase I archaeology studies, and the Applicant's apprenticeship program. (Tr. 2 @ 81-82.)
 65. This Commission finds that the Applicant satisfactorily addressed all of OP's comments and questions.
 66. This Commission finds that OP's reports and testimony were thorough and credible and helpful in considering the Application and accordingly gives such testimony the great weight it is entitled.
 67. In the DDOT Report, DDOT expressed no objection to the PUD with several conditions, as outlined in the DDOT Report. (Ex. 23.) In its Second 20-Day Statement and in the testimony of Jami Milanovich at the Public Hearing, the Applicant responded to DDOT's Report and addressed all of the conditions outlined in the DDOT Report, with the modification that the Applicant will provide either an annual car share membership to all new residents over the age of 16 in the first three years after initial delivery of the residential building or provide an annual Capital Bikeshare membership to all new residents over the age of 16 in the first three years after initial delivery of the residential building (in lieu of providing both). (Tr. 2 @ 27, 82-84.) In the testimony of Jami Milanovich, the Applicant also clarified that the Applicant will provide the minimum number of bicycle parking spaces required by the Zoning Regulations. (Tr. 2 @ 84.)
 68. The Commission finds that the DDOT Report was thorough and credible and helpful in considering the Application and accordingly gives such testimony its appropriate weight in reviewing the Application and further finds that the Applicant satisfactorily addressed all of DDOT's comments as appropriate for this first-stage PUD.

69. In the DOEE Report, DOEE recommended support and approval of the PUD, and noted several items as a part of the specific building plans and applications for the second-stage PUD. (Ex. 24.) In response to the DOEE Report, the Applicant has agreed to refine the conceptual stormwater management plan to generate additional retention volume, capturing stormwater volume up to a 1.7-inch storm event. Additionally, the Applicant has designed and engineered the building footprint outside of the 100- and 500-year flood plain. (Ex. 51.) In its Second 20-Day Statement, the Applicant committed to evaluate DOEE's comments as the second-stage of the PUD is developed. (Ex. 38-38B.) This Commission finds that the Applicant has therefore satisfactorily addressed DOEE's comments as appropriate for this first-stage PUD.

ANC Reports

70. ANC 8C submitted a report on November 27, 2017. The report stated that at its public meeting on November 1, 2017, with a quorum of five commissioners present, ANC 8C voted 4-1 to support the development of the Project, and that Mary Cuthbert, ANC 8C Chair would testify on behalf of the ANC². The report stated that the "only concern was the impact of the traffic on Howard Road [that] affect[s] the Anacostia Metro buses. Presently the intersection is heav[ily] traveled from Martin Luther King Ave. to 295 and [the] Frederic Douglas[s] Bridge." (Ex. 40.)
71. ANC 8A also submitted a report on November 27, 2018. The report stated at its regularly scheduled, properly noticed meeting on November 7, 2017, with a quorum of six commissioners present, ANC 8A voted unanimously in support of the PUD. The report stated that the ANC designated the SMD Commissioner from ANC 8A06 to represent it on this matter³. The report did not list any issues or concerns. The report did state "the developer has agreed to continue working with residents and the Commission to identify additional items to include in the Community Benefits Agreement (CBA) before the [PUD] is approved." (Ex. 43.)

² At the hearing, Mary Cuthbert, Chair of ANC 8C, testified in support of the Project. Ms. Cuthbert noted a concern about traffic on Howard Road, S.E. (Tr. 2 @ 91). As noted in the Applicant's Post-Hearing Submission, and by Jami Milanovich in her testimony at the Public Hearing, DDOT thoroughly evaluated the traffic impacts of the Project and determined that the proposed mitigation plan is adequate to mitigate the traffic impacts of the Project, and offered a finding of "no objection," subject to the conditions discussed at the Public Hearing. (Tr. 2 @ 83; Ex. 51, 51B.)

³ At the Public Hearing, Greta Fuller, Commissioner for ANC 8A06 testified in support of the Project. As part of her cross-examination of the Applicant, Ms. Fuller requested additional details on the plans for recreation spaces for the residents of the Project and the surrounding community. (Tr. 2 @ 74-78.) The Applicant has provided additional information about the plans for recreation spaces at the Project in its Post-Hearing Submission, including plans for a collaborative public charrette process including the Applicant's design team, local neighborhood families, and the ANCs to optimize open space and recreation place-making opportunities throughout the Project. (Ex. 51-51B.)

72. On January 22, 2018, ANCs 8A and 8C submitted a joint letter. The letter did not state whether the contents of the letter were considered by the ANCs at a properly noticed public meeting with a quorum present, or whether a vote was held to adopt the report. It was signed by the representatives designated by ANCs 8A and 8C in their initial reports, as well as by the Chair of ANC 8A. The letter stated that the Commission requested that ANCs 8A and 8C “provide additional information with respect to the Community Benefits Agreement. This document responds to that request and is a continuance of the Proffered Benefits and Amenities Document submitted by the Applicant as Exhibit 51.” The letter stated that one of the Applicant’s responsibilities was to “deliver an acceptable Community Benefits Agreement” and suggested that the Applicant should make a \$5 million contribution to an intermediary, the Far Southeast Family Strengthening Collaborative, who would then distribute the money to three named groups, the Anacostia Coordinating Council, the Wish List Committee and the Southeast Tennis and Learning Center, and the Congress Heights Community Association. (Ex. 55.)
73. On March 9, 2018, ANCs 8A and 8C submitted a second joint letter. As with the first, the letter did not state whether the contents of the letter were considered by the ANCs at a properly noticed public meeting with a quorum present, or whether a vote was held to adopt the report. It was signed by the representatives designated by ANCs 8A and 8C in their initial reports, as well as by the Chair of ANC 8A. It repeated the assertions of the ANCs’ January 22nd letter, but changed the suggested contribution amount to \$1.25 million dollars, with commensurate reductions to the disbursements to the three named groups. (Ex. 61.)
74. On April 2, 2018, ANCs 8A and 8C submitted a document entitled “Community Benefits Agreement By and Between Redbrick LMD and Advisory Neighborhood Commissions 8A and 8C.” The purported agreement was signed by the ANC representatives who signed the joint ANC letters dated January 22, 2018 and March 8, 2018. It was not signed by a representative of Redbrick LMD. As with the two joint letters submitted by the ANCs, the document did not state whether the contents of the letter were considered by the ANCs at a properly noticed public meeting with a quorum present, or whether a vote was held to adopt the report. The document listed numerous terms for Redbrick LMD to follow. (Ex. 63.)
75. The Commission finds that because the joint ANC submission dated April 2, 2018 was not signed by the Applicant or Redbrick LMD, it does not constitute a voluntary bilateral agreement, nor do the terms constitute voluntary PUD proffers by the Applicant. The Applicant’s final list of proffers was submitted on March 2, 2018. (Ex. 60A.)

Commission Questions and Comments

76. At the Public Hearing, the Commission asked the Applicant (a) for additional information on the timing of the WMATA proffer, (b) whether the Applicant will refine the stormwater plan and generate additional retention volume, especially at grade, capturing stormwater volume up to a 1.7-inch storm event as requested in the DOEE Report, (c) for a commitment on solar panels at the first-stage of the PUD, (d) for additional information

on the plans for the west side of the Property where there is a large building setback, (e) requested deeper affordability, (f) requested additional information about the unit mix, (g) requested information on the trust fund payment for the habitable space on the roof of the office buildings, (h) requested details on the phasing of the Project, (i) requested additional information about the roof top amenities, (j) requested more information about the open space at ground level as a project amenity, (k) requested a quantification all of the proffered public benefits and amenities, (l) requested additional information about the connection between the buildings, (m) requested additional information about the workforce development program offered by the Applicant, and (n) requested additional information about the traffic impact associated with the removal of the I-295 southbound off-ramp at Howard Road. (Tr. 2.)

77. The Applicant responded completely to the Commission's questions and comments at the Public Hearing and in its Post-Hearing Submission. The Applicant's responses are supported by substantial evidence:

- (a) Timing of WMATA Proffer: At the Public Hearing, the Applicant confirmed that prior to the issuance of the final Certificate of Occupancy for the first building, the Applicant will complete construction of the WMATA improvements;
- (b) Stormwater retention: In its Post-Hearing Submission, the Applicant clarified that it will refine the conceptual stormwater management plan to generate additional retention volume up to a 1.7-inch storm event;
- (c) Solar: In its Post-Hearing Submission, the Applicant clarified that it shall provide rooftop solar panels, as shown on the plans in Exhibit 51A of the Record, that will generate an estimated 436,626 kwh;
- (d) Open Space: Prior to the issuance of the final certificate of occupancy for the first building, the Applicant shall work with NPS, WMATA, OP, DDOT, DPR, and ANCs 8A and 8C to optimize open space and recreation placemaking opportunities throughout the Project as well as adjacent parks and underutilized land;
- (e) Affordability, Unit Mix, and Trust Fund Payment: In its Post-Hearing Submission, the Applicant noted that it will devote 10% of the residential gross floor area to affordable IZ units at both 50% and 60% AMI. The unit mix and income distribution of the units will be as follows: 50% of the IZ gross floor area will be programmed with three bedrooms with half at 50% AMI and half at 60% AMI. The remaining 50% of the IZ gross floor area will be proportional to the gross floor area reflected in the market unit mix at 60% AMI. The market unit mix will be determined during the planning and design of Phase 2 with the delivery of the first residential building. The Applicant will provide residential penthouse IZ at eight percent of the total habitable penthouse space at 50% AMI and will provide

a housing trust fund payment for habitable space on the roof of the offices of \$196,9124;

- (f) Phasing: In its Post-Hearing Submission, the Applicant provided additional information with respect to a phasing plan for the Project, describing three phases for construction of Buildings A-E;
- (g) Rooftop Amenities: In its Post-Hearing Submission, the Applicant noted that all five buildings will have programmed rooftop amenities within outdoor open spaces. These respective open space amenities will be delivered prior to the issuance of the final certificate of occupancy for each of the buildings;
- (h) Open Space at Ground Level: In its Post-Hearing Submission, the Applicant noted that the design of the open space and recreation improvements shall include a collaborative public charrette process of the Applicant's design team, local neighborhood families, ANC Commissioners, NPS, WMATA and DC public agencies, including OP. The Applicant also noted it will create a community pocket park adjacent to the Metro station plaza entrance;
- (i) Quantification of Public Benefits and Amenities: The Applicant provided a comprehensive quantification of public benefits and amenities as part of its Post-Hearing Submission;
- (j) Connection between Buildings: At the Public Hearing, the Applicant explained that the connection between the buildings was modified to be more substantial and significant in response to comments made prior to the Public Hearing; (Tr. 2 @ 47-48.)
- (k) Workforce Development: In its Post-Hearing Submission, the Applicant provided a detailed description of workforce development program; and
- (l) Traffic impact associated with the removal of the I-295 southbound off-ramp at Howard Road: In its Post-Hearing Submission, the Applicant's traffic engineer, Jami Milanovich, provided a detailed response to this Commission's question regarding traffic impact associated with removal of the I-295 southbound off-ramp at Howard Road.

(Ex. 51-51B.)

Contested Issues Raised by Persons in Opposition

78. At the Public Hearing, Chris Otten of DC for Reasonable Development: Ward 8 Review Team (DC4RD: W8RT), Empower DC and Barry Farms Tenants & Allies (BFTAA) provided testimony in opposition to the Project. Mr. Otten noted the following concerns

⁴ The Applicant later clarified its affordable housing commitment as set forth in Finding of Fact ("FF") No. 56. (Ex. 60A.)

with the Project: (a) approval of the Project represents a significant public entitlement requiring that the development review process consider the impacts on the surrounding area; (b) the Project is suited to “the downtown business district”; (c) the use of immediately adjacent streets to measure the Project’s height as permitted by the Height Act of 1910 will lead to a “...canyon effect that is otherwise discouraged by all city planning documents”; (d) concerns about (i) training and hiring from the affected communities of Ward 8, (ii) addressing permanent and affordable commercial and retail incubator space for upcoming Ward 8 entrepreneurs, small businesses and social service and cultural organizations, and (iii) assessing how Ward 8 will benefit from the Project; (e) concerns about the adverse impact on the site’s archaeological and cultural features; (f) concerns that the Project will eliminate recreation and aesthetic resources; (g) concerns that the Project does not include family-sized affordable housing (three, four, five, and six bedrooms); (h) concerns about the 500-year floodplain due to climate change and the location of the Project; and (i) concerns about traffic and Metro impacts of the Project. (Ex. 49, Tr. 2 @ 126-129.)

79. The Commission has considered the responses to Mr. Otten’s concerns provided by the Applicant in its Post-Hearing Submission as well as the Applicant’s Initial Application, Initial 20-Day Statement, and Second 20-Day Statement, and CTR and finds that the Applicant has satisfactorily responded to Mr. Otten’s concerns: (Ex. 2, 13-13D, 17-17B, 21-21B, 38-38C, 51-51B.)

(a) The Project is a significant public entitlement: The Applicant has thoroughly investigated and addressed all impacts of the project not only on the community but the District as a whole and the Project’s extensive public benefits far outweigh any adverse impacts. This Commission notes that the Applicant has undergone coordination with DDOT and agreed to adhere to a Transportation Management Plan, as well as to provide significant multi-modal transportation improvements as part of the Project, and with the implementation of the multi-modal improvement and robust Transportation Management Plan, the Project is not anticipated to have an adverse impact on the surrounding roadway network. (Ex. 44A10.) Additionally, the Project offers commendable public benefits, which this Commission finds outweigh any adverse impacts of the Project. Strong community support for the Project has been demonstrated. Both ANC 8A and ANC 8C, as well as 11 local community groups and organizations, and Ward 8 Councilmember Trayon White support the Project. These groups are well-positioned to evaluate any impacts of the Project on Ward 8; (Ex. 30-37, 39-41, 43, 45-46.)

(b) The Project is suited to the “downtown business district”: As noted by the Applicant in its Post- Hearing Submission, the Property is in fact within the Central Employment Area (“CEA”). (Ex. 51.) Further, the site is classified on the Future Land Use Map of the Comprehensive Plan as High-Density Residential and High-Density Commercial as well as Institutional. The High-Density Commercial/High-Density Residential Classification is the highest classification

of the Comprehensive Plan. The Project is therefore appropriate for the Property and location;

- (c) Height of the Project: As noted by the Applicant in its Post-Hearing Submission, the City's primary planning guidance actually encourages very high density and height in this exact location. (Ex. 51.) As noted by OP at Setdown, the Zoning Administrator has made determinations that all buildings comprising the Project front on either South Capitol Street or Anacostia Freeway. (Tr. 1 @ 26.) The Project is supported by OP, and the Applicant has designed the connections between the buildings to be raised from the street level which preserves the view shed to Anacostia Park and the river. (Ex. 21-21B.) The design of the streetscape as well as the building facades, which the Applicant updated in design in response to OP comments, will also contribute to an open atmosphere at the Project, rather than a "canyon effect";
- (d) Workforce Development Commitment and Retail Uses: The Applicant is providing significant workforce opportunities for Ward 8 residents and small businesses. As noted in the Applicant's Post Hearing Submission, not only do ANCs 8A and 8C support the project and the proffered amenities, but also the Ward 8 Councilmember and 11 local community groups and organizations. (Ex. 51, 30-37, 39-41, 43, 45-46). The Applicant further notes that support of such groups also signifies that any impacts on the local communities are being addressed. The ANCs and the Councilmember are in the best position to weigh any of the displacement pressures cited by Mr. Otten from the Project against the overall benefits of the Project. The Applicant has described extensive workforce development plans which this Commission finds commendable, and the Applicant plans to offer neighborhood serving retail amenities and services;
- (e) Archaeological and Cultural Impact: The Applicant is addressing Mr. Otten's stated concerns about adverse impact on the site's archaeological and cultural features by proffering an archaeological study as one of the Project's amenities. Additionally, as described in the Applicant's Post-Hearing Submission, the Applicant has committed to working in partnership with the Historic Anacostia Preservation Society and the National Trust for Historic Preservation to support actions that benefit the Historic Anacostia District and preserve the historic character and fabric of the neighborhood. (Ex. 51.) The Commission finds that the Applicant has therefore taken concrete and meaningful steps to investigate and address any adverse impact of the Project on the Property's archaeological features and is working to ensure that the history of the Property and community are preserved;
- (f) Recreation and Aesthetic Resources: Mr. Otten raises concerns that the Project will "permanently eliminate the recreational and aesthetic resource" of the "open air and calm nature of the project site and thereabouts along the Anacostia river." (Ex. 49.) The Applicant stated in its Post-Hearing Submission that the Property is directly adjacent to Anacostia Park and the location offers numerous other

recreational activities, including connecting bike paths. (Ex. 51.) The Commission also recognizes that the Applicant's WMATA amenity proffer includes a pocket park, which will be designed to serve residents and neighbors as well as a commitment "to work with the National Park Service on increasing the opportunities to leverage the Anacostia Park's natural, cultural and recreational amenities for the neighborhood's use and enjoyment." (Ex. 51.) The Commission finds that the Applicant's provision of a pocket park, and commitment to working with NPS Service to enhance the neighborhood's use of Anacostia Park will avoid the permanent elimination of the recreational and aesthetic resource of the "open air and calm nature of the project site and thereabouts" about which Mr. Otten is concerned;

- (g) Affordable Housing: Mr. Otten is concerned about the number of affordable family-sized housing units, including units up to six plus bedrooms offered by the Project. The Applicant notes that three-bedroom affordable units are being provided and such housing mix and type are supported by OP. The Applicant has adjusted its proffer of affordable housing in response to comments by OP and is offering family-sized affordable three-bedroom units. The Project, including its unit mix, is supported by ANC 8A and ANC 8C, the elected representatives for the Ward 8 population. The Commission finds that the Applicant is offering a meaningful number of affordable family-sized units;
- (h) Floodplain: Mr. Otten noted concerns with respect to the Project's location in the flood plain. Based upon discussions with OP and DOEE, the Applicant proposed a design and build strategy to avoid development in the 100- and 500-year flood plain for a sustainable and resilient Project. As part of the Application, the Applicant designed and engineered the building footprint outside of the 100- and 500-year floodplain while simultaneously meeting all the requirements of local and federal regulations. (Ex. 51.) The Commission finds that the Applicant has taken satisfactory steps to address flood plain concerns; and
- (i) Traffic Impact: The Applicant's traffic engineer has thoroughly addressed concerns about traffic and metro impacts in its response to Mr. Otten's testimony. (Ex. 51B.) The Applicant has undergone coordination with DDOT and agreed to adhere to a Transportation Demand Management ("TDM") Plan, as well as provide significant multi-modal transportation improvements as part of the Project, and with the implementation of the multi-modal improvement and robust TDM Plan, the Project is not anticipated to have an adverse impact on the surrounding roadway network. (Ex. 44A10.) This Commission therefore finds that adverse traffic impacts are being satisfactorily addressed by the Applicant.

80. While it denied CARE's party status application for the reasons stated above, the Commission would also like to address the substance of the CARE objections stated in the attachment to their party status request and in Ms. Matthews' testimony at the hearing. (Ex. 48.) CARE's stated objections were (1) the approval of the building would further a non-race neutral DHCD policies in an unconstitutional manner; and (2) the

value of the public benefits of the Project do not outweigh its adverse impacts. Ms. Matthews, who signed the party status application on behalf of CARE, testified at the hearing about the racial impact of the Project.

81. The CARE statement alleged that several DHCD policies are unconstitutional, but did not allege any connection between those policies and the instant Application, and there is no evidence of a connection between the DHCD policies and the Application in the record. The Commission's obligation is limited to judging the instant Application in accordance with the PUD rules, and does not include consideration of DHCD policy statements that are not connected to the Project. The only allegation that relates to the Project itself is that the "project is a 700 unit 10% affordable mixed income apartment building which represents the city and developers' first beachhead, crossing the Anacostia River into the 98% black 'pockets' DHCD seeks to lighten." (Ex. 48, p. 2.) The Commission finds that CARE's assertions about the racial composition of the apartment units in the Project are completely speculative.
82. CARE's claim that the potential adverse effects of the Project outweigh its public benefits has two parts. The first essentially is that the future residents of the Project will be different racially and economically from current neighborhood residents. The Commission finds that CARE's assertions about the racial composition of the Project's future residents are completely speculative. The Commission finds that the presence of market rate housing, which adds to the available supply of housing in the District, is a positive aspect of the Project. To the extent that the future residents of the Project are able to pay for market rate housing, and that leads to changes in the neighborhood, the Commission finds that any potential adverse effect of this are outweighed by the public benefits of the Project. The second is that the Project is located in a floodplain. For the reasons stated above in connection with Mr. Otten's similar comment, the Commission finds that the Applicant has taken satisfactory steps to address flood plain concerns.
83. For the foregoing reasons, the Commission finds that the Applicant has satisfactorily addressed the concerns raised by Mr. Otten at the Public Hearing and in his written testimony, as well as the concerns raised by CARE and Ms. Matthews.

Development Incentives: Map Amendment and Flexibility

84. The PUD process specifically allows greater flexibility in planning and design than is possible under strict application of the Zoning Regulations. Under the Zoning Regulations, this Commission retains discretion to grant relief from the development standards of the Zoning Regulations and to allow for project flexibility development incentives. (11-X DCMR §§ 303.1, 303.11, 303.13.) The Zoning Regulations specifically allow the Commission to approve any such zoning relief that would otherwise require the approval of the Board of Zoning Adjustment. Generally, such relief is available at the discretion of the Commission. (11-X DCMR § 303.13.) A Zoning Map amendment is a type of development incentive and accordingly is addressed here. (11-X DCMR § 303.12.)

85. As part of the Application, the Applicant requested the Commission grant the following development incentives (collectively, the “Development Incentives”): (a) the Map Amendment; (b) flexibility to vary the phasing anticipated for the Project; (c) the flexibility to vary interim uses at the Property while the other phases of the Project are being finalized; and (d) flexibility to adjust the parking downwards if needed to meet market demand, but not below the minimum required by the Zoning Regulations.
86. The Commission finds that, overall, the Project conforms to the Zoning Regulations, except for the modest relief set forth in the immediately foregoing paragraph. Where the Project requires relief and flexibility, the Commission finds that such relief is either minimal in nature or reasonable in light of the proposed uses and Public Benefits and otherwise does not derogate or impair, but rather is in accordance with, the general intent and purposes of the Zoning Regulations. The general intent and purposes of the Zoning Regulations are, inter alia, to promote the “public health, safety, morals, convenience, order, prosperity, and general welfare to (a) provide adequate light and air, (b) prevent undue concentration of population and the overcrowding of land, and (c) 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.” (11-A DCMR § 101.1 (“Zoning Purposes”).)
87. The Project is in harmony with the Zoning Purposes because it protects light and air on the Property and surrounding properties, prevents overcrowding by providing outdoor open spaces and public spaces, and provides a more equitable distribution of business land uses that create favorable conditions with respect to transportation (e.g., transit-oriented employment opportunities). The Project is also consistent with the Zoning Regulations. For the reasons set forth above, the Commission finds the Applicant has satisfied the standards necessary for the Commission to grant the requested Development Incentives.

PUD Requirements

88. As set forth in the Zoning Regulations, the purpose of the PUD process is to provide for higher quality development through flexibility in building controls, provided that the project that is the subject of the 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; (c) protects and advances the public health, safety, welfare, and convenience; (d) is not inconsistent with the Comprehensive Plan and does not result in action inconsistent therewith; (e) does not circumvent the intent and purposes of the Zoning Regulations; and (f) undergoes a comprehensive public review by the Commission in order to evaluate the flexibility or incentives requested in proportion to the proposed public benefits (collectively, the “PUD Requirements”). (11-X DCMR §§ 300.1, 300.2, and 300.5.) The Project meets these requirements as follows:

- (a) For the following reasons, the Project is superior to the development of the Property under the matter-of-right standards:
- **Housing.** The Project adds approximately 700 units to the housing stock of the District, including three-bedroom units, located within walking distance from the Anacostia Metrorail station;
 - **Retail Uses.** The Project will add over 52,000 gross square feet of ground-floor retail uses in a transit-oriented location;
 - **Other Public Benefits.** The Project includes other Public Benefits, none of which would be required or feasible under a matter-of-right development. Only a project the scale of the one proposed herein could contribute the high quality urban design, architecture, landscaping, planning, amount of housing and level of affordability, and the environmental, transportation/mass transit, and other community benefits described more thoroughly below. A developer of matter-of-right units on the Property would have no incentive or reason to provide any of the uses of special value enumerated above; and
 - **Community Engagement.** A matter-of-right development would not have afforded the community and the ANCs as many opportunities to engage with the Applicant and provide feedback;
- (b) The Public Benefits are commendable in number and quality. The Project's Public Benefits are discussed in detail below. For the reasons set forth more fully in the Public Benefits findings, the Public Benefits are of a commendable quality. There are multiple distinct categories of Public Benefits for the Project, and an absolute number that the Commission finds to be commendable. Finally, the Commission finds that the Public Benefits are meaningful. The Public Benefits address the preferences, needs and concerns of community residents, were developed following the Applicant's robust community engagement process, supported by OP, and are not inconsistent with the Comprehensive Plan;
- (c) The Project protects and advances the public health, safety, welfare, and convenience as follows:
- **Public Health.** The Project protects and advances the public health by being designed in a high-quality manner and in compliance with all applicable construction codes. The Project includes a number of mitigation measures, including the Transportation Demand Management program ("TDM"), which protect and affirmatively advance the public health. The Project also encourages walking through the pedestrian-friendly streetscape, measures that advance public health. The Project does not entail any overcrowding or overpopulation, but instead rationally increases residential density near a Metrorail station and a considerable

amount of protected open space. The Project also complies with, and exceeds many, applicable environmental performance standards;

- Safety. The Project protects and advances safety: the Project has been designed in a manner to allow pedestrians, cyclists, and vehicles to safely share space, and will provide ground-floor retail to promote active use and engagement with the Project;
 - Welfare. The Project protects and advances the public welfare by bringing much-needed economic activity to Ward 8, which has long been overlooked for the purposes of locating new market-rate housing and retail; and
 - Convenience. Finally, the Project protects and advances the public convenience by adding new neighborhood-serving retail uses as well as transit-oriented housing and office development;
- (d) The Project is not inconsistent with the Comprehensive Plan and would not result in any action inconsistent with the Comprehensive Plan. Extensive findings regarding the Project's lack of inconsistency with the Comprehensive Plan are provided below;
- (e) The Project does not circumvent the Zoning Purposes. The Project does not circumvent the Zoning Purposes. The general intent and purposes of the Zoning Regulations are, inter alia, to promote the "public health, safety, morals, convenience, order, prosperity, and general welfare." (11-A DCMR § 101.1.) Findings regarding the Project's protection and advancement of the public health, safety, convenience, and welfare are provided above:
- Morals. The Project promotes morals insofar as the Application was undertaken in concert with extensive community outreach. The Commission finds that this community dialogue exemplifies public morals as expressed through the Zoning Regulations and PUD process;
 - Order. The Project exemplifies orderly, well-planned development that is undertaken on behalf of the best interests of the residents of the District with respect to the above-cited objectives. The Project complies with all of the specific development standards set forth in the Zoning Regulations, except where flexibility is hereby requested, which flexibility is minor in this instance and expressly contemplated as part of the PUD process. (X §§ 300.1, 303.1.) The Project allows for an appropriate amount of light and air by virtue of its bulk, height, orientation, setbacks, and location; and
 - Prosperity. As noted with respect to public welfare above, the Project promotes prosperity by putting to productive use land that is currently underutilized. The Project also promotes public prosperity with respect to

its future provision of tax revenue to the District and its addition of many new employees in Ward 8; and

- (f) The Project has undergone a comprehensive public review by the Commission, which has evaluated the Project's flexibility and incentives in proportion to the Public Benefits. The Commission has reviewed the entirety of the record. The record is complete with multiple detailed briefings from the Applicant and reports from multiple District agencies and the ANCs. The Commission heard presentations on the Application and had the opportunity to ask questions of the Applicant, OP, and the ANCs. In every material way, the Applicant responded satisfactorily to the requests from the Commission. The Applicant has also responded thoroughly to OP, DDOT, and the ANCs' comments. The record in this matter is unquestionably full, and the Commission has reviewed it in its entirety.

89. The Commission finds that the Project satisfies the PUD Requirements.

PUD Balancing and Evaluation Standards

PUD Balancing

90. As set forth in the Zoning Regulations, the Commission must evaluate and grant or deny a PUD application according to the standards of 11-X DCMR § 304. The Applicant has the burden of proof to justify the granting of the Application according to such standards. (11-X DCMR § 304.2.)
91. The Commission's findings in relation to a PUD must be supported by substantial evidence. (See *Howell v. District of Columbia Zoning Comm'n.*, 97 A.3d 579 (D.C. 2014).) The Commission finds that the Applicant has satisfied the relevant evidentiary threshold to carry its burden of proof in the instant proceeding. The Applicant has provided multiple filings containing volumes of evidence all relevant to this proceeding. This Commission, in its reasonable determination, accepts such filings as containing evidence adequate to support the findings contained herein.
92. Pursuant to 11-X DCMR § 304.3, in deciding on the Application, the Commission has, according to the specific circumstances of the Application, judged, balanced, and reconciled the relative value of: (a) the Public Benefits and other project amenities offered as part of the Project, (b) the Development Incentives requested by the Applicant (where, pursuant to 11-X DCMR § 303.12, the requested Map Amendment is a type of PUD incentive), and (c) any potential adverse effects (collectively, the "PUD Balancing Test") and finds the following:
- (1) The Public Benefits are numerous and of a high quality. In sum, the Project provides the numerous and high quality Public Benefits. A full accounting of the quality of the Public Benefits is provided below;
 - (2) The Project's Development Incentives are comparatively minor and appropriately granted in light of the Public Benefits. The Commission finds that the Applicant

requests comparatively minor Development Incentives for the Project. The Project's individual Development Incentives are described above. The most significant, by far, of the Development Incentives is the Map Amendment, which allows the Applicant to construct the Project to a higher density and greater height than is possible as a matter of right. The Development Incentives underlie and indeed make possible the Public Benefits, and the Public Benefits justify the additional height and density afforded by the Map Amendment;

- (3) Any potential adverse effects of the Project are appropriately mitigated or outweighed by the Public Benefits. Mr. Otten, CARE, and Ms. Matthews expressed some potential adverse effects of the Project. As this Commission found in response to each individual articulated concern or objection to the Project, these potential adverse effects are either not valid or capable of being mitigated or appropriate in light of the Public Benefits; and
- (4) The Public Benefits together outweigh the Project's potential adverse effects and justify the Development Incentives. The Commission returns to a familiar point in its review of the record in this proceeding: the Project adds much-needed housing, including affordable family-sized housing, as well as transit-oriented retail and office development and numerous Public Benefits. These items are the crux of the Project's trade-off for the reasonable additional height, density, and flexibility of use sought through the Application.

93. The Commission has reviewed the record, identified the circumstances of the Application, the Property, the Project and the surrounding area, and balanced, reconciled, and judged the Public Benefits against the PUD Incentives and potential adverse effects. In sum, the Commission finds that the Project satisfies the PUD Balancing Test.

PUD Evaluation Standards

94. As set forth in the immediately succeeding paragraphs, the Commission hereby also finds that the Project: (a) is not inconsistent with the Comprehensive Plan or other adopted public policies and active programs (collectively, the "Plan") related to the Property; (b) does not result in unacceptable project impacts on the surrounding area or on the operation of District services and facilities but instead is either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and (c) includes specific public benefits and amenities, which are not inconsistent with the Plan with respect to the Property (collectively, the "PUD Evaluation Standards"). (See 11-X DCMR § 304.3.)

The Project is Not Inconsistent with the Plan

95. Comprehensive Plan Purposes. The purposes of the Comprehensive Plan are to: (a) define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (b) guide executive and legislative decisions and matters affecting the District and its citizens; (c) promote economic growth in jobs for District residents; (d) guide private and public development in order to achieve

District and community goals; (e) maintain and enhance the natural and architectural assets of the District; and (f) assist in conservation, stabilization and improvement of each neighborhood and community in the District. (See D.C. Official Code § 1-306.01(b).) The Project advances these purposes by furthering social and economic development through the construction of new residential, retail, and office uses on currently underutilized land, investing in a District neighborhood that seeks new investment, committing to the implementation of the TDM measures, and improving the urban design and public space surrounding the Property. The Project assists in the improvement and stabilization of the urban environment in the immediate neighborhood and the District as a whole.

96. OP Findings regarding the Comprehensive Plan. The OP Setdown Report and OP Final Report find that the Project is not inconsistent with the Comprehensive Plan. (Ex. 10, 22.) The Commission gives great weight to these OP findings, which the Commission hereby adopts as if restated herein. The Commission credits the testimony of the Applicant, OP, and ANCs 8A and 8C, regarding the consistency of the Project with the Comprehensive Plan, and concludes that the PUD and related rezoning is not inconsistent with the Plan and fosters numerous themes and elements of the Comprehensive Plan. 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.
97. Future Land Use Map and Generalized Policy Map. The Framework Element provides guidelines for using the Future Land Use Map. This Element states that the Future Land Use Map should be interpreted “broadly” and notes that the zoning for an area should be guided by the Future Land Use Map interpreted in conjunction with the text of the entire Comprehensive Plan. The Framework Element also clearly provides that density and height gained through the PUD process are bonuses that may exceed the typical ranges cited for each category. (10A DCMR § 226(c).)

On the Future Land Use Map, the Property is mapped for mixed uses. The Property is mapped for Mixed-Use High-Density Residential/High-Density Commercial, as well as Institutional land uses. The High-Density Residential designation characterizes neighborhoods and corridors with high-rise apartment buildings (eight stories or more). The Plan notes that “the R-5-D and R-5-E Zone districts are generally consistent with the High Density Residential category.” (10A DCMR § 225.6.) The High-Density Commercial “designation is used to define the central employment district of the city and other major office employment centers on the downtown perimeter . . . characterized by office and mixed office/retail buildings greater than eight stories in height.” (10A DCMR § 225.11.) The Plan notes that the C-3-C Zone District under the 1958 Zoning Regulations, now the MU-9 zone, is appropriate for the High-Density Commercial designation.

The Project is consistent with the Future Land Use Map because the Property is in the exact designation for which re-zoning of the Property to the MU-9 zone (which was the C-3-C Zone District when the Comprehensive Plan was written) is appropriate and

contemplated by the Future Land Use Map. The Project will create a prime office, retail, and residential property in close proximity to a major Metrorail station in accordance with the overall vision of the Future Land Use Map.

On the Generalized Policy Map, the Property is designated as a “Land Use Change Area.” Land Use Change Areas “are areas where change to a different land use from what exists today is anticipated.” (10A DCMR § 223.9.) These areas “include many of the city’s large development opportunity sites.” (§ 223.10.) The Framework Element specifically notes that the Lower Anacostia Waterfront/Near Southwest Area, where the Property is located, is predicted to house 16.5% of the District’s household growth and 20.3% of its job growth. (10A DCMR § 215.19.) The proposed Project on the Property is a quintessential Land Use Change Area development. The Project will take largely vacant and underutilized land and provide office, retail, and housing near a Metrorail station that is pedestrian friendly and enhances a vacant property on the Anacostia River. Therefore, the Project is not inconsistent with the Property’s designation on the Generalized Policy Map as discussed below:

- (a) Land Use Element. The Project is not inconsistent with the Land Use Element. The proposed Project advances several policies of the Land Use Element. First, the Land Use Element advises that the Central Employment Area (“CEA”) should include higher-density mixed-use areas, 10A DCMR § 304.8 (LU-1.1.3 Central Employment Area), and that specifically the Near Southeast/Navy Yard area should see “mixed use neighborhoods combining high-density residential, office, [and] retail.” (10A DCMR § 304.11 (LU-1.1.5 Urban Mixed Use Neighborhoods).) Additionally, the Land Use Element encourages a “mix of new uses on large redeveloped sites,” including Poplar Point. (10A DCMR § 305.7 (LU-1.2.2 Mix of Uses on Large Sites).) Finally, the Land Use Element encourages development around Metrorail stations with “the establishment and growth of mixed use centers at Metrorail stations,” including supplying housing and affordable housing around Metrorail stations. (10A DCMR § 306.10 (LU-1.3.1 Station Areas as Neighborhood Centers and § 306.12 (LU-1.3.3 Housing Around Metrorail Stations).) Here, the Project presents a large site within the CEA ideal for high-density mixed-use as proposed by the Project. The Project will provide office, retail, and housing, including affordable housing, in close proximity to a Metrorail station on a currently largely vacant site.

Second, the residential use at the Project meets the goals of “maintaining the multi-family residential character of the District’s Medium- and High-Density residential areas” by taking an underutilized and undeveloped area and developing that property to office, retail, and multi-family residential use at the Property. (10A DCMR § 309.15 (LU-2.1.10 Multi-Family Neighborhoods).)

The Land Use Element encourages creative parking management to respond to the level of demand and mitigate congestion. (10A DCMR §§ 306.15, 309.16, and 312.12 (LU-1.3.6 Parking near Metro Stations, LU-2.1.11 Residential Parking Requirements, and LU-2.4.8 Addressing Commercial Parking Impacts).) The

Element focuses developments on placing “a priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking.” (10A DCMR § 306.4 (LU-1.3 Transit-Oriented and Corridor Development).) The Project meets the objectives of the Land Use Element by offering an appropriate amount of below-grade parking for residents, visitors, and employees of the Project. The Property is also located adjacent to a major Metrorail station, and as part of the Project the Applicant proposes improvements to the Metrorail station to help make the Poplar Point area truly transit-oriented;

- (b) Transportation Element. The Project is not inconsistent with the Transportation Element. The Transportation Element encourages pedestrian-oriented development around transit stations, and discourages auto-oriented uses such as “drive-through” business, and large surface parking lots. (10A DCMR § 403.1 (T-1.1.4 Transit-Oriented Development) and § 404.8 (T-1.2.3 Discouraging Auto-Oriented Uses).) Additionally, the element encourages “transit-oriented and transit-accessible employment throughout the region.” (10A DCMR § 405.11 (T-1.3.1 Transit-Accessible Employment).) The Project is a model transit-oriented development and adds none of the auto-oriented features the Comprehensive Plan seeks to discourage. As discussed, the Project is located in close proximity to the Anacostia Metrorail station and multiple bus lines at the Metrorail station. Therefore, the site encourages residents, students, and employees to take public transit based on the convenient location and opportunity to do so. Further, the Project will provide below-grade parking at the Property, but will not employ any auto-oriented uses such as large surface parking lots. This enables the Project to account for traffic generated by the Project, while still encouraging pedestrian access to the site, thus furthering the Transportation Element’s policies. Finally, the Project includes numerous improvements related to bicycles, including bike lanes, long and short term bicycle parking, and connection to the overall DC bicycle network, thus advancing the Element’s policies regarding bicycle integration and safety; (10A DCMR §§ 409.8-10 (T-2.3.1 Better Integration of Bicycle and Pedestrian Planning; T-2.3.2 Bicycle Network; T-2.3.3 Bicycle Safety).)
- (c) Housing Element and Economic Development Element. The Project is not inconsistent with the Housing Element or the Economic Development Element. By having numerous residential units, the Project “provide[s] new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.” (10A DCMR § 503.2 (H-1.1.1 Private Sector Support).) The specific location of the Project in a vacant area on the Anacostia waterfront in close proximity to the Anacostia Metrorail station fulfills the Housing Element’s goal of “promot[ing] mixed use development, including housing, on commercially zoned land, particularly . . . around appropriate Metrorail stations.” (10A DCMR § 503.5 (H-1.1.4 Mixed Use Development).) The Project specifically provides “new high-density housing in Central Washington and along the Anacostia River,” with a “new neighborhood developed on [a] large site.” (10A DCMR § 503.7 (H-1.1.6 Housing in the Central City) and

§ 503.8 (H-1.1.7 New Neighborhoods).) The ground-floor retail use at the Project “create[s] additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services.” (10A DCMR § 708.7 (ED-2.2.3 Neighborhood Shopping).) This mixed-use development will “promote the vitality and diversity of Washington’s neighborhood commercial areas.”; (10A DCMR § 713.5 (ED-3.1.1 Neighborhood Commercial Vitality).)

- (d) Urban Design Element. The Project is not inconsistent with the Urban Design Element. The Project furthers the Element’s goal of creating “neighborhood centers . . . that reinforce community identity” by creating an “urban square [that] stimulate[s] vibrant pedestrian street life and provide[s] a focus for community activities.” (10A DCMR § 910.9 (UD-2.2.3 Neighborhood Centers) and § 913.15 (UD-3.1.8 Neighborhood Public Space).) The Project “creates [an] attractive and interesting commercial streetscape” that will make the Property a place-maker for this area of the District. The Project also “protects major views in the city,” in the way it designed the “buildings . . . and pedestrian walkways on or near [a] waterfront site.” (10A DCMR § 904.6 (UD-1.2.4 View Protection) and § 905.10 (UD-1.3.5 River Views).) Finally, the Project considers “not only the site itself, but the broader context presented by surrounding neighborhoods,” by designing and anticipating “a street grid that is more compatible with the texture of Washington’s neighborhoods.”; and (10A DCMR § 911.6 (UD-2.33 Design Context for Planning Large Sites) and § 911.4 (UD-2.3.2 Large Site Scale and Block Patterns).)
- (e) Lower Anacostia Waterfront/Near Southwest Area Element. The Property is within the Lower Anacostia Waterfront/Near Southwest Area Element. This element encourages the exact kind of mixed-use development contemplated by the Project – “Create new mixed use neighborhoods on vacant or underutilized waterfront lands. . . . new neighborhoods should be developed at . . . Poplar Point.” (10A DCMR § 1908.3 (AW-1.1.2 New Waterfront Neighborhoods).) The Element also encourages “bring[ing] more retail services and choices to the Anacostia Waterfront as well as space for government and private sector activities, such as offices,” which the Project provides in significant amounts. (10A DCMR § 1908.4 (AW-1.1.3 Waterfront Area Commercial Development).)

Specifically, for the Poplar Point area, the Area Element prioritizes creating “a new transit-oriented mixed use neighborhood . . . linked to the Anacostia Metrorail station. . . [which] include[s] a significant component of affordable housing, . . . retail . . . [and] segments of the future development . . . devoted entirely to office use to encourage location of Federal office space and other office space.” (10A DCMR §1914.9 (AW-2.4.3 Poplar Point Mixed Use Neighborhood).) The Project provides all of these uses as contemplated by the Area Element. Further, the scale of the development is consistent with the Area Element as it “recognizes the area’s proximity to a Metrorail station and other major surface arterials and that the area is physically separated from surrounding

neighborhoods and, therefore, may accommodate buildings and site plans unlike but compatible with the fine-grained pattern found in nearby Historic Anacostia.” 10A DCMR § 1914.11 (AW-2.4.5 Scale of Development at Poplar Point). Finally, the Project will “capitalize on significant views to the river and U.S. Capitol,” and will “bring economic development opportunities to adjacent neighborhoods.” (10A DCMR § 1914.12 (AW-2.4.6 Poplar Point Vista and View Preservation) and § 1914.13 (AW-2.4.7 Poplar Point as an Economic Catalyst).) The Project will create a truly mixed use, vitalizing development for the underutilized area as the start of future development in this area of the District.

98. Taken as a whole, the Project is not inconsistent with the District or Area Elements of the Plan or with the objectives of other adopted public policies applicable to the Property. There are individual objectives in these site-specific plans that the Project either does not address or does not substantially advance. Planning policy documents by their very nature are comprehensive and occasionally internally contradictory. However, the Project is not inconsistent with the broad public planning objectives for Ward 8.
99. The Commission finds that there were no particularized allegations of inconsistency with the Comprehensive Plan raised by OP, the ANCs, any other agency, or party or person. Therefore, for the reasons set forth more fully above the Commission finds that the Application, including the Map Amendment, is not inconsistent with the Plan.

Project Impacts

100. For the following reasons, the Commission finds that the Project does not result in unacceptable impacts on the surrounding area or on the operation of District services and facilities but instead is either favorable, capable of being mitigated, or acceptable given the quality of Public Benefits:
- (a) Zoning and Land Use:
- (1) From a land use perspective, the Project creates no unacceptable impacts on surrounding neighborhoods. Any impacts from the Project’s proposed land use are either favorable, capable of being mitigated, or acceptable given the quality of the significant public benefits included as part of the Project. The Project will create prime office, residential, and retail space in an undeveloped area within the Central Employment Area in close proximity to a major Metrorail station, including affordable housing. The height and density of the Project are appropriate given the proximity to transit, the Comprehensive Plan’s Future Land Use Map designation, and the avoidance of adverse impacts on nearby residential areas. The Project will improve the Poplar Point area and begin the overall area development, including beginning the street grid and utility improvements needed for the area. The Project will have a positive land use impact that is consistent with the Comprehensive Plan and other planning goals of the District of Columbia;

- (2) The Applicant requests a Zoning Map Amendment for the Property to the MU-9 zone. This proposed zone plan is consistent with the Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan locates the Property in the Mixed-Use High-Density Residential/High-Density Commercial, as well as Institutional, land use categories, and the Property is located within the Central Employment Area. At the Property, the Applicant proposes a truly mixed-use development with robust office, residential, and retail uses. The proposed MU-9 zoning is necessary to accommodate these uses at the proposed height and density. The Comprehensive Plan explicitly lists the proposed MU-9 zone as consistent with the High Density Commercial designation. (10A DCMR § 225.9.) Additionally, the MU-9 zone is generally described as a zone that permits high-density development, specifically located in the Central Employment Area. The Property is located in the Central Employment Area and ripe for high-density development. Accordingly, the proposed rezoning of the Property to the MU-9 zone is consistent with the Comprehensive Plan;
 - (3) The Project's introduction of additional retail helps attract and retain a critical mass of commercial uses in the neighborhood. This effect is a favorable land use impact of the Project. The proposed retail uses create economic opportunities and continue the stabilization of the neighborhood. The contribution of new, high-quality multifamily housing units to Ward 8 has additional positive impacts on the surrounding areas. Moreover, the Project's conversion of underutilized lots to productive and active uses, and the creation of a thoughtfully-designed pedestrian space also has positive impacts; and
 - (4) To the extent there are any ancillary unfavorable land use impacts arising out of the Project, such impacts are either mitigated by the Project's design or offset by the quality of the Public Benefits associated with this Project;
- (b) Transportation and Mobility Impacts. 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:
- (1) The Project will not have an adverse impact on the facilities that it will rely on for service. The Anacostia Metrorail station is adjacent to the Property. Numerous Metrobus lines also service the site via the Anacostia Metrorail station, and it is expected that many of the Project's occupants and visitors will use public transit. The Project also over 900 parking spaces to accommodate the parking demand of residents, employees, and visitors who may choose to drive to the Project. Bicycle usage will also be coherently integrated into the design of the Project, including the

bicycle lanes on the streets, connecting into the overall D.C. bike network, and providing both long-term spaces and short-term spaces in connection with the Project; and

- (2) The Applicant's traffic expert submitted a detailed comprehensive transportation review ("CTR") evaluating proposed transportation impacts of the Project. The Project includes a robust TDM plan to mitigate any transportation impacts. To the extent the Project creates transportation or mobility impacts on the neighborhood or District more generally, they are either capable of being mitigated through the TDM or acceptable given the quality of the Public Benefits;
- (c) Project Impacts on City Services and Project Environmental Impacts. The Project does not have any adverse impacts on the public facilities or District services that it relies on for service. Likewise, the Project does not have adverse environmental impacts:
- (1) **Water Demand.** The Project contains approximately 2,358,380 square feet of new GFA. The average daily water demand for this Project can be met by the existing District water system. The proposed connection for the fire and residential water supply will be made within the existing distribution system and will be coordinated with DC Water. The Project has multiple individual water meters;
 - (2) **Sanitary Sewer Demand.** The proposed connection for the sanitary sewer line will be made with the existing distribution system and will be coordinated with the D.C. Department of Public Works and the D.C. Water and Sewer Authority;
 - (3) **Stormwater Management.** The project will meet or exceed the current stormwater management requirements of the D.C. Department of the Environment. The proposed Best Management Practices for water quality will be designed and constructed in compliance with the standards set by the D.C. Department of Public Works, the D.C. Department of the Environment, and the D.C. Water and Sewer Authority;
 - (4) **Solid Waste Services.** Solid waste and recycling materials generated by the Project are to be collected regularly by a private trash collection contractor;
 - (5) **Electrical Services.** Electricity for the new building is provided by Pepco in accordance with its usual terms and conditions of service. All electrical systems are designed to comply with the D.C. Energy Code. Transformers will be installed on the Property in accordance with Pepco's design guidelines;

- (6) Energy Conservation. The Project is designed in full compliance with Article 24 (Energy Conservation) of the Building Code. Conformance to code standards minimize the amounts of energy needed for the heat, ventilation, hot water, electrical distribution, and lighting systems contained in the building. The Project will include features attaining LEED-Gold certification for the Project; and
- (7) Erosion Control. During excavation and construction, erosion on the Property will be controlled in accordance with District law; and
- (d) Other Impacts. The findings related to issues raised by the ANC, other agencies, Otten and the Commission includes additional discussion on the Project's impacts and the Commission's balancing thereof. In sum, the Project's impacts are either capable of being mitigated or not unacceptable in light of the Public Benefits.

Public Benefits

- 101. The objective of the PUD process is to encourage high-quality development that provides public benefits and amenities by allowing greater flexibility in planning and design than may be possible under matter-of-right zoning. (11-X DCMR § 305.1.)
- 102. The Project achieves the goals of the PUD process by creating a high quality mixed-use commercial development with significant related Public Benefits. The Commission finds that the Project includes the following Public Benefits, which are not inconsistent with the Plan as a whole with respect to the Property.
- 103. 11-X DCMR § 305.4 requires that a majority of the public benefits of the proposed PUD relate to the geographic area of the ANC in which the application is proposed. Findings with respect to the geographic effect of the Public Benefits are addressed in the following paragraphs. In general, the Public Benefits relate to the area of the ANCs.
- 104. The Applicant, in its written submissions and testimony before the Commission, noted that the following benefits and amenities will be created as a result of the Project, in satisfaction of the enumerated PUD standards in 11-X DCMR § 305:

- (a) Housing and Transit-Based Housing.

11-X DCMR § 305.5 provides that public benefits of a proposed PUD may be documented in the category of housing, if that housing “exceeds the amount that would have been required through matter-of-right development under existing zoning,” or “provides units with three (3) or more bedrooms.” (11-X DCMR §§ 305.5(f)(1) and 305.5(f)(3).)

There is no housing requirement in the existing MU-14 zone. (Ex. 22, p. 8.) The Project will create approximately 700 new residential units, totaling approximately 691,590 gross square feet of new housing. (Ex. 60A.) The Project

will include approximately 36,297 gross square feet of housing reserved for three-bedroom units. (*Id.*) Both are significant public benefits of the PUD;

(b) Affordable Housing.

11-X DCMR § 305.3(g) provides that affordable housing is a public benefit of a PUD, “except that affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C, Chapter 22, shall not be considered a public benefit except to the extent it exceeds what would have been required through matter-of-right development under existing zoning.”

If Buildings B and C were developed to their maximum potential under the existing matter-of-right MU-14 zone, the buildings would be required to set aside eight percent of their residential GFA at 60% MFI level if rental units, and at the 80% of MFI level if ownership units. (Ex. 22, p. 8.) The maximum residential GFA under the existing matter-of-right zoning would have resulted in 40,982 square feet of GFA reserved for required IZ units. (*Id.*)

The affordable housing provided in the Project exceeds what would have been required under the existing matter of right zoning in several respects. First, the total amount of residential GFA devoted to IZ units will be approximately 69,159 square feet of GFA, (Ex. 60A), resulting in approximately 28,000 square feet of additional space devoted to IZ units. (Ex. 60A.) Second, the Applicant will set aside 2.5% of the residential GFA plus eight percent of the total penthouse habitable space as IZ at the 50% of MFI level. (*Id.*) Only the penthouse space is required to be at the 50% MFI level. Thus the 2.5% of the residential GFA space provided at the 50% MFI level is a public benefit. Third, the Applicant will set aside 7.5% of the residential GFA at the 60% of MFI level regardless of whether the Project is rental or for sale. (*Id.*) The Commission finds that the additional affordable housing, at deeper levels of affordability, are public benefits of the PUD;

(c) Superior Urban Design and Architecture.

11-X DCMR § 305.5(a) lists urban design and architecture as categories of public benefits and project amenities for a PUD.

The proposed Project exhibits many characteristics of exemplary urban design. Specific features include the use of a variety of public spaces, providing public access to new private streets, well-designed sidewalks with street trees and active storefronts along Howard Road S.E., and well-located and carefully designed parking garages, loading zones, alleys, and private streets for not only the Project but also future development of nearby properties.

In addition, the Applicant shall underground utilities at the Project.

The Commission finds these are public benefits of the PUD;

(Ex. 2-2I13, 13-3B, 21-21B, 38A1-38A2, 44A1-44A10.)

(d) Streetscape Plans.

11-X DCMR § 305.5(1) states that streetscape plans are considered to be public benefits and project amenities of a PUD.

In order to capitalize on the pedestrian activity generated by the office, retail, and residential features of the Project, the Applicant has proposed significant streetscape improvements as a key benefit and amenity of the Project. The existing streetscape is dilapidated and needs complete redesign. The Applicant proposes to completely redesign the streetscape with appropriate sidewalks. Further, as part of the Project, the Applicant proposes to create private streets with public easements for access not only to the Project, but for future access to adjacent properties. The Howard Road frontage will be created in a manner that is place-making, creating a destination point in the community. Streetscape enhancements will include street trees and special paving features. Additionally, the Project will include regrading and replacing and undergrounding all of the utility lines along Howard Road, S.E. in front of the Property.

The Applicant proposes other streetscape improvements related to the Project that will also significantly improve pedestrian access along this key gateway location. The Applicant will replace the existing streetscape with new improvements that include new street trees and other plantings to create more defined, attractive pedestrian access. Finally, the Applicant is proposing significant bicycle-related streetscape improvements, including bicycle lanes along Howard Road, S.E. and a greater bicycle connection to the Anacostia Riverwalk Trail and the bicycle lanes in the District. (Ex. 2-2I13, 13-13B, 21-21B, 38A1-38A2, 44A1-44A10, 60A.) The Commission finds these are public benefits of the PUD;

(e) Site Planning, and Efficient and Economical Land Utilization.

Pursuant to 11-X DCMR § 305.5(c), “site planning and efficient and economical land utilization” are public benefits and project amenities to be evaluated by the Zoning Commission.

The site is currently underutilized and fails to capitalize on its proximity to the Anacostia Metrorail station. The site currently has little activity and does not encourage any pedestrian access. 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 as detailed above. Additionally, the proposed private streets and alleys will be designed for future, adjacent development. The Project transforms an underutilized and inactive area into an attractive 21st century mixed-use development. (Ex. 2-2I13, 13-13B, 21-21B, 38A1-38A2, 44A1-44A10, 60A.) The Commission finds these are public benefits of the PUD;

(f) Environmental and Sustainability Benefits.

11-X DCMR § 305.5(k) states that environmental benefits are considered to be public benefits and project amenities of a PUD.

The Project will provide a number of environmental benefits that improve sustainability of the site and contribute to the sustainability of the neighborhood. These sustainability features include a commitment to achieve LEED v.4 Gold for all of the buildings, capitalizing on the strategic potential of a transit-oriented location proximate to a Metrorail station, updating existing utilities, and planting additional street trees. The Applicant will provide rooftop solar panels that will generate an estimated 436,626 kwh. Additionally, the Applicant proposes to underground the utilities along the Howard Road, S.E. street frontage. The Applicant proposes to clean up the contaminated Property by removing hazardous materials, contaminated soils, and underground tanks in connection with each of the development phases. Additionally, the Applicant will follow a design and build strategy to avoid development in the 100- and 500- year floodplain and will refine the conceptual stormwater management plan to generate additional retention volume. (Ex. 2-2I13, 13-13B, 21-21B, 38A1-38A2, 44A1-44A10, 60A.) The Commission finds these are public benefits of the PUD;

(g) Uses of Special Value.

11-X DCMR § 303.5(q) lists “uses of special value to the neighborhood or the District of Columbia as a whole” as public benefits and project amenities of a PUD.

The Commission finds that the Project will provide the following uses of special value:

- (1) Ground-Floor Retail: The proposed Project will provide approximately 52,120 square feet of ground-floor retail uses as well as streetscape improvements along the Project frontage, which have been previously recognized by the Commission as uses of special value; (Ex. 60A.)
- (2) Additional Retail Amenities and Services: The Applicant anticipates offering neighborhood serving retail amenities and services or other street activating uses, including pop-up retail amenities; (Ex. 60A.)
- (3) Transformation of adjacent vacant property: Situated adjacent to Building A at the western gateway to the Columbian Quarter PUD, DDOT owns 40,689 square feet of vacant land on Square 5860 /Lot 0937. The Applicant shall collaborate with DDOT and other DC agencies to determine viable options to transform the adjacent vacant property for future placemaking opportunities by incorporating buildings with ground-floor retail or street activating uses that serves the neighborhood, activates

the streetscape and seamlessly connects with the larger urban form; (Ex. 60A.)

(h) Mass Transit Improvements.

11-X DCMR § 303.5(p) lists “mass transit improvements” as public benefits and project amenities of a PUD.

The Applicant has engaged in discussions with the community and the District Department of Transportation (“DDOT”), as well as the Washington Metropolitan Area Transit Authority (“WMATA”) regarding the Anacostia Metrorail station. The Metrorail station is in great need of improvements. The Applicant proposes, as part of the Project, to assist in improving the Anacostia Metrorail station, including improvements to the entrance to the station nearest the Project. (Ex. 60A.) The Commission finds these are public benefits of the PUD;

(i) Open Space and Recreation Space.

11-X DCMR § 303.5(b) lists “Superior landscaping, or creation or preservation of open spaces” as public benefits and project amenities of a PUD.

The Commission finds that the Project will provide the following public benefits in this category:

- (1) The Applicant shall work with NPS WMATA, OP, DDOT, DPR, ANC 8A, and ANC 8C to optimize open space and recreation placemaking opportunities throughout the Project as well as adjacent parks and underutilized land. The design of the open space and recreation improvements shall include a collaborative public charrette process of the Applicant’s design team, local neighborhood families, ANC Commissioners, NPS, WMATA, and DC public agencies, including OP; (Ex. 60A.)
- (2) The Applicant shall provide outdoor open space courts at and above grade in buildings A, B, D, and E. In addition, all five building will have programmed rooftop amenities within the outdoor open spaces. Prior to the issuance of the final certificate of occupancy for each of these buildings, the Applicant shall deliver these open space courts and amenities; (Ex. 60A.)
- (3) The Applicant shall create a community pocket park adjacent to the Metro station plaza entrance; and (Ex. 60A.)
- (4) The Project is directly adjacent to the 1,108-acre Anacostia Park managed by NPS. The Applicant shall continue to work with NPS on increasing the opportunities to leverage the Anacostia Park’s natural, cultural and

recreational amenities for the neighborhood's use and enjoyment; (Ex. 60A.)

(j) Employment and Career Training Opportunities.

11-X DCMR § 303.5(h) lists "employment and training opportunities" as public benefits and project amenities of a PUD.

The Commission finds that the Project will provide the following public benefits in this category:

- (1) The Applicant shall engage in a partnership with DMPED's Ward 8 Works Program to connect Ward 8 residents with preconstruction and construction jobs on the Project in Ward 8, which shall include evidence of quarterly meetings/events with the commitment of hiring at least one Ward 8 Works Program participant in the Project; (Ex. 60A.)
- (2) The Applicant shall establish a Development Internship program for Ward 8 residents which shall include two summer internship opportunities in the real estate field for Ward 8 (Anacostia or Ballou) high school rising seniors. During the internship, the high school intern will work 35 hours at minimum wage. The internship program will focus on aspects of stage-one PUD development, including zoning and land use law, design, development, and community benefits and amenities. Through Redbrick LMD's departments and development partners, the high school student will be mentored and trained by the leading real estate experts in the Washington, D.C. area; (Ex. 60A;)
- (3) The Applicant shall offer two summer internship opportunities in the real estate field for a Ward 8 rising college seniors who graduated from Anacostia or Ballou High School. The mentoring and internship program will focus on all aspects of real estate development, including acquisitions, zoning and land use law, design, development, pre-construction, construction, marketing and branding, leasing, and property management and asset management. Through Redbrick LMD's departments and development partners, the college student will be mentored and trained by the leading real estate experts in the Washington, D.C. area. During the summer months of June, July, and August, the college intern will work 35 hours and earn \$15 per hour; (Ex. 60A.)
- (4) The Applicant shall provide documentation of its efforts to hire a Ward 8 resident to work on all aspects of construction; and (Ex. 60A).
- (5) The Applicant shall provide evidence that it will hire, through Redbrick LMD's Real Estate Professional Service Internship Program, two Ward 8 residents to participate in a hands-on, one-year internship program with

the property manager and developer that will focus on all aspects of residential property management during the leasing and stabilization of the first residential building at the Project; and (Ex. 60A).

(k) Historic Preservation.

11-X DCMR § 303.5(e) lists “historic preservation of private or public structures, places, or parks” as public benefits and project amenities of a PUD.

The Commission finds that the Project will provide the following public benefits in this category:

- (1) The Applicant shall enter into a partnership agreement with the Historic Anacostia Preservation Society and the National Trust for Historic Preservation to support and implement solutions for the benefit of the Historic Anacostia District that preserve the historic character and fabric of the neighborhood, which shall include, but is not limited to:
 - (A) Reducing displacement of existing residents and allowing low-income seniors to remain in their historic homes;
 - (B) Providing professional services expertise such as architectural, engineering and building sciences in a historic districtwide conditions assessment survey;
 - (C) Assisting in workforce development initiatives for historic preservation trades skill training to create employment opportunities for neighborhood residents; and
 - (D) Providing professional expertise and support for the rehab and reuse of vacant and abandoned historic structures, both residential and commercial.
- (2) The Applicant shall complete a phased archeology study in consultation with the State Archeologist.
- (3) The Applicant shall, based upon its phased archeology study findings, and in conjunction with the State Archaeologist, prepare a Phase II work plan, and complete appropriate mitigation measures, as part of the Project’s archaeological public benefits.

The Applicant’s proffered cost contribution to the historic and archaeological preservation benefits is limited to a value of \$125,000 in cash and in-kind services.

105. The Applicant also proffered a total of \$250,000 in monetary contributions to three organizations, the Anacostia Coordinating Council, the Wish List Committee and the

Southeast Tennis and Learning Center, and Congress Heights Community Center. (Ex. 60A.) These organizations were the same organizations identified by ANCs 8A and 8C in its joint letters dated January 22, 2018, and March 9, 2018. (Ex. 55, 61). The Commission finds that this proffer does not qualify as a public benefit or project amenity of the PUD because the Applicant did not designate the items or services the monetary contributions would be used for, and thus could not agree that no certificate of occupancy for the PUD may be issued unless the Applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided. Thus the proffered public benefit does not meet the criteria established for monetary contributions in 11-X DCMR § 305.3(d). The Commission has nonetheless included as a condition of this Order, a requirement that the Applicant make the contributions to the identified organizations, and the Applicant shall state the use of the funds in a manner that would satisfy the requirements of 11-X DCMR § 305.3(d) with its first second-stage PUD application, consistent with the Applicant's proffer. (Ex. 60A).

Consistency of the Public Benefits with the Plan

106. The Commission also finds that the Project's Public Benefits are not inconsistent with the Plan because each is an integral part of the Project, which itself is not inconsistent with the Plan. Moreover, such Public Benefits are each tangible, quantifiable, measurable, or capable of being completed or arranged prior to the issuance of a certificate of occupancy for the Project.
107. Accordingly, the Project satisfies the PUD Evaluation Standards.

CONCLUSIONS OF LAW

Procedural and Jurisdictional Conclusions

1. A PUD application must adhere to certain procedural requirements. (X § 307.1; Z §§ 205, 300, 400-08, 600-06, 700-707.) The Commission must hear any PUD in accordance with the contested case procedures of Subtitle Z, Chapter 4. X § 300.3. The Commission has found and hereby concludes: (i) the Application satisfies the PUD application requirements, and (ii) the Applicant, OZ, OP, and the Commission have satisfied the applicable procedural requirements, including the applicable notice requirements of the Zoning Regulations and the following:
- (a) The minimum area included within a proposed PUD must be no less than 15,000 sf and all such area must be contiguous. (X § 301.) The Application satisfies these minimum area and contiguity requirements; and
 - (b) 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. (the "Act").

2. A request for party status must satisfy the requirements of 11-Z DCMR § 404. The Commission has found and hereby concludes that the request for party status of CARE does not satisfy the requirements. The request for party status of CARE is both untimely and has not “clearly demonstrated that the person's interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public” as required under DCMR § 404.14.

Evidentiary Standards

3. The Applicant has the burden of proof to justify the granting of the Application according to the PUD and Map Amendment standards. (X §§ 304.2, 500.2.) The Commission’s findings in relation to a PUD must be supported by substantial evidence. (See *Howell v. District of Columbia Zoning Comm’n.*, 97 A.3d 579 (DC 2014).) Substantial evidence is defined as “such relevant evidence as a reasonable mind might accept as adequate to support” the conclusions contained herein. (*D.C. Library Renaissance Project v. District of Columbia Zoning Comm’n.*, 73 A.3d 107, 125 (DC 2013).) The Applicant’s filings, testimony, and expert witness presentations are credible and thorough and reasonably adequate to support the Commission’s analysis and conclusions contained herein. Accordingly, the Applicant has provided substantial evidence to demonstrate that the Project satisfies the relevant PUD evaluation standards.

Consistency with the PUD Process, Zoning Regulations, and Plan

4. 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.)
5. 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.)
6. 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.
7. This Commission has found that the Project generally conforms to the requirements of the Zoning Regulations except for the few areas of articulated relief, which are nonetheless consistent with the intent and purposes of the Zoning Regulations. The

Project is not inconsistent with the Comprehensive Plan. Therefore, the Commission concludes that the Project does not circumvent the Zoning Regulations and is not inconsistent with the Plan. The Commission concludes that the approval of the Application is an appropriate result of the PUD process. The Project is a high-quality mixed-use development that is superior to what could be constructed on the Property as a matter-of-right via the underlying zoning. The Commission has found that the Public Benefits are meaningful and are commendable both in number and quality. Finally, this Commission has found that the Project does not injure but instead advances the public health, safety, welfare, or convenience, and is not inconsistent with the Comprehensive Plan.

Evaluation Standards

8. The Commission must evaluate the Map Amendment request and approve it only if it is not inconsistent with the Plan. (11-X DCMR §§ 500.1, 500.3.) 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.
9. As part of a PUD application, the Commission may, in its discretion, grant relief from any building development standard or other standard (except use regulations). (11-X DCMR §§ 303.1, 303.11.) The Applicant seeks flexibility to vary the phasing anticipated for the Project, vary interim uses at the Property while the other phases of the Project are being finalized; and adjust the parking downwards if needed to meet market demand, but not below the minimum required by the Zoning Regulations. The Commission has found that such items of relief do not impair the Zoning Purposes and are not inconsistent with the Comprehensive Plan. The Commission concludes it may exercise its discretion to grant such development incentives subject to the Conditions (as such term is hereinafter defined) hereof.
10. 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, and will create a more appropriate and efficient utilization of land at a significant transit-oriented location. The mix of residential, retail, and office uses are also appropriate for the site's location.
11. The Zoning Regulations define public benefits as “superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title.” (11-X DCMR § 305.2.) Such public benefits must satisfy the following criteria (“Public Benefit Criteria”): (a) benefits must be tangible and quantifiable items; (b) benefits must be measurable and able to be completed or arranged prior to issuance of a certificate of occupancy; (c) benefits must primarily benefit the geographic boundaries of the ANC; and (d) monetary contributions shall only be permitted if made to a District of Columbia government program or if the applicant

agrees that no certificate of occupancy for the PUD may be issued unless the applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided. (11-X DCMR §§ 305.3, 305.4.) Based on the Commission's findings regarding the Public Benefits as well as the Conditions of this Order, the Commission concludes that the Public Benefits benefit the surrounding neighborhood or the District as a whole to a significantly greater extent than would a matter-of-right development and readily satisfy the Public Benefit Criteria.

12. The PUD provisions require the Commission to evaluate whether the Application: “(a) is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site; (b) does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and (c) includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.” (11-X DCMR § 304.4.) The Commission has reviewed the entire record and issued findings to support its conclusion that the Application satisfy the PUD Evaluation Standards. In particular, the Commission concludes the Project is not inconsistent with the Plan as a whole, accepts the entirety of the Applicant's impact analysis contained in the record and concludes that the Project does not have any unacceptable impacts. The Commission further concludes that the Project includes the Public Benefits, which are also not inconsistent with the Plan.
13. The Commission must undertake a “comprehensive public review” of the PUD application “in order to evaluate the flexibility or incentives requested in proportion to the proposed public benefits.” (11-X DCMR § 300.5.) In deciding on the Application, this Commission must “judge, balance, and reconcile the relative value of the public benefits project and amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” (11-X DCMR § 304.3.)
14. The Commission heard the Application at the Public Hearing and followed the contested case procedures of the Zoning Regulations. The Commission therefore concludes that it has satisfied the procedural requirements in order to review the Application and evaluate the flexibility and Development Incentives requested and potential adverse effects against the proposed Public Benefits in light of the circumstances of the case.
15. The Commission's review of the Application has been comprehensive. The Commission has reviewed the entire record and has identified and examined the concerns and statements about the Project raised by the ANCs and District agencies. The Commission has appropriately considered the substantial evidence presented by the Applicant. The Commission grants appropriate weight to the reports and testimony of the various reviewing District agencies and the ANCs. There are no items in the record that the Commission has excluded from its consideration notwithstanding in some instances this Order does not contain precise citation to such items.

16. The Project warrants the Development Incentives (including the Map Amendment) and flexibility in light of the Project's extensive and comprehensive Public Benefits. The Commission concludes that the Project's Development Incentives are warranted in light of the Public Benefits and the Project's overall consistency with the Comprehensive Plan.

Great Weight to the ANC and OP Reports

17. 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 doing so, the Commission must articulate specific findings and conclusions with respect to each issue and concern raised by the ANC. (D.C. Official Code § 1-309.10(d)(3)(A) and (B).) ANC advice must be approved a properly noticed ANC meeting, that is open to the public, its advice must be expressed in writing, and articulate the basis for its decision. (D.C. Official Code § 1-309.10 (d)(1).)
18. As described in Findings of Fact 70-75 above, there were five written submissions by the affected ANCs in this case.
19. The first was ANC 8C's report dated November 27, 2017. (Ex. 40.) The report stated the ANC supported the Project, and that the ANC's "only concern was the impact of the traffic on Howard Road [that] affect[s] the Anacostia Metro buses. Presently the intersection is heav[ily] traveled from Martin Luther King Ave. to 295 and [the] Frederic Douglas[s] Bridge." The Commission carefully considered the ANC's concern, but ultimately agrees with DDOT's conclusion 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 concludes that any traffic related impacts of the Project are acceptable given the quality of public benefits of the PUD.
20. The second was ANC 8A's report dated November 27, 2017. (Ex. 43.) The report stated the ANC supported the Project, and did not express any issues or concerns. Because the report expressed no issues or concerns, there is nothing for the 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).)
21. With respect to the two ANC joint reports requesting enhancements to the public benefits of the PUD (Ex. 55, 61), and the draft agreement submitted by the ANCs that was not signed by the Applicant (Ex. 63), the Commission concludes as follows. The reports and purported agreement do not meet the standards of the ANC Act because they do not indicate that they were adopted by the ANCs at properly noticed meetings, and they do not explicitly state the issues and concerns of the ANCs. The Commission nevertheless

considered what it considered to be the implicit issue/concern of the reports, that the Commission should require the Applicant to enhance its proffer of public benefits to include the financial contributions in the amounts listed in the reports, and that the public benefits of the PUD without these enhancements do not justify approval of the PUD. The Commission does not find this advice persuasive because the PUD rules in the Zoning Regulations provide that the Commission “cannot compel the Applicant to add to its proffer of public benefits, but instead must judge the application based on the proffer and shall deny it if it thinks the proffered benefits do not justify the zoning relief requested (including the map amendment). Nevertheless, the Commission may at any time note the insufficiency of the public benefits and suggest how the benefits may be improved.” (11-X DCMR § 305.11.) The Commission therefore concludes that while the ANCs may think it beneficial if the public benefits package was enhanced to include the items included the ANC’s joint letters and the draft agreement submitted by the ANCs, the Applicant must voluntarily proffer PUD benefits, and the Commission cannot compel the Applicant to provide more than what has been voluntarily proffered. The Applicant did not proffer the financial contributions in the amounts that the ANCs apparently desired. The Commission performed the required PUD balancing based on the Applicant’s voluntary proffers, and concluded that they were sufficient to justify approval.

22. The Commission is also required to give great weight to the written reports of OP. D.C. Code § 6-623.04; 11-Z DCMR § 405.8. This Commission has reviewed the OP Setdown Report, and OP Final Report and heard testimony from OP and finds that OP supports the Application. The Commission gives great weight to OP’s recommendation to approve the Application and the Commission concludes it has properly granted OP’s reports the great weight they are due.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the Application for the first-stage review and approval of a PUD and related map amendment from the MU-14 zone to the MU-9 zone for property consisting of Lots 97, 1025-1031, 1036, and 1037 in Square 5860 and a portion of the alley to be closed, and Lot 91 in Square 5861 (“Property”). This approval is subject to the following guidelines, conditions, and standards.

A. Project Development

1. The Project shall be developed in accordance with the plans dated October 6, 2017 (Ex. 21A1-A11), November 14, 2017 (38A1-38A2), December 4, 2017 (Ex. 44A1-44A10), and December 18, 2017 (51A), as modified by guidelines, conditions, and standards herein (collectively, “Plans”).
2. The Project shall include five mixed-use buildings, containing approximately 52,120 gross square feet of retail use, 691,590 gross square feet of residential use comprising approximately 700 residential units, 1,614,670 gross square feet of office use, and approximately 983 vehicular parking spaces, as shown on the

Plans dated November 14, 2017 (Ex. 38A2) and December 4, 2017 (Ex. 44A1-A10) and as modified by the guidelines, conditions, and standards of this Order.

3. The Applicant shall be permitted to construct the Project to a maximum height of 130 feet and a maximum density of 8.99 FAR.
4. The Applicant shall have flexibility to vary the phasing anticipated for the Project, vary the interim uses at the Property as stated in condition B.4.b while the other phases of the Project are being finalized, and adjust the parking downwards if needed to meet market demand, but not below the minimum required by the Zoning Regulations.

B. Public Benefits

1. Urban design:
 - (a) The Project shall include the public spaces, sidewalks with street trees and storefronts along Howard Road, S.E., as shown on the Plans;
 - (b) **With each second-stage application**, the Applicant shall submit a detailed landscape plan showing the public spaces and sidewalks with street trees, and for the second-stage applications that include frontages along Howard Road, S.E., additional detailed plans showing the storefronts along Howard Road, S.E.; and
 - (c) **Prior to the issuance of the Certificate of Occupancy for the second building**, the Applicant shall demonstrate to the Zoning Administrator that all utilities for the Project have been constructed underground.
2. Transit-Based and Affordable Housing:
 - (a) The Applicant shall provide the affordable housing set forth in the following charts:

Building B

Residential Unit Type	GFA/Percentage of Total	Units	Reserved for household earning equal to or less than	Affordable Control Period	Tenure (rental or sale)	Notes
Total	419,590 sf of GFA (100%)	420	NA	NA	NA	
Market Rate	377,631 sf of GFA (90%)	378	Market Rate	NA	NA	

Residential Unit Type	GFA/Percentage of Total	Units	Reserved for household earning equal to or less than	Affordable Control Period	Tenure (rental or sale)	Notes
IZ	11,567 sf of GFA (2.5% + 8% of the total habitable penthouse space)	TBD in the 2 nd -stage PUD submission	50% MFI	Life of the project	Rental and/or sale	3 bedroom units
IZ	10,490 sf of GFA (2.5%)	TBD in the 2 nd -stage PUD submission	60% MFI	Life of the project	Rental and/or sale	3 bedroom units
IZ	20,980 sf of GFA (5%)	TBD in the 2 nd -stage PUD submission	60% MFI	Life of the project	Rental and/or sale	Unit size will be proportional to market rate unit sizes
Total Penthouse Habitable GFA	13,500 sf habitable GFA (100% of penthouse habitable space will be market rate)	TBD in the 2 nd -stage PUD submission	Market rate	NA	NA	8% of penthouse of the total habitable penthouse space shall be reserved at 50% of AMI

Building C

Residential Unit Type	GFA/Percentage of Total	Units	Reserved for household earning equal to or less than:	Affordable Control Period	Tenure (rental or sale)	Notes
Total	272,000 sf of GFA (100%)	272	NA	NA	NA	
Market Rate	244,800 sf of GFA (90%)	245	Market Rate	NA	NA	
IZ	7,440 sf of GFA (2.5% + 8% of the total habitable penthouse space)	TBD in the 2 nd -stage PUD submission	50% MFI	Life of the project	Rental and/or sale	3 bedroom units
IZ	6,800 sf of GFA (2.5%)	TBD in the 2 nd -stage PUD submission	60% MFI	Life of the project	Rental and/or sale	3 bedroom units
IZ	13,600 sf of GFA (5%)	TBD in the 2 nd -stage PUD submission	60% MFI	Life of the project	Rental and/or sale	Unit size will be proportional to market rate unit sizes
Total Penthouse Habitable GFA	8,000 sf habitable GFA (100% of penthouse habitable space will be market rate)	TBD in the 2 nd -stage PUD submission	Market rate	NA	NA	8% of penthouse of the total habitable penthouse space shall be reserved at 50% of AMI

- (b) In addition to the affordable housing specified above, the Applicant shall provide a housing trust fund payment for habitable space on the roof of the offices; and
- (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. Mass Transit Improvements:

- (a) **With its first-second stage PUD Application**, the Applicant shall submit a detailed plan to provide station improvements consistent with the plans dated October 6, 2017 (Ex. 21B) and December 4, 2017 (Ex. 44A9) (“Transit Improvement Plan”) based upon work with WMATA, OP, DDOT, DPR, ANC 8A, and ANC 8C;
- (b) **With its first second-stage PUD Application**, the Applicant shall submit a detailed plan to provide at least three of the following proffers:
 - (1) Facilitate the design of a new Metro Entrance plaza area by demolishing existing vacant buildings and parking deck vehicular ramp and moving the outdoor Kiss n’ Ride parking lot;
 - (2) Upgraded road, pedestrian and bicycle pathway improvements to Metrorail station from Howard Road S.E.;
 - (3) Enhanced landscaping and hardscaping around the Metrorail entrance plaza area;
 - (4) Metrostation amenities and features including DC Bikeshare Station, bike racks, benches, trash receptacles, local art installations; and
 - (5) Integrated potential retail areas within the proposed metro entrance plaza area; and
- (c) **With its first second-stage PUD Application**, the Applicant shall submit an update on the status of WMATA approval and/or conveyance and appropriate assurances that the Applicant can complete the improvements listed in this condition, or an appropriate substitute public benefit.

4. Uses of Special Value to the Neighborhood:

- (a) **Ground-Floor Retail**. **For the life of the Project**, the Applicant shall reserve no less than 52,000 square feet of gross floor area in the Project

for retail or other street activating use⁵. The space reserved for retail or other street activating use in each building shall be provided in the locations and sizes shown the Plans dated December 4, 2017; (Ex. 44A5.)

- (b) Additional Retail Amenities and Services.
- (1) **Prior to the delivery of the first building in the PUD, at least two times per year until December 31, 2022,** the Applicant shall offer pop-up retail amenities and services, or other street activating pop-up uses⁶; and
- (2) **With its first second-stage PUD application, and with each subsequent second-stage PUD application until it has completed its obligation under this condition,** the Applicant shall provide evidence of its compliance with this condition;
- (c) Transformation of Vacant Property. With its first second-stage PUD application, and with each subsequent second-stage PUD application until it has completed its obligation under this condition, the Applicant shall provide evidence of its attempts to collaborate with DDOT and other DC agencies to determine viable options to transform the adjacent vacant property⁷ for future place-making opportunities by incorporating buildings with ground-floor retail or street activating uses that serves the neighborhood, activates the streetscape and seamlessly connects with the larger urban form;

5. Open Space and Recreation Space:

- (a) **With its first second-stage PUD application,** the Applicant shall demonstrate that it has developed an open space plan (“Open Space Plan”) based upon work with NPS, WMATA, OP, DDOT, DPR, ANC 8A, and ANC 8C to optimize open space and recreation place making opportunities throughout the Project, adjacent parks and adjacent underutilized land;
- (b) **Prior to the issuance of the Certificate of Occupancy for Buildings A, B and C,** the Applicant shall demonstrate to the Zoning Administrator that

⁵ Examples include affordable and healthy fast casual restaurants, small urban format grocery stores, Café/Coffee Shop/Eatery, Pharmacy, Bank/ATM, Dry Cleaner, and/or Full Service Day Care Centers.

⁶ Examples include quarterly pop-up farmer’s market, popup food, entertainment and music events, pop-up diner associated with the farmer’s market, and/or pop-up commuter bike service/repair/storage hub.

⁷ Situated adjacent to Building A at the western gateway to the Property, DDOT owns 40,689 SF of vacant land on Square 5860, Lot 0937.

it has completed the construction of all Open Space Plan improvements within the Property;

- (c) **With its first second-stage PUD application**, the Applicant shall demonstrate that it has coordinated in good faith with the respective neighboring property owners who are responsible for Open Space Plan improvements that lie outside the Property;
- (d) **Prior to the issuance of a Certificate of Occupancy for each building**, the Applicant shall demonstrate it has completed construction of the outdoor open space courts at and above grade in buildings A, B, D and E as shown on the Plans dated November 14, 2017 (Ex. 38A1, Sheet 33); and demonstrate that, all 5 buildings will have programmed rooftop amenities within the outdoor open spaces consistent with the Roof Plan dated November 14, 2017; (Ex. 38A1, Sheet 36; Ex. 51A.)
- (e) **With its first second-stage PUD application**, the Applicant shall:
 - (1) Demonstrate that it has designed a community pocket park adjacent to the Metro station plaza consistent with the Plans (“Pocket Park”), that the Pocket Park shall be programmed with both active and passive uses, including recreation/playground space for local neighborhood families, and that the specific recreational programming has been determined by a collaborative public charrette(s) of the Applicant’s design team, local neighborhood families, ANC Commissioners, NPS, WMATA and DC public agencies, including the Department of Parks and Recreation and OP; and
 - (2) Submit an update on the status of WMATA approval and/or conveyance and appropriate assurances that the Applicant can complete the improvements listed in this condition, or an appropriate substitute public benefit;
- (f) **Prior to the issuance of a Certificate of Occupancy for the first residential building**, the Applicant shall construct and initiate the programming for, the Pocket Park; and
- (g) **With its first second-stage PUD application**, the Applicant shall demonstrate its efforts to work with the National Park Service to increase opportunities to leverage Anacostia Park’s natural, cultural and recreational amenities for the neighborhood’s use and enjoyment.

6. **Employment and Career Training Opportunities:**

- (a) **With its first second-stage PUD application**, the Applicant shall provide evidence of its efforts to engage in a partnership with DMPED’s Ward 8

Works Program to connect Ward 8 residents with preconstruction and construction jobs on the Project in Ward 8, which shall include evidence of quarterly meetings/events with the commitment of hiring at least one Ward 8 Works Program participant in the Project, and the specific details of the Ward 8 Works Programs participant's involvement in the Project, including the hiring and job performance timeline, and description of the job the participant will perform. The first second-stage order shall include a condition incorporating the full terms of the commitment;

- (b) **With its first second stage PUD application**, the Applicant shall provide evidence that it has established a Development Internship program for Ward 8 residents which shall include two summer internship opportunities in the real estate field for Ward 8 (Anacostia or Ballou) high school rising seniors. During the internship, the high school intern will work 35 hours at minimum wage. The internship program will focus on aspects of Stage-One PUD development, including zoning and land use law, design, development, and community benefits and amenities. Through Redbrick LMD's departments and development partners, the high school student will be mentored and trained by the leading real estate experts in the Washington, D.C. area. The first second-stage order shall include a condition incorporating the full terms of the commitment;
- (c) **With its first second-stage PUD application**, the Applicant shall provide evidence that it has offered two summer internship opportunities in the real estate field for a Ward 8 rising college seniors who graduated from Anacostia or Ballou High School. The mentoring and internship program will focus on all aspects of real estate development, including acquisitions, zoning and land use law, design, development, pre-construction, construction, marketing and branding, leasing, property management and asset management. Through Redbrick LMD's departments and development partners, the college student will be mentored and trained by the leading real estate experts in the Washington, DC area. During the summer months of June, July, and August, the college intern will work 35 hours and earn \$15 per hour. The first second-stage order shall include a condition incorporating the full terms of the commitment;
- (d) **With its first second-stage PUD application**, the Applicant shall provide documentation of its efforts to hire a Ward 8 resident to work on all aspects of construction; and
- (e) **With its first second-stage PUD application for a residential building**, the Applicant shall provide evidence that it will hire, through Redbrick LMD's Real Estate Professional Service Internship Program, two Ward 8 residents to participate in a hands-on, one-year internship program with the property manager and developer that will focus on all aspects of residential property management during the leasing and stabilization of the

first residential building at the Project. The first second-stage order for a residential building shall include a condition incorporating the full terms of the commitment.

7. Historic and Archaeological Preservation:

- (a) **With its first second stage PUD application**, the Applicant shall provide evidence to the Zoning Administrator that it has entered into a partnership agreement with the Historic Anacostia Preservation Society and the National Trust for Historic Preservation to support and implement solutions for the benefit of the Historic Anacostia District that preserve the historic character and fabric of the neighborhood, which include, but are not limited to:
- (1) Reducing displacement of existing residents and allowing low-income seniors to remain in their historic homes;
 - (2) Providing professional services expertise such as architectural, engineering and building sciences in a historic districtwide conditions assessment survey;
 - (3) Assisting in workforce development initiatives for historic preservation trades skill training to create employment opportunities for neighborhood residents; and
 - (4) Providing professional expertise and support for the rehab and reuse of vacant and abandoned historic structures, both residential and commercial;
- (b) **With its first second-stage PUD application**, the Applicant shall demonstrate that it has completed a phased archeology study in consultation with the State Archeologist;
- (c) **Prior to the issuance of a building permit for the first building**, the Applicant shall demonstrate to the Zoning Administrator that based upon its phased archeology study findings, and in conjunction with the State Archaeologist, that it has prepared a Phase II work plan, and appropriate mitigation measures, as part of the Project's archaeological public benefits. The first second-stage order shall include a condition incorporating the full terms of the obligation; and
- (d) The Applicant's cost contribution to the historic and archaeological preservation amenities (7a., b., and c.) shall not exceed a value of \$125,000 in cash and in-kind services.

8. Environmental and Sustainable Benefits:
- (a) **Prior to the issuance of a certificate of occupancy for each building,** the Applicant shall submit a LEED scorecard evidencing that the building has been designed to achieve 60 points under LEED v.4 Gold;
 - (b) **Prior to the issuance of an initial certificate of occupancy for each building's shell and core,** the Applicant shall demonstrate to the Zoning Administrator that all contaminated and/or hazardous materials, contaminated soils, and underground tanks have been removed from the Property subject to the Certificate of Occupancy;
 - (c) **Prior to issuance of a certificate of occupancy for each building,** the Applicant shall install rooftop solar panels as shown on the plans in Exhibit 51A of the record that will generate an estimated total of 436,626 kwh;
 - (d) **Prior to issuance of a certificate of occupancy for each building,** the Applicant shall submit evidence to the Zoning Administrator that it has followed a design and build strategy to avoid development in the 100- and 500-year floodplain for a sustainable and resilient Project, while simultaneously meeting all the requirements of local and federal regulations, as shown on the Plans dated October 16, 2017 (Ex. 24), November 14, 2017 (Ex. 38A2), and December 4, 2017 (Ex. 44A6); and
 - (e) **Prior to the issuance of a Certificate of Occupancy for each building,** the Applicant shall demonstrate to the Zoning Administrator that a stormwater management plan has been submitted for each building following the DOEE Stormwater Retention Database to meet a 1.7-inch storm event.
9. Community Benefits Agreement:
- (a) **With its first second-stage PUD application,** the Applicant shall provide evidence of an agreement with the Far Southeast Family Strengthening Collaborative that requires the Applicant to provide funds for community use by the following organizations in the stated amounts per building, totaling \$250,000:
 - (1) Anacostia Coordinating Council (\$25,000);
 - (2) Wish List Committee and The Southeast Tennis and Learning Center (total of \$12,500); and
 - (3) Congress Heights Community Association (\$12,500); and

- (b) The funds shall be used for purposes to be stated during the stage-two PUD process for the first building in accordance with 11-X DCMR § 305.3(d). The first second-stage PUD order shall state the full terms of this commitment.

C. Mitigation Measures

1. Transportation Demand Management Measures:

- (a) **With each second stage PUD application**, the Applicant shall submit a transportation demand management (TDM) program established in cooperation with DDOT, that shall include the following:
- (1) Designate a transportation management coordinator;
 - (2) Install transit screens in a common space in each building;
 - (3) Include transportation information on property management website;
 - (4) Provide covered, secure bicycle parking;
 - (5) Provide a bicycle repair station provided on P1 level of each garage;
 - (6) Provide two car sharing spaces, subject to agreement by the car sharing provider;
 - (7) Provide shower and changing facilities for office facilities;
 - (8) Designate parking for carpools or vanpools in the garage for the office component;
 - (9) Unbundle the cost of parking from leases;
 - (10) Provide personalized outreach to new residents regarding transportation options;
 - (11) Install 19 electric car charging stations provided in the garage on the north and south parcel;
 - (12) Fund the installation and first year's operating cost for a new Capital Bikeshare station near the site;
 - (13) Provide on shopping cart for every 50 resident units;
 - (14) Provide one cargo bike for every 100 residential units;

- (15) Host a biannual meeting with goDCgo to inform residents and employers of commute alternatives; and
 - (16) Provide either one-year car share membership to all new residents over the age of 16 in the first three years after initial delivery of the residential building or provide one-year Capital Bikeshare membership to all new residents over the age of 16 in the first three years after initial delivery of the residential building;
- (b) **Once the first building is 85% occupied and for every year thereafter,** the Applicant shall perform annual monitoring studies to measure the number of trips generated by the project. The Applicant shall determine details for the performance monitoring as part of the Stage-Two PUD. The parameters for the monitoring studies shall be as follows, subject to refinement during Stage-Two PUD review:
- (1) Timing - Conduct performance monitoring studies annually when Congress and schools are in session and when buildings are at least 80% occupied;
 - (2) Targets - Establish trip generation targets for each building at Stage-Two review;
 - (3) Methodology - Measure trip generation counts for each building by observation and tube counts. Measure mode splits for each building by observation and intercept surveys;
 - (4) Scope - In addition to trip generation and mode split targets, the performance monitoring study may include intersection capacity analyses and queuing, if a need is identified through Stage-Two reviews;
 - (5) Triggers- If the development exceeds the targeted vehicle trip generation, the Applicant will be required to conduct a robust survey of users to determine mode of travel to and from the site in order to determine additional TDM elements to be implemented to reach the trip generation target or physical improvements and operational changes to mitigate operations or queuing impacts;
 - (6) Evaluation by construction phase where feasible - Generally, monitoring should be completed by construction phase. However, parking garages and other shared transportation infrastructure may connect multiple buildings. As such, performance monitoring studies may include buildings from multiple phases rather than buildings in a single phase; and

(7) Sunset - When conditions are consistent with the requirements for two successive periods, the Applicant shall be released from the monitoring requirement; and

(c) Each second-stage PUD order shall state the full terms of this commitment.

2. Transportation Improvements:

(a) The Applicant shall implement the following transportation improvements prior to the initial certificate of occupancy for the phase of the project that triggers the need for the improvement, as determined by traffic studies conducted for each Stage-Two PUD:

(1) Prepare a traffic signal warrant study for the Suitland Parkway/Howard Road intersection and, if warranted, install a traffic signal at the intersection, subject to DDOT permit approval;

(2) Modify the traffic signal at the intersection of Howard Road and Firth Sterling Avenue to include a northbound advance left-turn phase on Howard Road with a concurrent eastbound right-turn overlap, subject to DDOT permit approval;

(3) Modify the traffic signal at the intersection of Firth Sterling Avenue and Suitland Parkway to include an eastbound advance left-turn phase on Firth Sterling Avenue and a southbound right-turn overlap to run concurrently with the westbound left-turn phase, subject to DDOT permit approval; and

(4) Restripe Sumner Road, S.E. to provide separate eastbound left and right turn lanes at its approach to Martin Luther King Junior Avenue, subject to DDOT permit approval. The removal of approximately three to four parking spaces will be required to accommodate the separate turn lanes; and

(b) Each second-stage PUD order shall state the full terms of this commitment.

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 first-stage PUD shall remain valid for eight years after the effective date of this Order, provided that a second-stage PUD application for the Phase I building is filed no later than one year from the effective date of this Order. The filing of each second-stage PUD application and the Commission's approval thereof shall vest the Commission's first stage approval with respect to the property that is the subject of the second-stage application, even if other second-stage applications are not filed by the expiration date.
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 January 29, 2018, 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 to approve).

On April 9, 2018, upon the motion of Vice Chairman Miller, as seconded by Commissioner Shapiro, 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 May 25, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

District of Columbia REGISTER – May 25, 2018 – Vol. 65 - No. 21 005744 – 005948