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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-423, Fiscal Year 2019 Federal Portion Budget Request Act of 2018
- Department of Energy and Environment solicits public comments on Fiscal Year 2019 Low Income Home Energy Assistance Program Draft State Plan
- Department of Health Care Finance updates Medicaid reimbursement requirements for covered outpatient drugs from fee for service pharmacies
- D.C. Housing Authority establishes regulations for implementing smoke-free public housing in the District
- D.C. Housing Authority establishes regulations to increase homeownership opportunities for the Housing Choice Voucher/Home Ownership Assistance Program
- Department of Housing and Community Development announces funding availability for the Affordable Housing Gap Financing, Operating Subsidy, and Case Management Supportive Services Funding

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA
OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-413

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2018

To amend the Business Improvement Districts Act of 1996 to add designated properties to the Golden Triangle Business Improvement District, to revise the rates of assessment, and to establish the residential tax rate for residential members of the Golden Triangle Business Improvement District.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Golden Triangle Business Improvement District Amendment Act of 2018".

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.),* is amended as follows:

(a) Section 3(24)(B) (D.C. Official Code § 2-1215.02(24)(B)) is amended by striking the phrase "Capitol Riverfront, and Downtown BIDs," and inserting the phrase "Capitol Riverfront, Downtown, and Golden Triangle BIDs," in its place.

(b) Section 10b(a)(1) (D.C. Official Code § 2-1215.09b(a)(1)) is amended by striking the phrase "Downtown BID petition to join the Downtown BID;" and inserting the phrase "Downtown BID or Golden Triangle BID petition to join such BID;" in its place.

(c) Section 202 (D.C. Official Code § 2-1215.52) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (4) to read as follows:

"(4) Square 0115, Lots 0064, 0065, 0803, and 0804; Square 0073, Lots 0079, 0883, and 0884; Square 0182, Lot 0084; Square 0166, Lot 0861; and Square 0159, Lot 0087; provided, that Lot 0087 is included in the Golden Triangle BID effective as of October 1, 2019.".

(2) Subsection (c) is amended as follows:

(A) Subparagraph (A)(iii)(II) is amended by striking the word "and".

(B) Subparagraph (B) is amended as follows;

(i) Strike the phrase "For tax years 2011 and thereafter:" and insert the phrase "For tax years 2011 through 2018:" in its place.

(ii) Sub-subparagraph (iii)(II) is amended by striking the period and inserting the phrase "; and" in its place.

(C) New subparagraphs (C) and (D) are added to read as follows:

"(C) For tax years 2019 and thereafter:

"(i)(I) Seventeen cents for each net rentable square foot of improved Class 2 Property and Class 3 Property, excluding hotels, for any property for which the owner is required to report net rentable area to the Office of Tax and Revenue or for which the Office of Tax and Revenue has records indicating the net rentable area of the property.

"(II) Net Rentable square feet shall be the number of net rentable square feet reported to, or on record with, the Office of Tax and Revenue;

"(ii)(I) Seventeen cents for each equivalent net rentable square foot of improvements of improved Class 2 Property and Class 3 Property, excluding hotels, for any property for which the owner is not required to report net rentable area to the Office of Tax and Revenue and for which the Office of Tax and Revenue maintains no record of net rentable area.

"(II) Equivalent net rentable area shall be 90% of the gross building area;

"(iii)(I) Fourteen cents for each equivalent net rentable square foot of improvements of hotels.

"(II) Equivalent net rentable areas shall be 90% of the gross building area.

"(iv) The amount of $120 per unit annually for nonexempt residential properties; provided, that for a residential unit restricted to residents based upon income pursuant to a federal or District affordable housing program, the BID tax due on the unit shall be computed by applying the percentage of area median income that an eligible household must meet to participate in the affordable housing program for the unit to the amount of the BID tax that would otherwise be due; and

"(D) For tax year 2020 and thereafter, a 3% annual increase in the BID taxes over the current year rates specified in this section is authorized, subject to the requirements of section 9(b).".

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
July 19, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-414

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2018

To approve, on an emergency basis, Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034B with RSC Electric & Mechanical Contractors, Inc. for on-call heating, air conditioning, and ventilation system repairs and upgrades to several municipal facilities and District of Columbia Public Schools, and to authorize payment in the aggregate amount of $1.65 million for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCAM-16-NC-0034B 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(a)), the Council approves Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034B with RSC Electric & Mechanical Contractors, Inc. for on-call heating, air conditioning, and ventilation system repairs and upgrades to several municipal facilities and District of Columbia Public Schools, and to authorize payment in the aggregate amount of $1.65 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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
July 19, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-415

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2018

To establish, on an emergency basis, due to congressional review, that it shall be unlawful for the owner or operator of a grocery store or a food retail store to agree to the inclusion of a restrictive land covenant or other use restriction in a contract for the sale, lease, or other transfer of real property that prohibits the subsequent use of the property as a grocery store or a food retail store or that prohibits the use of any property within one mile as a grocery store or a food retail store, unless the owner or operator relocates the grocery store or food retail store within a half mile of its former location, commences operation of the store within 2 years, and limits the restrictive covenant to not exceed 3 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Grocery Store Restrictive Covenant Prohibition Congressional Review Emergency Act of 2018".

Sec. 2. (a) It shall be unlawful for the owner or operator of a grocery store or a food retail store to agree to the inclusion of a restrictive land covenant or other use restriction in a contract for the sale, lease, or other transfer of real property that prohibits the use of the real property as a grocery store or a food retail store or that prohibits the use of any property within one mile as a grocery store or a food retail store.

(b) A restrictive land covenant or other use restriction on real property of the type described in subsection (a) of this section shall be void and unenforceable.

(c) The prohibition imposed by this section shall not apply to an owner or operator of a grocery store or food retail store that terminates operations at a site for purposes of relocating the grocery store or food retail store to a comparable or larger site located in the District of Columbia within one-half mile of the site where the prior operations were terminated; provided, that relocation and commencement of the operation of the new grocery store or food retail store at the new site occurs within 2 years of the sale, transfer, or lease of the prior site, and that the restrictive covenant or other use restriction agreed upon with respect to the prior site does not have a term in excess of 3 years.

(d) For the purposes of this act, the term:

ENROLLED ORIGINAL

(1) "Food retail store" means a retail establishment with a primary business of selling food for consumption on-premise or off-premise.

(2) "Grocery store" means a retail establishment with a primary business of selling grocery products and that has a selling area that is used for a general line of food, including perishable food, and may also include household supplies, or prescription pharmacy merchandise.

Sec. 3. Applicability.

This act shall apply as of June 8, 2018.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Grocery Store Restrictive Covenant Prohibition Act of 2018, enacted on May 21, 2018 (D.C. Act 22-365; 65 DCR 5964), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 19, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2018

To approve, on an emergency basis, the disposition of District-owned real property located at 3050 R Street, N.W., commonly known as the Jackson School, and known for tax and assessment purposes as Lot 0840 in Square 1282.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Jackson School Disposition and Lease Approval Emergency Act of 2018".

Sec. 2.(a) Notwithstanding section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), and section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §38-1802.09), the Council determines that the real property located at 3050 R Street, N.W., commonly known as the Jackson School, and known for tax and assessment purposes as Lot 0840 in Square 1282 ("Property") is surplus and approves the disposition of the Property to the Jackson Art Center, a District of Columbia nonprofit corporation, ("Lessee") through a negotiated ground lease for a term of up to 20 years, which shall require that the Lessee:

(1) Use the Property primarily for the operation of an art center, studio, and gallery, and to provide educational activities and services related to the art center, studio, and gallery; and

(2) If the Lessee redevelops the Property, enter into:

(A) An agreement with the District pursuant to the CBE Act that shall require Lessee to contract with certified business enterprises for at least 35% of the contract dollar volume of any redevelopment of the Property and, if feasible, require at least 20% equity and development participation of Certified Business Enterprises; and

(B) A First Source Agreement.

(b) For the purposes of this act, the term:

ENROLLED ORIGINAL

(1) "CBE Act" means 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 § 2-218.01 *et seq.*).

(2) "Certified business enterprise" means a business enterprise or joint venture certified pursuant to the CBE Act.

(3) "First Source Agreement" means an agreement with the District governing certain obligations of the Lessee pursuant to section 4 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03), and Mayor's Order 83-265, dated November 9, 1983, regarding job creation and employment generated as a result of construction on the Property.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 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
July 19, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-417

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2018

To approve, on an emergency basis, Modification Nos. 11, 12, and 13 to Contract No. CW19745 with First Vehicle Services, Inc. to provide fleet maintenance and repair services for the Metropolitan Police Department, 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. CW19745 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. 11, 12, and 13 to Contract No. CW19745 with First Vehicle Services, Inc. to provide fleet maintenance and repair services for the Metropolitan Police Department, and authorizes payment in the total not-to-exceed amount of $2,744,693.75 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
July 19, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-418

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2018

To approve, on an emergency basis, Modification Nos. 7, 9, and 10 under Contract No. CW37196 with Unity Health Care, Inc. to provide comprehensive medical, behavioral health, pharmacy, and dental services to inmates housed in the Central Detention Facility, the Correctional Treatment Facility, and Central Cell Block, 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. CW37196 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 7, 9, and 10 to Contract No. CW37196 with Unity Health Care, Inc. to provide comprehensive medical, behavioral health, pharmacy, and dental services to inmates housed in the Central Detention Facility, the Correctional Treatment Facility, and Central Cell Block, and authorizes payment in the amount of $4,689,480 for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 19, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-419

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2018

To prohibit, on an emergency basis, buses from operating or parking on certain streets near Southwest Waterfront Park.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Southwest Waterfront Park Bus Prohibition Emergency Act of 2018".

Sec. 2. (a) No person shall operate or park a bus, as that term is defined in 24 DCMR § 3599.1, on:

(1) The streets within or adjacent to Lots 90, 880, 881, 882, 922, 923, or 924 in Square 473, including Water Street, S.W., and M Place, S.W., except the portions of Maine Avenue, S.W., and M Street, S.W., within or adjacent to Lots 90, 880, 881, 882, 922, 923, or 924 in Square 473; or

(2) The portion of Sixth Street, S.W., that is south of M Street, S.W.

(b)(1) Any entity listed in 18 DCMR § 3002.1 or 3003.1 may issue a notice of infraction for a violation of subsection (a) of this section.

(2) A person who violates subsection (a) of this section shall be fined $150.

(3) A notice of infraction issued pursuant to this section shall be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*).

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 19, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 2018

To provide, on an emergency basis, that it shall be a violation, to be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, for a person to park, leave unattended, or store a vehicle in violation of parking restrictions posted by the District, Wharf District Master Developer LLC ("Developer"), or the Developer's designee in Lots 926, 922, and 86 in Square 473, and to authorize the Department of Public Works to issue notices of infraction for any such parking violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Southwest Waterfront Parking Enforcement Emergency Act of 2018".

Sec. 2. (a) It shall be a violation, to be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), for a person to park, leave unattended, or store a vehicle in violation of parking restrictions posted by the District, Wharf District Master Developer LLC ("Developer"), or the Developer's designee in Lots 926, 922, and 86 in Square 473.

(b) The Department of Public Works may issue notices of infraction for the parking violations described in subsection (a) of this section.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 19, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-421

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2018

To approve, on an emergency basis, the Third Amendment to a multiyear Local Capital Funding Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for a capital improvement program for the Washington Metro System from July 1, 2018, to June 30, 2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Third Amendment to the Washington Metropolitan Area Transit Authority Local Capital Funding Agreement Emergency Act of 2018".

Sec. 2.(a) 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), the Council approves the Third Amendment to the Washington Metropolitan Area Transit Authority Local Capital Funding Agreement, which the Mayor submitted to the Council on June 19, 2018, and which is an amendment to a multiyear local capital funding agreement with the Washington Metropolitan Area Transit Authority ("WMATA") to provide additional capital funding for a one-year extension to a capital improvement program for the Washington Metro System from July 1, 2018, to June 30, 2019.

(b) The Council approves the additional expenditure under this Third Amendment to the multiyear local contract with WMATA in the not-to-exceed amount of $75.235 million, excluding funding under the Passenger Rail Investment and Improvement Act, approved October 16, 2008 (122 Stat. 4907; 49 U.S.C. § 20101, note).

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 20, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-422

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2018

To approve, on an emergency basis, the Third Amendment to the Capital Funding Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for a capital improvement program for the Washington Metro System from July 1, 2018, to June 30, 2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Third Amendment to the Washington Metropolitan Area Transit Authority Capital Funding Agreement Emergency Act of 2018".

Sec. 2.(a) 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), the Council approves the Third Amendment to the Washington Metropolitan Area Transit Authority Capital Funding Agreement, which the Mayor submitted to the Council on June 19, 2018, and which is an amendment to a multiyear capital funding agreement with the Washington Metropolitan Area Transit Authority ("WMATA"), the State of Maryland, Arlington County, Virginia, Fairfax County, Virginia, the City of Alexandria, Virginia, the City of Fairfax, Virginia, and the City of Falls Church, Virginia ("Contributing Jurisdictions") to provide additional capital funding for a one-year extension to a capital improvement program for the Washington Metro System from July 1, 2018, to June 30, 2019.

(b) The Council approves the additional expenditure under this Third Amendment to the Capital Funding Agreement with WMATA and the Contributing Jurisdictions in the not-to-exceed amount of $75.235 million, excluding funding under the Passenger Rail Investment and Improvement Act, approved October 16, 2008 (122 Stat. 4907; 49 U.S.C. § 20101, note).

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).

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 20, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2018

To adopt, as a request to Congress for appropriation and authorization, the federal portion of the budget of the government of the District of Columbia for the fiscal year ending September 30, 2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2019 Federal Portion Budget Request Act of 2018".

Sec. 2. Adoption of the federal portion of the Fiscal Year 2019 budget.

There is adopted, as a request to Congress for appropriation and authorization, the following federal portion of the budget of the government of the District of Columbia for the fiscal year ending September 30, 2019.

DISTRICT OF COLUMBIA FEDERAL FUNDS APPROPRIATION REQUEST

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $349,693,000 to be allocated as follows: for the District of Columbia Court of Appeals, $14,796,000, of which not to exceed $2,500 is for official reception and representation expenses; for the Superior Court of the District of Columbia, $127,035,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $79,112,000, of which not to exceed $2,500 is for official reception and representation expenses; and $128,750,000, to remain available until September 30, 2020, for capital improvements for District of Columbia courthouse facilities; Provided, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and facilities condition assessment; Provided further, That, in addition to the amounts appropriated herein, fees received by the District of Columbia Courts for administering bar examinations and processing District of Columbia bar admissions may be retained and credited to this appropriation, to remain available until expended, for salaries and expenses associated with such activities, notwithstanding section 450 of the District of Columbia Home Rule Act (section 1-204.50, D.C. Official Code); Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and

expenses of other Federal agencies; Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $9,000,000 of the funds provided under this heading among the items and entities funded under this heading; Provided further, That the Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for employees of the District of Columbia Courts.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21–2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $49,890,000, to remain available until expended; Provided, That not more than $20,000,000 in unobligated funds provided in this account may be transferred to and merged with funds made available under the heading "Federal Payment to the District of Columbia Courts," to be available for the same period and purposes as funds made available under that heading for capital improvements to District of Columbia courthouse facilities; Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia; Provided further, That, notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies.

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $40,000,000, to remain available until expended; Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education; Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students, and such other factors as may be authorized; Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this

Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year; Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program; Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made, and the purpose therefor.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $45,000,000, to remain available until expended, for payments authorized under the Scholarship for Opportunity and Results Act (division C of Public Law 112–10); Provided, That, to the extent that funds are available for opportunity scholarships and following the priorities included in section 3006 of such Act, the Secretary of Education shall make scholarships available to students eligible under section 3013(3) of such Act, including students who were not offered a scholarship during any previous school year; Provided further, That within funds provided for opportunity scholarships up to $3,200,000 shall be for the activities specified in sections 3007(b) through 3007(d) and 3009 of such Act.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $2,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2020, to the Commission on Judicial Disabilities and Tenure, $395,000, and for the Judicial Nomination Commission, $275,000.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $435,000, to remain available until expended for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

For a Federal payment to the District of Columbia for the testing of individuals for, and the treatment of individuals with, human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia, $5,000,000.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $13,000,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $40,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Control Plan.

Sec. 3. Compensation of the Chief Financial Officer.

(a) Section 424(b)(2)(E) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1–204.24b(b)(5)), is amended to read as follows:

"(E) PAY.—The Chief Financial Officer shall be paid at a rate such that the total amount of compensation paid during any calendar year is not less than the total pay that is applicable during the year under section 5307 of title 5, United States Code, to an employee described in section 5307(d) of such title.".

(b) The amendment made by subsection (a) of this section shall apply with respect to pay periods beginning on or after the date of its enactment.

Sec. 4. Public-private partnership contracts.

Notwithstanding any other provision of law, during Fiscal Year 2019 and any subsequent fiscal year, the District of Columbia may expend funds, certified as available by the Chief Financial Officer of the District of Columbia, as necessary to pay termination costs of multiyear contracts entered into by the District of Columbia to design, construct, improve, maintain, operate, manage or finance infrastructure projects procured pursuant to the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228, D.C. Official Code § 2-271.01 *et seq.*), and such termination costs may be paid from appropriations available for the performance of the contract or the payment of termination costs or from other appropriations then available for any other purpose, not including the Emergency Reserve or Contingency Reserve Funds (D. C. Official Code § 1-204.50a), which, once allocated to these costs, shall be deemed appropriated for the purposes of termination costs of the contract and shall retain appropriations authority and remain available until expended.

Sec. 5. Contingency cash.

(a) No funds in excess of $500,000 shall be obligated or expended from the Contingency Cash Reserve Fund established by section 450A(b) of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50a(b)), unless such expenditures have been approved by the Council by resolution.

(b) The Contingency Cash Reserve Transparency Amendment Act of 2008, enacted on January 29, 2008 (D.C. Act 17-278; 55 DCR 1530), is enacted into law.

Sec. 6. Notwithstanding any other law, the following sales shall be subject to the sales and use taxes of the District of Columbia:

(1) Sales at gift shops, souvenir shops, kiosks, convenience stores, food shops, cafeterias, restaurants, and similar establishments in federal buildings, including memorials and museums, in the District of Columbia that make sales to:

(A) The general public, if operated by the federal government, an agent of the federal government, or a contractor; and

(B) Other than the general public, if operated by an agent of the federal government or a contractor; and

(2) Sales of goods and services by a government-sponsored enterprise or corporation, institution, or organization established by federal statute or regulation ("federal enterprise or organization"), including the Smithsonian Institution, National Gallery of Art, National Building Museum, Federal National Mortgage Association, and Federal Home Loan Mortgage Corporation, if the federal enterprise or organization is otherwise exempt from such taxation, to the extent such sales otherwise would be subject to the sales and use taxes of the District of Columbia if the federal enterprise or organization were organized as a nonprofit corporation established pursuant to Chapter 4 of Title 29 of the District of Columbia Official Code, and exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).

Sec. 7. Federal portion of the budget.

The federal funds for which appropriation by Congress is requested by this act constitute the federal portion of the Fiscal Year 2019 annual budget for the District of Columbia government under section 446(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46(a)).

Sec. 8. 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).

ENROLLED ORIGINAL

Sec. 9. Effective date.

This act shall take effect as provided in section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
July 20, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-424

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 24, 2018

To amend, on a temporary basis, the Neighborhood Engagement Achieves Results Amendment Act of 2016 to require the Mayor to encourage the use of donations to leverage local funds appropriated to fund community violence interruption and prevention and expanded mental health responses to incidents of violence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Community Violence Intervention Fund Temporary Amendment Act of 2018".

Sec. 2. Section 103 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2413), is amended as follows:

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

(1) Paragraph (2) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (3) is amended by striking the period at the end and inserting the phrase "; and" in its place

(3) A new paragraph (4) is added to read as follows:

"(4) Providing critical mental health services in response to shootings and homicides.".

(b) A new subsection (e) is added to read as follows:

"(e)(1) The Mayor shall make best efforts to encourage donations by public and private entities to be deposited in the Fund pursuant to subsection (b)(3) of this section in an amount that exceeds the funds appropriated by the District pursuant to subsection (b)(1) of this section.

"(2) In making best efforts pursuant to paragraph (1) of this subsection, the Mayor shall engage in outreach to no fewer than 10 public or private entities in each fiscal year.".

Sec. 3. Fiscal impact statement.

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

ENROLLED ORIGINAL

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

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

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 20, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 24, 2018

To amend, on an emergency basis, the Rental Housing Act of 1985 to prohibit the execution of residential evictions when the chance of precipitation is 50% or greater, to establish a tenant opt-in process for the packaging, transportation, and storage of evicted tenants' personal property remaining in a rental unit at the time of eviction, and to clarify housing providers' civil liability with respect to personal property remaining in a rental unit after eviction; and to clarify, in a non-residential eviction, the legal status of an evicted tenant's remaining personal property and a landlord's civil liability for such property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Eviction Reform Emergency Amendment Act of 2018".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 501(k) (D.C. Official Code § 42-3505.01(k)) is amended as follows:

(1) Strike the phrase "that the temperature at the National Airport weather station will fall below 32 degrees fahrenheit or 0 degrees centigrade within the next 24 hours." and insert the phrase "that within the next 24 hours:" in its place.

(2) New paragraphs (1) and (2) are added to read as follows:

"(1) The temperature at the National Airport weather station will fall below 32 degrees Fahrenheit or 0 degrees centigrade; or

"(2) The chance of precipitation at the National Airport weather station will be 50% or greater.".

(b) A new section 501a is added to read as follows:

"Sec. 501a. Disposal of tenants' personal property upon eviction.

"(a)(1) A housing provider may not remove a tenant's personal property from a rental unit for the purposes of eviction except as provided in this section.

"(2) Subsections (d), (e), and (f) of this section shall apply only if the tenant states in writing that the tenant wants those subsections to apply to the tenant's eviction.

"(b)(1) In addition to any notification from the United States Marshals Service ("Marshals") to the tenant of the date of eviction, a housing provider shall deliver to the tenant a

notice confirming the date of eviction not less than 14 days before the date of eviction by:

"(A) Telephone or electronic communication, including by email or mobile text message; and

"(B) First class mail to the address of the rental unit.

"(2) The notice provided in paragraph (1) of this subsection shall include notice that the tenant must elect to have subsections (d), (e), and (f) of this section apply if the tenant wants those subsections to apply to the tenant's eviction.

"(c)(1) At the time of eviction, the housing provider shall change the locks on the rental unit in the presence of the Marshals, at the housing provider's expense, and take legal possession of the rental unit by receipt of a document from the Marshals, in a form to be determined by the court.

"(2) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time of eviction.

"(d)(1) On the day of eviction, following receipt of legal possession of the rental unit, the housing provider shall, at the housing provider's expense, photograph each room of the rental unit.

"(2)(A) The photographs taken pursuant to paragraph (1) of this subsection need not capture each item of personal property individually, but shall be sufficient in number and angles to capture all personal property in plain sight in each room and common space of the rental unit.

"(B) The housing provider shall retain such photographs for 90 days and shall provide copies to the evicted tenant upon request.

"(C) Nothing in this section may preclude a tenant from taking a photographic or written inventory of the personal property in the rental unit before the time of eviction.

"(e)(1) Within 5 court business days after an eviction, the housing provider shall, using reasonable care:

"(A) Package for removal from the rental unit all of the evicted tenant's personal property remaining in the rental unit; provided, that the housing provider may discard perishable items, unclean dishes, and garbage receptacles and their contents; and

"(B) Transport and deliver the evicted tenant's packaged remaining personal property to a District licensed or local- or state-government licensed storage facility within a 10-mile radius of the rental unit.

"(2)(A) If the evicted tenant is present at the time of the eviction and the housing provider knows the storage facility to which the evicted tenant's personal property will be delivered, the housing provider shall notify the evicted tenant of the storage facility's location in writing at the time of eviction.

"(B) If the evicted tenant is not present at the time of the eviction or the housing provider does not know the storage facility to which the personal property will be delivered, the housing provider shall, within 24 hours after the personal property is delivered to

the storage facility, deliver notice to the evicted tenant of the storage facility's location by:

"(i) Telephone or electronic communication, including by email or mobile text message; and

"(ii) First class mail to the address of the rental unit or to a forwarding address, if the evicted tenant has provided one.

"(C) A housing provider shall maintain a written record of the location and contact information of the storage facility to which the evicted tenant's personal property was delivered, and promptly respond to any inquiry from the evicted tenant about the location of the evicted tenant's personal property.

"(3) For the purposes of this subsection, the term "reasonable care" means for:

"(A) Breakable items such as dishes, placement in sealed boxes, but does not require padding and wrapping of the items;

"(B) Unbreakable items such as clothing, placement in sealed boxes or bags; and

"(C) Large items of furniture, such as sofas or dressers, the items may be moved and stored without boxing, bagging, or wrapping.

"(f)(1) A housing provider shall pay for an evicted tenant's personal property to be stored for 30 days in an individualized storage unit secured by a combination padlock.

"(2) Upon execution of a storage agreement with a storage facility, the housing provider shall have no further liability with respect to the evicted tenant's personal property.

"(3)(A) The housing provider shall ensure that the storage agreement permits the evicted tenant access to the storage unit for the purpose of retrieving the evicted tenant's personal property during the storage facility's normal hours of operation for 30 days after delivery of the personal property to the storage facility.

"(B) The housing provider may only access the evicted tenant's personal property at the storage facility in exigent circumstances at the request of the storage facility or to permit the evicted tenant access under this subsection.

"(g) A licensed storage facility located in the District shall:

"(1) Except as provided in this subsection, accept or reject personal property delivered to its facility for storage under this section on terms equivalent to those provided to the general public;

"(2) Permit a housing provider disposing of an evicted tenant's personal property pursuant to this section to pay for 30 days' storage in advance, without an additional charge for the method of such payment;

"(3) Permit the evicted tenant to apply to assume payment for the continued storage of the evicted tenant's personal property on or before the expiration of the storage agreement with the housing provider on terms at least as favorable as those offered to the general public; and

"(4) After 30 days, lawfully dispose of, at no additional cost to the housing provider, any personal property the evicted tenant fails to retrieve or for which the tenant fails to

assume storage costs.

"(h)(1) Nothing in this section shall obligate a storage facility to store property that it is not lawfully authorized to store.

"(2) A housing provider may not be held liable for the loss or destruction of an evicted tenant's personal property that a storage facility lawfully refuses to store.

"(i) This section shall not apply to evictions carried out by the District of Columbia Housing Authority.

"(j) Notwithstanding section 901, a housing provider shall be liable to the evicted tenant for civil damages where a housing provider's violation of this section results in loss, damage, or destruction of an evicted tenant's personal property, and shall be subject to a civil fine of at least $100 and not more than $5,000.

"(k) For the purposes of this section, the term:

"(1) "Personal property" does not include firearms, medical waste, substances that qualify as Schedule I drugs as determined by the United States Drug Enforcement Agency, or flammable, explosive, or other hazardous materials.

"(2) "Time of eviction" means the time at which the Marshals execute a writ of restitution.".

Sec. 3. Non-residential evictions.

(a) At the time of eviction, the landlord shall change the locks on the leased premises in the presence of the United States Marshals Service ("Marshals"), at the landlord's expense, and take legal possession of the leased premises by receipt of a document from the Marshals, in a form to be determined by the court.

(b) Any right of the evicted tenant to redeem the tenancy shall be extinguished at the time of eviction.

(c) Any personal property remaining in or about the leased premises at the time of eviction is deemed abandoned.

(d) The landlord shall dispose of any abandoned personal property by any lawful means of disposal.

(e) The landlord is prohibited from placing or causing the placement of abandoned personal property in an outdoor space other than a licensed disposal facility or lawful disposal receptacle; provided, that a landlord may place or cause abandoned property to be placed in an outdoor private or public space while in the process of transporting the property from the leased premises for disposal.

(f) The landlord and anyone acting on behalf of the landlord shall be immune from civil liability for loss or damage to the evicted tenant's abandoned property or claims related to its lawful disposal.

(g) For the purposes of this section, the term "time of eviction" means the time at which the Marshals execute a writ of restitution.

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 23, 2018

ENROLLED ORIGINAL

A RESOLUTION

22-521

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to establish that it shall be unlawful for the owner or operator of a grocery store or food retail store to agree to the inclusion of a restrictive land covenant or use restriction in a contract for the sale, lease, or other transfer of real property that prohibits the subsequent use of the property as a grocery store or food retail store or that prohibits the use of any property within one mile as a grocery store or food retail store, unless the owner or operator relocates the grocery store or food retail store within a half mile of its former location, commences operation of the store within 2 years, and limits the restrictive covenant to not exceed 3 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Grocery Store Restrictive Covenant Prohibition Congressional Review Emergency Declaration Resolution of 2018".

Sec. 2. (a) On March 6, 2018, the Council passed the Grocery Store Restrict Covenant Prohibition Emergency Act of 2018, effective April 2, 2018 (D.C. Act 22-299; 65 DCR 3764) ("Emergency Act"), to establish that it shall be unlawful for the owner or operator of a grocery store or food retail store to agree to the inclusion of certain restrictive land covenants or use restrictions in a contract for the sale, lease, or other transfer of real property.

(b) On May 1, 2018, the Council passed a permanent version of the Emergency Act, the Grocery Store Restrictive Covenant Prohibition Act of 2018, enacted on May 21, 2018 (D.C. Act 22-365; 65 DCR 5964) ("Permanent Act"), which has been transmitted to Congress for the mandatory 30-day review period.

(c) The Emergency Act will expire on June 8, 2018. However, the congressional-review period for the Permanent Act is not expected to conclude until July 24, 2018. Therefore, congressional review emergency legislation is necessary to ensure that there is no gap in the law when the Emergency Act expires.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Grocery Store Restrictive Covenant Prohibition Congressional Review Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-522

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the District of Columbia Election Code of 1955 to exempt the current Executive Director of the District of Columbia Board of Elections from the domicile requirement.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Elections Domicile Requirement Congressional Review Emergency Declaration Resolution of 2018".

Sec. 2. (a) On March 6, 2018, the Council passed the Board of Elections Domicile Requirement Emergency Amendment Act of 2018, effective March 26, 2018 (D.C. Act 22-288; 65 DCR 3326) ("Emergency Act"), which expired on June 24, 2018.

(b) On April 10, 2018, the Council passed the Board of Elections Domicile Requirement Temporary Amendment Act of 2018, enacted on May 3, 2018 (D.C. Act 22-320; 65 DCR 5030) ("Temporary Act"). The Temporary Act is currently pending congressional review and is projected to become law on July 10, 2018, after the expiration of the Emergency Act.

(c) This congressional review emergency legislation is necessary to prevent a gap in the law between the expiration of the Emergency Act and the effective date of the Temporary Act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Board of Elections Domicile Requirement Congressional Review Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-523

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To confirm the appointment of Mr. Le'Greg O. Harrison to the Commission on Fashion Arts and Events.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Fashion Arts and Events Le'Greg O. Harrison Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Le'Greg O. Harrison
1401 New York Avenue, N.E.
Washington, D.C. 20002
(Ward 5)

as a member of the Commission on Fashion Arts and Events, established by section 2 of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official Code § 3-651), replacing Stephanie Spears, for a term to end April 15, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-524

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To confirm the reappointment of Mr. Kristopher Johnson-Hoyle to the Commission on Fashion Arts and Events.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Fashion Arts and Events Kristopher Johnson-Hoyle Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Kristopher Johnson-Hoyle
1221 Massachusetts Avenue, N.W.
Washington, D.C. 20005
(Ward 2)

as a member of the Commission on Fashion Arts and Events, established by section 2 of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official Code § 3-651), for a term to end April 15, 2022.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-525

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To confirm the appointment of Ms. Lanaysha B. Jackson to the Commission on Fashion Arts and Events.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on Fashion Arts and Events Lanaysha B. Jackson Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Lanaysha B. Jackson
655 Michigan Avenue, N.E.
Washington, D.C. 20017
(Ward 5)

as a member of the Commission on Fashion Arts and Events, established by section 2 of the Commission on Fashion Arts and Events Establishment Act of 2008, effective April 15, 2008 (D.C. Law 17-148; D.C. Official Code § 3-651), replacing Alida Sanchez, for a term to end April 15, 2020.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-527

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve the Third Amendment to a multiyear Capital Funding Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for a capital improvement program for the Washington Metro System from July 1, 2018, to June 30, 2019.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Third Amendment to the Washington Metropolitan Area Transit Authority Capital Funding Agreement Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to approve the Third Amendment to the Capital Funding Agreement with the Washington Metropolitan Area Transit Authority ("WMATA") to provide additional capital funding for a one-year extension to a capital improvement program for the Washington Metro System from July 1, 2018, to June 30, 2019.

(b) On July 1, 2010, the Office of Contracting and Procurement ("OCP"), on behalf of the District Department of Transportation, executed a multiyear Capital Funding Agreement with WMATA to provide capital funding for a capital improvement program from July 1, 2010, through June 30, 2016, in the ceiling amount of $397.314 million.

(c) On July 1, 2016, the OCP, on behalf of the District Department of Transportation, executed a modification to the multiyear Capital Funding Agreement with WMATA to increase the amount for Fiscal Year 2016 by $92.1 million for a total ceiling amount of $489.414 million.

(d) On July 1, 2017, the OCP, on behalf of the District Department of Transportation, executed a Second Amendment to the multiyear Capital Funding Agreement with WMATA to increase the amount for Fiscal Year 2017 by $76.1 million for a total ceiling amount of $565.514 million.

(e) The Third Amendment is now necessary to increase the amount for Fiscal Year 2018 by $75.235 million, for a total ceiling amount of $ 640.749 million, excluding Passenger Rail Investment and Improvement Act funding.

(f) Council approval is necessary as these modifications increase the contract by more than $1 million during a 12-month period.

(g) Council approval is necessary to allow the continuation of these vital services and for WMATA to be paid for services provided in excess of $1 million for the contract period July 1, 2018, through June 30, 2019.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Third Amendment to the Washington Metropolitan Area Transit Authority Capital Funding Agreement Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-528

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve the Third Amendment to a multiyear Local Capital Funding Agreement with the Washington Metropolitan Area Transit Authority to provide capital funding for a capital improvement program for the Washington Metro System from July 1, 2018, to June 30, 2019.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Third Amendment to the Washington Metropolitan Area Transit Authority Local Capital Funding Agreement Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to approve the Third Amendment to the Local Capital Funding Agreement with the Washington Metropolitan Area Transit Authority ("WMATA") to provide additional capital funding for a one-year extension to a capital improvement program for the Washington Metro System from July 1, 2018, to June 30, 2019.

(b) On July 1, 2010, the Office of Contracting and Procurement ("OCP"), on behalf of the District Department of Transportation, executed a multiyear Local Capital Funding Agreement with WMATA to provide capital funding for a capital improvement program from July 1, 2010, through June 30, 2016, in the ceiling amount of $397.314 million.

(c) On July 1, 2016, the OCP, on behalf of the District Department of Transportation, executed a modification to the multiyear Local Capital Funding Agreement with WMATA to increase the amount for Fiscal Year 2016 by $92.1 million for a total ceiling amount of $489.414 million.

(d) On July 1, 2017, the OCP, on behalf of the District Department of Transportation, executed a Second Amendment to the multiyear Local Capital Funding Agreement with WMATA to increase the amount for Fiscal Year 2017 by $76.1 million for a total ceiling amount of $565.514 million.

(e) The Third Amendment is now necessary to increase the amount for Fiscal Year 2018 by $75.235 million, for a total ceiling amount of $ 640.749 million, excluding Passenger Rail Investment and Improvement Act funding.

(f) Council approval is necessary as these modifications increase the contract by more than $1 million during a 12-month period.

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(g) Council approval is necessary to allow the continuation of these vital services and for WMATA to be paid for services provided in excess of $1 million for the contract period July 1, 2018, through June 30, 2019.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Third Amendment to the Washington Metropolitan Area Transit Authority Local Capital Funding Agreement Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-529

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 16 and 17 to Contract No. CW29405 with Miriam's Kitchen to provide permanent supportive housing, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW29405 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists a need to approve Modification Nos. 16 and 17 to Contract No. CW29405 with Miriam's Kitchen to provide permanent supportive housing, and to authorize payment in the not-to-exceed amount of $1,270,452 for the goods and services received and to be received under the modifications.

(b) By Modification No.16, the Office of Contracting and Procurement on behalf of the Department of Human Services, exercised a partial option of option year 4 in the not-to-exceed amount of $317,613 for the period from May 23, 2018, through August 22, 2018.

(c) Modification No. 17 is now necessary to exercise the remainder of option year 4 in the amount of $952,839, which will make the total not-to-exceed amount for option year 4 $1,270,452.

(d) Because the modifications would cause the total value of the contract to exceed $1 million, Council approval is required 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).

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Miriam's Kitchen cannot be paid for the goods and services provided in excess of $1 million for option period 4.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW29405 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-530

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 17 and 18 to Contract No. CW29403 with Pathways to Housing to provide long-term housing and case management services for the District, and to authorize payment in the not-to-exceed amount of $1,968,900 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW29403 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists a need to approve Modification Nos. 17 and 18 to Contract No. CW29403 with Pathways to Housing to provide long-term housing and case management services for the District, and to authorize payment in the not-to-exceed amount of $1,968,900 for the goods and services received and to be received under the modifications.

(b) By Modification No. 17, dated May 23, 2018, the Office of Contracting and Procurement, on behalf of the Department Human Services, exercised partial Option Year 4 of Contract No. CW29403 with Pathways to Housing to provide long-term housing and case management services for the District in the not-to-exceed amount of $492,225 for the period from May 23, 2018, through August 22, 2018.

(c) Modification No. 18 is now necessary to exercise the remainder of Option Year 4 in the not-to-exceed amount of $1,476,675 for the period from August 23, 2018, through May 22, 2018, which will make the total not-to-exceed amount for Option Year 4 $1,968,900.

(d) Council approval is required by section 451(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1–204.51(b)), because the modifications increase the contract by more than $1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Pathways to Housing cannot be paid for the goods and services provided in excess of $1 million for the contract period from May 23, 2018, through May 22, 2019.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW29403 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-531

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 03 and 04 to Contract No. DCAM-16-NC-0005B with Sustainable Facilities Management Services for consolidated maintenance services at the Department of Employment Services, and to authorize payment in the aggregate amount of $1,168,876.20 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. DCAM-16-NC-0005B Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 03 and 04 to Contract No. DCAM-16-NC-0005B with Sustainable Facilities Management Services for consolidated maintenance services at the Department of Employment Services ("DOES"), and to authorize payment in the aggregate amount of $1,168,876.20 for the goods and services received and to be received under the modifications.

(b) On March 31, 2016, the underlying Contract No. DCAM-16-NC-0005B was deemed approved by the Council as CA21-0335 in the not-to-exceed amount of $1,039,685.07 for the base period of the contract. On December 29, 2016, Modification No. 01, which exercised Option Year One, was deemed approved by the Council as CA21-0581 in the amount of $1,012,094.88 for a period of performance from January 8, 2017, through January 7, 2018. On December 11, 2017, the Department of General Services (the "Department") executed Modification No. 02, which increased the not-to-exceed amount of Option Year One by $40,000, from $1,012,094.88 to $1,052,094.88.

(c) On December 18, 2017, the Department executed Modification No. 03, which partially exercised Option Year 2 in the not-to-exceed amount of $807,170.01 for the period of performance from January 8, 2018, through September 30, 2018. Modification No. 03 was issued to avoid possible lapses in the consolidated maintenance services at DOES before Modification No. 04 could be submitted to the Council for approval. The value of Modification No. 03 was less than $1 million; thus, Modification No. 03 did not require Council approval. Proposed Modification No. 04, in the amount of $361,706.19, would fully exercise Option Year 2 to

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extend the contract through January 7, 2019, and cause the aggregate value of Modification Nos. 03 and 04 to be $1,168,876.20.

(d) Proposed Modification No. 04 would cause the aggregate value of all modifications issued after the last Council approval to exceed $1 million during a 12-month period and thus Council approval of Modification Nos. 03 and 04 is now required 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).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCAM-16-NC-0005B Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-532

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034A with Adrian L. Merton, Inc. for on-call heating, air conditioning, and ventilation system repairs and upgrades to several municipal facilities and District of Columbia Public Schools, and to authorize payment in the aggregate amount of $3,775,000 for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. DCAM-16-NC-0034A Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034A with Adrian L. Merton, Inc. for on-call heating, air conditioning, and ventilation system repairs and upgrades to several municipal facilities and District of Columbia Public Schools, and to authorize payment in the aggregate amount of $3,775,000 for the goods and services received and to be received under the modifications.

(b) On April 17, 2016, the underlying Contract No. DCAM-16-NC-0034A was deemed approved by the Council as CA21-0350 in the not-to-exceed amount of $5.75 million for the base period of the contract. On December 23, 2016, Modification No. 3, which exercised Option Year 1, extending the term of the contract from January 6, 2017, through January 5, 2018, was approved by the Council as CA21-0576 in the not-to-exceed amount of $6,400,000. On December 16, 2017, Modification No. 8, which exercised the Option Year 2, extending the term of the contract from January 6, 2018, through January 5, 2019, was deemed approved by the Council as CA22-0339 in the not-to-exceed amount of $3.55 million.

(c) On March 20, 2018, the Department of General Services (the "Department") executed Modification No. 9, which increased the not-to-exceed amount of Option Year 2 by $175,000, from $3.55 million to $3,725,000. On May 7, 2018, the Department executed Modification No. 10, which clarified and corrected the amounts stated in Modification 9, but did not alter the contract value. The aggregate value of Modification Nos. 9 and 10 was less than $1 million; thus, Modification Nos. 9 and 10 did not require Council approval. Proposed Modification No. 11, in

the amount of $3.6 million, would cause the aggregate value of Modification Nos. 9 through 11 to be $3,775,000, increasing the total value of Option Year 2 from $3,725,000 to $7,325,000.

(d) Proposed Modification No. 11 would cause the aggregate value of Modification No. 9 through 11 to exceed $1 million; thus, Council approval of Modification Nos. 9 through 11 is now required 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).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCAM-16-NC-0034A Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-533

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034B with RSC Electric & Mechanical Contractors, Inc. for on-call heating, air conditioning, and ventilation system repairs and upgrades to several municipal facilities and District of Columbia Public Schools, and to authorize payment in the aggregate amount of $1.65 million for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. DCAM-16-NC-0034B Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 9 through 11 to Contract No. DCAM-16-NC-0034B with RSC Electric & Mechanical Contractors, Inc. for on-call heating, air conditioning, and ventilation system repairs and upgrades to several municipal facilities and District of Columbia Public Schools, and to authorize payment in the aggregate amount of $1.65 million for the goods and services received and to be received under the modifications.

(b) On April 17, 2016, the underlying Contract No. DCAM-16-NC-0034B was deemed approved by the Council as CA21-0342 in the not-to-exceed amount of $4.5 million for the base period of the contract. On December 30, 2016, Modification No. 3, which exercised Option Year 1, extending the term of the contract from January 6, 2017, through January 5, 2018, was approved by the Council as CA21-0590 in the not-to-exceed amount of $4,375,000. On December 16, 2017, Modification No. 8, which exercised Option Year 2, extending the term of the contract from January 6, 2018, through January 5, 2019, was deemed approved by Council as CA22-0338 in the not-to-exceed amount of $1.85 million.

(c) On March 14, 2018, the Department of General Services (the "Department") executed Modification No. 9, which decreased the not-to-exceed amount of Option Year 2 by $300,000, from $1.85 million to $1.55 million. On May 20, 2018, the Department executed Modification No. 10, which increased the not-to-exceed amount of Option Year 2 by $950,000, from $1.55 million to $2.5 million. The aggregate value of Modification Nos. 9 and 10 was less than $1 million; thus, Modification Nos. 9 and 10 did not require Council approval. Proposed

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Modification No. 11, in the amount of $1 million, would cause the aggregate value of Modification Nos. 9 through 11 to be $1.65 million, increasing the total value of Option Year 2 from $1.85 million to $3.5 million.

(d) Proposed Modification No. 11 would cause the aggregate value of Modification Nos. 9 through 11 to exceed $1 million and thus Council approval of Modification Nos. 9 through 11 is now required 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).

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. DCAM-16-NC-0034B Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-534

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 19 and 20 to Contract No. CW20202 with Lucky Dog, LLC to provide solid waste hauling and disposal services, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW20202 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists a need to approve Modification Nos. 19 and 20 to Contract No. CW20202 with Lucky Dog, LLC to provide solid waste hauling and disposal services, and to authorize payment for the goods and services received and to be received under the modifications.

(b) By Modification No. 19, dated May 31, 2018, the Office of Contracting and Procurement, on behalf of the Department of Public Works, extended Contract No. CW20202 to provide solid waste hauling and disposal services for the period from June 1, 2018, through July 31, 2018, in the amount of $525,000.

(c) Modification No. 20 is now necessary to extend the contract for the period from July 1, 2018, through October 31, 2018, in the amount of $1,312,500.

(d) Council approval is necessary since these modifications increase the contract by more than $1 million during a 12-month period.

(e) Approval is necessary to allow the continuation of these vital services. Without this approval, Lucky Dog, LLC cannot be paid for the goods and services provided in excess of $1 million for the period from June 1, 2018, through October 31, 2018.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW20202 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-535

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve multiyear Contract No. DCKA-2017-C-0052 with RAPT Dev North America/McDonald Transit Associates, Inc. to provide operation and maintenance services for the DC Circulator bus routes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCKA-2017-C-0052 Emergency Declaration Resolution of 2018".

Sec. 2. (a) The Office of Contracting and Procurement, on behalf of the District Department of Transportation, proposes to enter into a multiyear contract with RAPT Dev North America/McDonald Transit Associates, Inc. to provide operation and maintenance services for the DC Circulator bus routes.

(b) The not-to-exceed value of this multiyear contract with RAPT Dev North America/McDonald Transit Associates, Inc. would be $140,732,227.69.

(c) Approval of the multiyear contract is necessary to allow the District to continue to receive the benefit of these vital services from RAPT Dev North America/McDonald Transit Associates, Inc. without interruption.

(d) These critical services can only be obtained through an award of the multiyear contract with RAPT Dev North America/McDonald Transit Associates, Inc.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. DCKA-2017-C-0052 Emergency Approval Resolution of 2018 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-536

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To approve, on an emergency basis, multiyear Contract No. DCKA-2017-C-0052 with RAPT Dev North America/McDonald Transit Associates, Inc. to provide operation and maintenance services for the DC Circulator bus routes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. DCKA-2017-C-0052 Emergency Approval Resolution of 2018".

Sec. 2. Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), the Council approves multiyear Contract No. DCKA-2017-C-0052 with RAPT Dev North America/McDonald Transit Associates, Inc. to provide operation and maintenance services for the DC Circulator bus routes in the not-to-exceed amount of $140,732,227.69.

Sec. 3. Transmittal.
The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. 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 General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.
This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-537

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 11, 12, and 13 to Contract No. CW19745 with First Vehicle Services, Inc. to provide fleet maintenance and repair services for the Metropolitan Police Department, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW19745 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists a need to approve Modification Nos. 11, 12, and 13 to Contract No. CW19745 with First Vehicle Services, Inc. to provide fleet maintenance and repair services for the Metropolitan Police Department, and to authorize payment for the goods and services received and to be received under the modifications.

(b) By Modification No. 11, dated April 30, 2018, the Office of Contracting and Procurement, on behalf of the Metropolitan Police Department, extended Contract No. CW19745 on a sole source basis, for the period from May 1, 2018, to June 25, 2018, in the not-to-exceed amount of $991,631.22.

(c) By Modification No. 12, dated May 24, 2018, the Office of Contracting and Procurement, on behalf of the Metropolitan Police Department, extended Contract No. CW19745 on a sole source basis, for the period from June 26, 2018, to June 28, 2018, at no cost to the District.

(d) Modification No. 13 is now necessary to extend Contract No. CW19745, on a sole source basis, for the period beginning June 29, 2018, through September 30, 2018, in the not-to-exceed amount of $1,753,062.53, which will increase the total not-to-exceed amount of Modification Nos. 11, 12, and 13 from $991,631.22 to $2,744,693.75.

(e) Council approval is required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1–204.51), because the modifications increase the value of Contract No. CW19745 by more than $1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, First Vehicle Services, Inc. cannot be paid for the goods and services provided in excess of $1 million for the contract period from May 1, 2018, through September 30, 2018.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW19745 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-538

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 18 and 21 to Contract No. CW18948 with Aramark Correctional Services, LLC to provide management and operation of the food service program for inmates housed in the Central Detention Facility, the Correctional Treatment Facility, and Central Cell Block, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW18948 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists a need to approve Modification Nos. 18 and 21 to Contract No. CW18948 with Aramark Correctional Services, LLC to provide management and operation of the food service program for inmates housed in the Central Detention Facility, the Correctional Treatment Facility, and Central Cell Block, and to authorize payment for the goods and services received and to be received under the modifications.

(b) By D.C. Act 22-82, the Council approved the exercise of Option Year 2 of Contract No. CW18948.

(c) By Modification No. 18, the Office of Contracting and Procurement, on behalf of the Department of Corrections, increased the amount for Option Year 2 by $1 million.

(d) Modification No. 21 is now necessary to increase the amount for Option Year 2 by $1.6 million.

(e) Council approval is necessary since the modifications increase the value of the contract by more than $1 million during a 12-month period.

(f) Approval is necessary to allow the continuation of these vital services. Without this approval, Aramark Correctional Services, LLC cannot be paid for the goods and services provided in excess of $1 million beyond what the Council previously approved for Option Year 2.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW18948 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-539

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to approve Modification Nos. 7, 9, and 10 to Contract No. CW37196 with Unity Health Care, Inc. to provide comprehensive medical, behavioral health, pharmacy, and dental services to inmates housed in the Central Detention Facility, the Correctional Treatment Facility, and Central Cell Block, and to authorize payment for the goods and services received and to be received under the modifications.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications to Contract No. CW37196 Approval and Payment Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists a need to approve Modification Nos. 7, 9, and 10 to Contract No. CW37196 with Unity Health Care, Inc. to provide comprehensive medical, behavioral health, pharmacy, and dental services to inmates housed in the Central Detention Facility, the Correctional Treatment Facility, and Central Cell Block, and to authorize payment for the goods and services received and to be received under the modifications.

(b) On August 8, 2017, the Council approved the exercise of Option Year 2 of Contract No. CW37196 in the amount of $22,444,402.

(c) By Modification No. 7, the Office of Contracting and Procurement ("OCP"), on behalf of the Department of Corrections, increased the amount for Option Year 2 by $554,646.

(d) By Modification No. 9, OCP increased the amount for Option Year 2 by $445,354.

(e) Modification No. 10 is now necessary to increase the amount for Option Year 2 by $3,689,480, and increase the total amount for Option Year 2 to $27,133,882.

(f) Council approval is necessary because these modifications increase the value of the contract by more than $1 million during a 12-month period.

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, Unity Health Care, Inc. cannot be paid for the goods and services provided in excess of $1 million beyond what the Council previously approved for Option Year 2.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modifications to Contract No. CW37196 Approval and Payment Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-540

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2016-LRSP-07A with Delta Senior Housing Owner LLC for program units at Delta Towers Apartments, located at 808 Bladensburg Road, N.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2016-LRSP-07A Approval Resolution of 2018".

Sec. 2. (a) In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsor-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

(b) In 2016, the DCHA participated in a request for proposals issued by the District of Columbia Department of Housing and Community Development. Of the total proposals received, 10 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making zero to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term subsidy contract ("ALTSC") with the selected housing providers under the LRSP for housing services.

(c) There exists an immediate need to approve the long term subsidy contract with Delta Senior Housing Owner LLC under the LRSP in order to provide long-term affordable housing

units for extremely low-income households in the District for units located 808 Bladensburg Road, N.E.

(d) The legislation to approve the contract will authorize an ALTSC between the DCHA and Delta Senior Housing Owner LLC with respect to the payment of rental subsidy and allow the owner to lease the rehabilitated units at Delta Towers Apartments and house extremely low-income households with incomes at 30% or less of the area median income.

Sec. 3. 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 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 the ALTSC with Delta Senior Housing Owner LLC to provide an operating subsidy in support of 30 affordable housing units in an initial amount not to exceed $488,160 annually.

Sec. 4. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-541

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2015-LRSP-06A with Ainger Place Associates, LLC for program units at Ainger Place Apartments, located at 2412 Ainger Place, S.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2015-LRSP-06A Approval Resolution of 2018".

Sec. 2. (a) In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsor-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

(b) In 2015, the DCHA participated in a request for proposals issued by the District of Columbia Department of Housing and Community Development. Of the total proposals received, 8 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making zero to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term subsidy contract ("ALTSC") with the selected housing providers under the LRSP for housing services.

(c) There exists an immediate need to approve the long-term subsidy contract with Ainger Place Associates, LLC under the LRSP in order to provide long-term affordable housing units for extremely low-income households for units located at located 2412 Ainger Place, S.E.

(d) The legislation to approve the contract will authorize an ALTSC between the DCHA and Ainger Place Associates, LLC with respect to the payment of a rental subsidy and allow the

ENROLLED ORIGINAL

owner to lease the rehabilitated units at Ainger Place Apartments and house extremely low-income households with incomes at 30% or less of the area median income.

Sec. 3. 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 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 the ALTSC with Ainger Place Associates, LLC to provide an operating subsidy in support of 18 affordable housing units in an initial amount not to exceed $257,976 annually.

Sec. 4. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 5. 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. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-542

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to amend the Business Improvement Districts Act of 1996 to add designated properties to the Golden Triangle Business Improvement District, to revise the rates of assessment, and to establish the residential tax rate for residential members of the Golden Triangle Business Improvement District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Golden Triangle Business Improvement District Emergency Declaration Resolution of 2018".

Sec. 2. (a) The Golden Triangle Business Improvement District Amendment Act of 2018 passed on 1st reading on June 5, 2018 (Engrossed version of Bill 22-761) ("permanent legislation"), amends the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code Official Code § 2-1215.01 *et seq.*), to add designated properties to the Golden Triangle BID.

(b) In addition, the permanent legislation revises the rates of assessment and establishes the residential tax rate for residential members of the Golden Triangle BID.

(c) Tax bills will be mailed in August, with payment due in September.

(d) Following enactment, the permanent legislation, which is scheduled for 2nd reading on June 26, 2018, must complete the District's legislative process and then be transmitted to Congress for the 30-day review period required by 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)). The permanent legislation will not become law before the August mailing.

(e) It is important that the new designated properties established in the permanent legislation, which is mirrored in the proposed emergency legislation, be in effect for, and reflected in, the upcoming billing cycle.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Golden Triangle Business Improvement District Tax Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-543

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to require the Department of Parks and Recreation to issue a grant to an organization providing programming to low-income children who are District residents at Fort Dupont Ice Arena.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fort Dupont Ice Arena Programming Emergency Declaration Resolution of 2018".

Sec. 2. (a) The Fiscal Year 2017 Local Budget Act of 2016, effective July 29, 2016 (D.C. Law 21-142; 63 DCR 8786) ("Local Budget Act"), allocated $235,000 in recurring funds to the Department of Parks and Recreation ("the Department") to support programming at the Fort Dupont Ice Arena for low-income children.

(b) The National Park Service transferred jurisdiction of Fort Dupont to the District in 2010. Currently, a nonprofit organization leases and operates the ice rink on the site, offering a variety of programs, one of which provides free figure skating, hockey, and speed skating lessons to low-income children.

(c) Since the passage of the Local Budget Act, it came to light that the Department lacks grant-making authority, preventing it from distributing the funds allocated to it for programming at the Fort Dupont Ice Arena.

(d) This legislation is necessary to give the Department the authority to issue a grant using funds allocated for programming at Fort Dupont Ice Arena.

(e) This emergency legislation is necessary because the Fort Dupont Ice Arena Programming Temporary Amendment Act of 2017, effective December 1, 2017 (D.C. Law 22-29; 64 DCR 10168) ("Temporary Act"), which is currently law, will expire on July 14, 2018, and a permanent version of the Temporary Act, which is in the Fiscal Year 2019 Budget Support Act of 2018, passed on 2nd reading on June 26, 2018 (Enrolled version of Bill 22-753), will not take effect before the Temporary Act expires.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fort Dupont Ice Arena Programming Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-544

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to prohibit buses from operating or parking on certain streets near Southwest Waterfront Park.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Southwest Waterfront Park Bus Prohibition Emergency Declaration Resolution of 2018".

Sec. 2. (a) On October 12, 2017, the first phase of a major redevelopment project ("the Wharf") opened on the Southwest waterfront. The second phase of the construction will continue for several more years.

(b) The Wharf includes a 6,000-person music venue, dozens of restaurants, hundreds of new residential units, a vibrant cruise boat and tour operation, and hundreds of thousands of square feet of office space, drawing thousands of new residents, workers, and tourists to the Southwest waterfront every day—in addition to the construction workers and vehicles coming in and out of the neighborhood during the second phase of the construction.

(c) The developers of the Wharf expect millions of visitors annually, many of whom will arrive by bus. In addition, the Museum of the Bible opened just north of the Wharf in November 2017, and the International Spy Museum is scheduled to open this fall, both of which bring additional bus traffic to the neighborhood.

(d) The neighborhoods most impacted by this additional traffic are bordered by the Washington Channel on one side and freeways on other sides, leaving few surface streets for local residents entering and leaving the area. Despite the best efforts of the public and private sector, there will inevitably be additional traffic for these residents to deal with.

(e) Southwest Waterfront Park was built as an amenity for neighborhood residents and a quiet public space amid a bustling new development, without intrusion by cars and buses.

(f) The Southwest Waterfront Park Bus Prohibition Temporary Act of 2017, which is currently in effect, expires on September 9, 2018. Absent this emergency legislation, additional bus traffic in the neighborhood will exacerbate already heavy traffic on Maine Avenue, S.W., and disrupt enjoyment of Southwest Waterfront Park.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Southwest Waterfront Park Bus Prohibition Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-545

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to provide that it shall be a violation, to be adjudicated pursuant to the District of Columbia Traffic Adjudication Act of 1978, for a person to park, leave unattended, or store a vehicle in violation of parking restrictions posted by the District, Wharf District Master Developer LLC ("Developer"), or the Developer's designee in Lots 926, 922, and 86 in Square 473, and to authorize the Department of Public Works to issue notices of infraction for any such parking violations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Southwest Waterfront Parking Enforcement Emergency Declaration Resolution of 2018".

Sec. 2. (a) On October 12, 2017, the first phase of a major redevelopment project ("the Wharf") opened on the Southwest waterfront, including streets and rights-of-ways on District-owned land improved by a private developer, Wharf District Master Developer LLC ("Developer").

(b) The Wharf includes a 6,000-person music venue, dozens of restaurants, hundreds of new residential units, and thousands of square feet of office space, drawing thousands of new residents, workers, and tourists to the Southwest waterfront every day.

(c) On a typical day, at least 7,000 visitors come to the Wharf, and when there is a weekend concert or special event, that number can reach 30,000, many of whom travel by car.

(d) The Department of Public Works ("DPW") has asserted that, absent legislation, it may not have the authority to enter and issue notices of infraction in this area because the legal status of the property is unclear.

(e) An absence of parking enforcement within Lots 926, 922, and 86 in Square 473 will encourage illegal parking, exacerbate traffic in an already congested area of the District, and negatively impact public safety.

(f) This emergency legislation is necessary to ensure that there is parking enforcement in this area and DPW continues to have the authority to issue notices of infraction in this area because the Southwest Waterfront Parking Enforcement Temporary Act of 2017 will expire on August 30, 2018.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Southwest Waterfront Parking Enforcement Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-546

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to enhance the reporting requirements of political action committees and independent expenditure committees during nonelection years and to apply current contribution limitations to political action committees during nonelection years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Campaign Finance Reform and Transparency Emergency Declaration Resolution of 2018".

Sec. 2. (a) There is a need to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to enhance the reporting requirements of political action committees and independent expenditure committees during nonelection years and to apply current contribution limitations to political action committees during nonelection years.

(b) On October 3, 2017, the Council passed the Campaign Finance Reform and Transparency Emergency Amendment Act of 2017, effective October 24, 2017 (D.C. Act 22-166; 64 DCR 10800), which expired on January 22, 2018.

(c) On November 7, 2017, the Council passed the Campaign Finance Reform and Transparency Temporary Amendment Act of 2017, effective January 17, 2018 (D.C. Law 22-42; 65 DCR 559) ("Temporary Act"), which will expire on August 30, 2018.

(d) This round of identical emergency and temporary legislation is necessary to prevent a gap in the law between the expiration of the Temporary Act and the incorporation of its provisions into permanent legislation forthcoming from the Committee on the Judiciary and Public Safety.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Campaign Finance Reform and Transparency Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-547

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to amend Chapter 38 of Title 28 of the District of Columbia Official Code to restrict a credit reporting agency's authority to charge consumers for security freeze services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Credit Protection Fee Waiver Emergency Declaration Resolution of 2018".

Sec. 2. (a) On October 3, 2017, the Council passed the Credit Protection Fee Waiver Emergency Amendment Act of 2017, effective October 27, 2017 (D.C. Act 22-155; 64 DCR 10762), which expired on January 21, 2018.

(b) On November 7, 2017, the Council passed the Credit Protection Fee Waiver Temporary Amendment Act of 2017, effective November 22, 2017 (D.C. Law 22-39; 65 DCR 556), which will expire on August 30, 2018.

(c) The Office of the Attorney General has requested that the temporary act's protections remain in effect while the office monitors similar pending federal legislation.

(d) This identical emergency and temporary legislation would therefore restrict the authority of credit reporting agencies to charge consumers for security freeze services, in the wake of the Equifax data breach.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Credit Protection Fee Waiver Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-548

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to amend the Rental Housing Act of 1985 to prohibit the execution of residential evictions when the chance of precipitation is 50% or greater, establish a tenant opt-in process for the packaging, transportation, and storage of evicted tenants' personal property remaining in a rental unit at the time of eviction, and clarify housing providers' civil liability with respect to personal property remaining in the rental unit; and to clarify, in a non-residential eviction, the legal status of an evicted tenant's remaining personal property and a landlord's civil liability for such property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Eviction Reform Emergency Declaration Resolution of 2018".

Sec. 2. (a) In mid-March of 2018, the United States Marshals Service ("Marshals") informed members of the Landlord-Tenant Rules Committee of the Superior Court of the District of Columbia that it intended to make significant changes to the process by which the Marshals execute evictions on the court's behalf.

(b) Current practice entails armed Marshals supervising the execution of a writ of restitution – the legal document which evicts a tenant – while landlord-hired movers loosely package and move the evicted tenant's remaining personal property to the sidewalk. Often, the tenant abandons the property at that time due to the tenant's inability to pay to move it to another location, or the property is stolen before transportation can be arranged.

(c) The Marshals has proposed to change this process in early July 2018 by having the landlord change the locks on the rental unit, rather than supervising the moving of the personal property to the sidewalk. This is a more humane and desirable outcome for both the landlord and the evicted tenant, but there are a number of pressing unresolved legal and practical issues that will arise from the policy change without the benefit of stakeholder feedback in its development and rapid implementation.

(d) In response to the pending change, Councilmembers Trayon White and Anita Bonds introduced the Eviction with Dignity Act of 2018 (Bill 22-809) on May 1, 2018, which is currently pending in the Committee on Housing and Neighborhood Revitalization.

ENROLLED ORIGINAL

(e) Certain stakeholders also began to meet to consider legislative changes necessary to accompany the change, and following the convening of a larger working group by the Council in May and June, this emergency legislation was drafted.

(f) This emergency legislation governs both residential and non-residential evictions, albeit in different ways. With respect to residential evictions, the bill preserves the current prohibition on evictions on days when the chance of precipitation is 50% or greater. The bill also creates a process – modeled on the practices of many other states and cities – wherein the housing provider pays to package, move, and privately store any remaining personal property left in the rental unit for up to 30 days and within a 10-mile radius of the rental unit. The bill additionally clarifies the landlord's liability with respect to the property after the locks are changed.

(g) For non-residential evictions, the bill's provisions are more limited and clarify the legal status of an evicted tenant's remaining personal property, the landlord's obligations for disposition of such property, and the landlord's civil liability.

(h) The emergency bill's provisions represent broad consensus among the working group members, although the permanent bill pending in committee will benefit from further deliberations in a hearing in the fall.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Eviction Reform Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-549

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to clarify that the Office of the Attorney General is authorized to enforce the District of Columbia Consumer Protection Procedures Act against housing providers that violate certain consumer protection laws that protect tenants.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "At-Risk Tenant Protection Clarifying Emergency Declaration Resolution of 2018".

Sec. 2. (a) By bringing enforcement actions or investigations under the District of Columbia Consumer Protection Procedures Act, D.C. Official Code § 28-3901, *et seq*. ("CPPA"), the District government is increasingly looking to protect tenant-consumers from unscrupulous housing providers that fail to live up to their obligations.

(b) The CPPA provides the Attorney General with flexible enforcement tools to address problem housing providers, including the ability to enjoin bad conduct, recover restitution for tenant-consumers forced to live in substandard conditions, and penalties to deter future violations.

(c) For instance, in one case filed in the Superior Court of the District of Columbia, the Attorney General recently obtained more than $268,000 in rent refunds that will go to consumers allegedly forced by their housing provider to live in slum-like conditions.

(d) However, there remains the possibility that a District of Columbia court might question whether the District has authority to bring a CPPA enforcement action in the landlord-tenant arena.

(e) This concern is due to language in the CPPA that prevents the Department of Consumer and Regulatory Affairs ("DCRA") from applying the CPPA to "landlord-tenant relations." D.C. Official Code § 28-3903(c)(2)(A).

(f) Even though this exclusion, by its express terms, only applies to DCRA, a court might nevertheless wrongly interpret that provision to foreclose an enforcement action brought by the Attorney General under the CPPA.

(g) There are active CPPA enforcement cases and non-public investigations in the landlord-tenant arena that could be jeopardized by a wrong interpretation of the CPPA's

landlord-tenant exclusion. It is therefore necessary to clarify that the Attorney General may enforce the CPPA in the area of landlord-tenant relations.

(h) Therefore, there exists an immediate need to clarify existing law on an emergency basis so that current District tenants that might be helped by the Attorney General's active enforcement in this area are not potentially robbed of the full protections due them under District law.

(i) This emergency legislation is necessary because the temporary legislation currently in effect, the At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2017, effective January 25, 2018 (D.C. Law 22-045; 64 DCR 12399), will expire on September 7, 2018, and the permanent legislation, the At-Risk Tenant Protection Clarifying Amendment Act of 2017, as introduced on March 7, 2017 (Bill 22-170), has not yet been passed by the Council.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the At-Risk Tenant Protection Clarifying Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-550

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 26, 2018

To declare the existence of an emergency with respect to the need to dispose of District-owned real property located at 3050 R Street, N.W., known for tax and assessment purposes as Lot 0840 in Square 1282, and commonly known as the Jackson School.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Jackson School Disposition and Lease Approval Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to dispose of District-owned real property located at 3050 R Street, N.W., Washington, D.C., designated for tax and assessment purposes as Lot 0840 in Square 1282 ("Property").

(b) The Property consists of land and improvements, including a former school building that is commonly known as the Jackson School.

(c) The District has not used the Property as a public school since at least 1979 and it is no longer required for public purposes.

(d) The proposed tenant is Jackson Art Center ("Lessee"). Lessee has occupied the Property pursuant to a lease with the District since 1998.

(e) This matter requires immediate action by the Council because Lessee's current lease expires on June 30, 2018, and Lessee requires time to negotiate a new lease agreement with the District before the expiration of the current lease.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Jackson School Disposition and Lease Approval Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-556

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To reappoint Dr. Malika Fair to the Not-For-Profit Hospital Corporation Board of Directors.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Not-For-Profit Hospital Corporation Board of Directors Malika Fair Reappointment Resolution of 2018".

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

Dr. Malika Fair
2804 33rd Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the Not-For-Profit Hospital Corporation Board of Directors, pursuant to section 5115 of the Not-For-Profit Hospital Corporation Establishment Amendment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 44-951.04), for a term to end March 15, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the chairperson of the Not-for-Profit Hospital Corporation Board of Directors, and the Office of the Mayor.

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

ENROLLED ORIGINAL

A RESOLUTION

22-557

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To confirm the appointment of Ms. Quanice G. Floyd to the Commission on the Arts and Humanities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commission on the Arts and Humanities Quanice G. Floyd Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Quanice G. Floyd
1001 3rd Street, S.W., Unit #716
Washington, D.C. 20024
(Ward 6)

as a member of the Commission on the Arts and Humanities, established by section 4 of the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-203), replacing Susan Clampitt, for a term to end June 30, 2020.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-558

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $32 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist St. Paul on Fourth Street, Inc., in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Paul on Fourth Street, Inc. Revenue Bonds Project Approval Resolution of 2018".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be St. Paul on Fourth Street, Inc., a nonprofit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3) and which is liable for the repayment of the Bonds.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) The refinancing of certain existing indebtedness, the proceeds of which were used to finance or refinance the costs of the acquisition of a facility located at 3015 4th Street, N.E., Washington, D.C. ("Facility");

(B) The renovation of the Facility, including the purchase of certain equipment and furnishings for the Facility, together with other property, real and personal, functionally related and subordinate thereto, to:

(i) Build out certain space to be used by public charter schools and other nonprofit educational organizations; and

(ii) Provide approximately 10 housing units;

(C) Funding certain working capital costs, to the extent financeable, related to the Bonds;

(D) Funding any credit enhancement costs, liquidity costs, or debt service reserve fund related to the Bonds; and

(E) Paying cost of issuance and other related costs to the extent permissible.

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Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed $32 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the areas of housing, elementary and secondary school facilities, and facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and social services within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $32 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District’s participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements

with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The

Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

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(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor’s receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

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Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C.§ 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance

of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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. 20. Effective date.

This resolution shall take effect immediately.

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A RESOLUTION

22-559

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $34 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Building Hope Fourteenth Street, Inc., in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Building Hope Fourteenth Street, Inc. Revenue Bonds Project Approval Resolution of 2018".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Building Hope Fourteenth Street, Inc., a nonprofit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3) and which is liable for the repayment of the Bonds.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

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Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) The acquisition, construction, and renovation of an approximately 73,000- square-foot public charter school facility located at 5000 14th Street, N.W., Washington, D.C ("Facility"), which will include the construction of an approximately 10,000-square-foot gymnasium;

(B) The purchase of certain equipment and furnishings for the Facility related to the Bonds, together with other property, real and personal, functionally related and subordinate thereto;

(C) Funding certain working capital costs, to the extent financeable, related to the Bonds;

(D) Funding any credit enhancement costs, liquidity costs, or debt service reserve fund relating to the Bonds; and

(E) Paying cost of issuance and other related costs to the extent permissible relating to the Bonds.

Sec. 3. Findings.

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The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of, the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed $34 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the areas of elementary and secondary school facilities, within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $34 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

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(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

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(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing

Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as

obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-560

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $100 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist The Catholic University of America, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "The Catholic University of America Revenue Bonds Project Approval Resolution of 2018".

Sec. 2. Definitions.

For the purpose of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets refinanced with proceeds from the Loan, which shall be The Catholic University of America, a nonprofit corporation organized under the laws of the District of Columbia and exempt from federal income taxes as an organization described in 26 U.S.C. § 501(c)(3).

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

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(8) "Financing Documents" means the documents other than Closing Documents that relate to the financing, refinancing, or reimbursement of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds (or other obligations, as indicated below) and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds (or other obligations, as indicated below) and the making of the Loan contemplated thereby, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending to the Borrower of the proceeds from the sale, in one or more series, of the Bonds.

(12) "Project" means the financing, refinancing, or reimbursing of the Borrower for all or a portion of the Borrower's costs incurred in connection with:

(A) General upgrades to, renovations of, and equipping of the Borrower's facilities and infrastructures;

(B) The acquisition and construction of new facilities, infrastructure, and equipment for the Borrower, including, but not limited to, academic, athletic, residential, dining, recreational, and conference facilities;

(C) The acquisition, construction, and installation of energy-related infrastructure and improvements for the Borrower's facilities;

(D) Improvement of the Borrower's land; and

(E) Payment of Issuance Costs.

Sec. 3. Findings.

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may by resolution authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 and may affect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series, in an aggregate principal amount not to exceed $100 million and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of education and contributes to the health, education and welfare of residents of the District within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $100 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement, if any, under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such

matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale, or delivery of the Bonds, or for any

representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

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Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-561

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed $40 million of District of Columbia revenue bonds in one or more series and to authorize and provide for the loan of the proceeds of such bonds to assist Charter School Incubator Initiative, in the financing, refinancing, or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Charter School Incubator Initiative Revenue Bonds Project Approval Resolution of 2018".

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) "Authorized Delegate" means the Mayor or the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated or to whom the foregoing individuals have subdelegated any of the Mayor's functions under this resolution pursuant to section 422(6) of the Home Rule Act.

(2) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(3) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this resolution.

(4) "Borrower" means the owner of the assets financed, refinanced, or reimbursed with proceeds from the Bonds, which shall be Charter School Incubator Initiative, a nonprofit corporation organized under the laws of the District of Columbia, which is exempt from federal income taxes under 26 U.S.C § 501(a) as an organization described in 26 U.S.C. § 501(c)(3) and which is liable for the repayment of the Bonds.

(5) "Chairman" means the Chairman of the Council of the District of Columbia.

(6) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the

ENROLLED ORIGINAL

Bonds and to make the Loan, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(7) "District" means the District of Columbia.

(8) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds and the making of the Loan, including any offering document, and any required supplements to any such documents.

(9) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(10) "Issuance Costs" means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the Bonds and the making of the Loan, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the Bonds and the making of the Loan, together with financing fees, costs, and expenses, including program fees and administrative fees charged by the District, fees paid to financial institutions and insurance companies, initial letter of credit fees (if any), and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

(11) "Loan" means the District's lending of proceeds from the sale, in one or more series, of the Bonds to the Borrower.

(12) "Project" means the financing, refinancing, or reimbursing of all or a portion of the Borrower's costs of:

(A) The refinancing of certain existing indebtedness, the proceeds of which were used to finance or refinance the costs of the construction of certain leasehold improvements at facilities located at 3301 Wheeler Road, S.E., Washington, D.C. and 2501 Martin Luther King Jr. Avenue, S.E., Washington, D.C. (collectively, "Facilities");

(B) The renovation of the Facilities, including the purchase of certain equipment and furnishings for the Facilities relating to the Bonds, together with other property, real and personal, functionally related and subordinate thereto;

(C) Funding certain working capital costs, to the extent financeable, relating to the Bonds;

(D) Funding any credit enhancement costs, liquidity costs, or debt service reserve fund relating to the Bonds; and

(E) Paying cost of issuance and other related costs to the extent permissible, relating to the Bonds.

Sec. 3. Findings.

ENROLLED ORIGINAL

The Council finds that:

(1) Section 490 of the Home Rule Act provides that the Council may, by resolution, authorize the issuance of District revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, refinance, or reimburse costs, and to assist in the financing, refinancing, or reimbursing of the costs of undertakings in certain areas designated in section 490 and may effect the financing, refinancing, or reimbursement by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) The Borrower has requested the District to issue, sell, and deliver revenue bonds, in one or more series pursuant to a plan of finance, in an aggregate principal amount not to exceed $40 million, and to make the Loan for the purpose of financing, refinancing, or reimbursing costs of the Project.

(3) The Project is located in the District and will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District.

(4) The Project is an undertaking in the area of elementary and secondary school facilities, within the meaning of section 490 of the Home Rule Act.

(5) The authorization, issuance, sale, and delivery of the Bonds and the Loan to the Borrower are desirable, are in the public interest, will promote the purpose and intent of section 490 of the Home Rule Act, and will assist the Project.

Sec. 4. Bond authorization.

(a) The Mayor is authorized pursuant to the Home Rule Act and this resolution to assist in financing, refinancing, or reimbursing the costs of the Project by:

(1) The issuance, sale, and delivery of the Bonds, in one or more series, in an aggregate principal amount not to exceed $40 million; and

(2) The making of the Loan.

(b) The Mayor is authorized to make the Loan to the Borrower for the purpose of financing, refinancing, or reimbursing the costs of the Project and establishing any fund with respect to the Bonds as required by the Financing Documents.

(c) The Mayor may charge a program fee to the Borrower, including, but not limited to, an amount sufficient to cover costs and expenses incurred by the District in connection with the issuance, sale, and delivery of each series of the Bonds, the District's participation in the monitoring of the use of the Bond proceeds and compliance with any public benefit agreements with the District, and maintaining official records of each bond transaction, and assisting in the redemption, repurchase, and remarketing of the Bonds.

Sec. 5. Bond details.

ENROLLED ORIGINAL

(a) The Mayor and each Authorized Delegate is authorized to take any action reasonably necessary or appropriate in accordance with this resolution in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the Bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificated or book-entry form;

(2) The principal amount of the Bonds to be issued and denominations of the Bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on, the Bonds, and the maturity date or dates of the Bonds;

(5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;

(8) The time and place of payment of the Bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that the proceeds are properly applied to the Project and used to accomplish the purposes of the Home Rule Act and this resolution;

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed; and

(11) The terms and types of credit enhancement under which the Bonds may be secured.

(b) The Bonds shall contain a legend, which shall provide that the Bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District, do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary of the District of Columbia's manual or facsimile signature. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the Bonds.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee to be selected by the Borrower subject to the approval of the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The Bonds may be issued at any time or from time to time in one or more issues and in one or more series.

Sec. 6. Sale of the Bonds.

(a) The Bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interest of the District.

(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the Bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters and may authorize the distribution of the documents in connection with the sale of the Bonds.

(c) The Mayor is authorized to deliver the executed and sealed Bonds, on behalf of the District, for authentication, and, after the Bonds have been authenticated, to deliver the Bonds to the original purchasers of the Bonds upon payment of the purchase price.

(d) The Bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the Bonds of such series and, if the interest on the Bonds is expected to be exempt from federal income taxation, the treatment of the interest on the Bonds for purposes of federal income taxation.

Sec. 7. Payment and security.

(a) The principal of, premium, if any, and interest on, the Bonds shall be payable solely from proceeds received from the sale of the Bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Loan, income realized from the temporary investment of those receipts and revenues prior to payment to the Bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the Bonds, and other sources of payment (other than from the District), all as provided for in the Financing Documents.

(b) Payment of the Bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the Bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the Bonds pursuant to the Financing Documents.

(c) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the Bonds pursuant to the Financing Documents.

Sec. 8. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the Bonds and to make the Loan to the Borrower. Each of the Financing Documents and each of the Closing Documents to which the District is not a party shall be approved, as to form and content, by the Mayor.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the Bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 9. Authorized delegation of authority.

To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this resolution.

Sec. 10. Limited liability.

(a) The Bonds shall be special obligations of the District. The Bonds shall be without recourse to the District. The Bonds shall not be general obligations of the District, shall not be a pledge of, or involve the faith and credit or the taxing power of, the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The Bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the Bonds.

(c) Nothing contained in the Bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the Bonds from sources other than those listed for that purpose in section 7.

(d) The District shall have no liability for the payment of any Issuance Costs or for any transaction or event to be effected by the Financing Documents.

(e) All covenants, obligations, and agreements of the District contained in this resolution, the Bonds, and the executed, sealed, and delivered Financing Documents and Closing

Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this resolution.

(f) No person, including, but not limited to, the Borrower and any Bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District or any of its elected or appointed officials, officers, employees, or agents to perform any covenant, undertaking, or obligation under this resolution, the Bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(f), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the Bonds or be subject to any personal liability by reason of the issuance, sale or delivery of the Bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the Bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the Bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen Bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor’s receipt of the transcript of proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Disclaimer.

(a) The issuance of Bonds is in the discretion of the District. Nothing contained in this resolution, the Bonds, the Financing Documents, or the Closing Documents shall be construed as

obligating the District to issue any Bonds for the benefit of the Borrower or to participate in or assist the Borrower in any way with financing, refinancing, or reimbursing the costs of the Project. The Borrower shall have no claims for damages or for any other legal or equitable relief against the District, its elected or appointed officials, officers, employees, or agents as a consequence of any failure to issue any Bonds for the benefit of the Borrower.

(b) The District reserves the right to issue the Bonds in the order or priority it determines in its sole and absolute discretion. The District gives no assurance and makes no representations that any portion of any limited amount of bonds or other obligations, the interest on which is excludable from gross income for federal income tax purposes, will be reserved or will be available at the time of the proposed issuance of the Bonds.

(c) The District, by adopting this resolution or by taking any other action in connection with financing, refinancing, or reimbursing costs of the Project, does not provide any assurance that the Project is viable or sound, that the Borrower is financially sound, or that amounts owing on the Bonds or pursuant to the Loan will be paid. Neither the Borrower, any purchaser of the Bonds, nor any other person shall rely upon the District with respect to these matters.

Sec. 15. Expiration.

If any Bonds are not issued, sold, and delivered to the original purchaser within 3 years of the date of this resolution, the authorization provided in this resolution with respect to the issuance, sale, and delivery of the Bonds shall expire.

Sec. 16. Severability.

If any particular provision of this resolution or the application thereof to any person or circumstance is held invalid, the remainder of this resolution and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this resolution is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuing of the Bonds, and the validity of the Bonds shall not be adversely affected.

Sec. 17. Compliance with public approval requirement.

This approval shall constitute the approval of the Council as required in section 147(f) of the Internal Revenue Code of 1986, as amended, approved October 22, 1986 (100 Stat. 2635; 26 U.S.C. § 147(f)), and section 490(k) of the Home Rule Act, for the Project to be financed, refinanced, or reimbursed with the proceeds of the Bonds. This resolution approving the issuance of the Bonds for the Project has been adopted by the Council after a public hearing held at least 14 days after publication of notice in a newspaper of general circulation in the District.

Sec. 18. Transmittal.

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

Sec. 19. 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. 20. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-562

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To confirm the appointment of Mr. Roderick Davis to the Real Property Tax Appeals Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Tax Appeals Commission Roderick Davis Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Roderick Davis
1407 Montague Street N.W.
Washington, D.C. 20011
(Ward 4)

as a part-time member of the Real Property Tax Appeals Commission, established by D.C. Official Code § 47-825.01a, replacing James T. Walker, Jr., for a term to end April 30, 2022.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-563

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To confirm the appointment of Mr. Charles R. Lowery, Jr. to the Housing Production Trust Fund Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Board Charles R. Lowery, Jr. Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Charles R. Lowery, Jr.
1317 Somerset Place, N.W.
Washington, D.C. 20011
(Ward 4)

as a member, with significant knowledge of an area related to the production, preservation, and rehabilitation of affordable housing for lower-income households, of the Housing Production Trust Fund Board, established by section 3a of the Housing Production Trust Fund Act of 1988, effective June 8, 1990 (D.C. Law 8-133; D.C. Official Code § 42-2802.01), for a term to end January 14, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-564

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To confirm the appointment of Mr. Michael Spencer to the Rental Housing Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rental Housing Commission Michael Spencer Confirmation Resolution of 2018".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Mr. Michael Spencer
3642 Camden Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the Rental Housing Commission, established by section 201 of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.01), for a term to end July 18, 2021.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-568

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To approve an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2017-LRSP-02A with 1736 Rhode Island Ave, LLC for program units at Rhode Island Avenue Apartments, located at 1736 Rhode Island Avenue, N.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Local Rent Supplement Program Contract No. 2017-LRSP-02A Approval Resolution of 2018".

Sec. 2. (a) In 2007, the District passed Title II of the Fiscal Year 2007 Budget Support Act of 2006 ("BSA") to provide funding for affordable housing for extremely low-income households in the District. The passage of the BSA created the Local Rent Supplement Program ("LRSP"), a program designed to provide affordable housing and supportive services to extremely low-income District residents, including those who are homeless or in need of supportive services, such as elderly individuals or those with disabilities, through project-based, tenant-based, and sponsor-based LRSP affordable housing units. The BSA provided for the District of Columbia Housing Authority ("DCHA") to administer the LRSP on behalf of the District.

(b) In 2017, the DCHA participated in a request for proposals issued by the District of Columbia Department of Housing and Community Development. Of the total proposals received, 7 developers were chosen to work with DCHA and other District agencies to develop affordable housing and permanent supportive housing units for extremely low-income families making zero to 30% of the area's median income, as well as the chronically homeless and individuals with mental or physical disabilities. Upon approval of the contract by the Council, DCHA will enter into an agreement to enter into a long-term subsidy contract ("ALTSC") with the selected housing providers under the LRSP for housing services.

(c) There exists an immediate need to approve the long-term subsidy contract with 1736 Rhode Island Ave, LLC under the LRSP in order to provide long-term affordable housing units for extremely low-income households for units located at 1736 Rhode Island Avenue, N.E.

(d) The legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and 1736 Rhode Island Ave, LLC with respect to the payment of a rental subsidy and allow the owner to lease the rehabilitated units at Rhode Island Avenue Apartments and house extremely low-income households with incomes at 30% or less of the area median income.

Sec. 3. 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 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 the ALTSC with 1736 Rhode Island Ave, LLC to provide an operating subsidy to support 13 affordable housing units in an initial amount not to exceed $362,424 annually.

Sec. 4. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Housing Authority and the Mayor.

Sec. 5. 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. 6. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-579

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public School Nurse Assignment Act of 1987 to require that any public school currently receiving school nurse services above 20 hours per week continue at that existing level of service, or the level recommended by the Department of Health's risk-based assessment, whichever is greater, for the 2018-2019 school year.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public School Nurse Assignment Emergency Declaration Resolution of 2018".

Sec. 2. (a) In 1987, the Council passed the District of Columbia Public School Nurse Assignment Act of 1987, effective December 10, 1987 (D.C. Law 7-45; D.C. Official Code § 38-621), to require a registered nurse be assigned to each District of Columbia elementary and secondary public school a minimum of 20 hours per week, beginning in 1989.

(b) In 2006, the Council's Committee on Health requested that the Department of Health and Children's National, the school nurse program contractor, transition to 40 hours of nurse coverage per week by supplementing registered nurses with licensed practical nurses.

(c) In April 2016, the Deputy Mayor for Education sent a letter to local education agency ("LEA") leaders announcing the Department of Health's new model for the school health services program as part of the broader Whole School, Whole Community, Whole Child ("WSCC") model developed by the Centers for Disease Control and Prevention ("CDC"). Under the new program, registered nurses would continue to provide clinical care for all children with special health care needs who require daily medications or treatment. Additional health professionals and community navigators would work with families, schools, and students' primary care providers to make sure students receive well-child exams and the preventive services they need to be healthy. School nurse service levels would be reset for all schools at a minimum of 20 hours each week, with some receiving additional coverage depending on the medical needs of the student population. This new model was to be implemented at the start of school year 2016-2017.

(d) Due to extensive concerns raised by school leaders, parents, and the Council's Committee on Health and Committee on Education about the proposed changes, and the failure of the Department of Health to properly consult with and inform school communities about the

change, the Council passed emergency and temporary legislation to stop any reduction in nurse coverage in November 2016 and again in September of 2017.

(e) While permanent legislation to require a full-time nurse in every school was unanimously approved by the Council and signed by the Mayor, it remains subject to appropriations. The Council is poised to pass the more limited language in line with the past emergency and temporary legislation at the July 10, 2018 legislative meeting. However, the previously passed temporary legislation will expire before the permanent will take effect.

(f) Therefore, there exists an immediate need to amend existing law to require that any school currently receiving school nurse services above 20 hours per week continue at that existing level of service, or the level recommended by the Department of Health's new risk-based assessment, whichever is greater, for school year 2018-2019.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public School Nurse Assignment Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-580

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to declare the District-owned real property located at the rear of 3212 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0105 in Square 2892, is no longer required for public purposes and to authorize the disposition of the property to ZP Georgia, LLC for the purpose of developing and providing open space or parking on the property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Square 2892, Lot 0105 Surplus Property Declaration and Disposition Authorization Emergency Declaration Resolution of 2018".

Sec. 2. (a) There exists an immediate need to declare the District-owned real property located at the rear of 3212 Georgia Avenue, N.W., known for tax and assessment purposes as Lot 0105 in Square 2892 (the "Property"), is no longer required for public purposes and to authorize the disposition of the property to ZP Georgia, LLC for the purpose of developing and providing open space or parking on the property.

(b) The Property is an alley lot consisting of approximately 2,000 square feet, upon which an approximately 400-square-foot storage structure is located. The Property is located along the rear of Georgia Avenue, N.W. and has no street or sidewalk frontage (only alley access).

(c) The District has not used the Property since 2008.

(d) The Property is no longer required for public purposes, and the District has identified a buyer for the Property through a competitive solicitation. The proposed buyer is ZP Georgia, LLC ("Buyer"), a Delaware limited liability company.

(e) This matter requires immediate action by the Council because the Property poses a potential public safety risk for the community and otherwise adversely impacts the community the longer it remains vacant and unused. The Property, and the storage structure thereon, have attracted, and will continue to attract, nuisance uses, which adversely impact residents and businesses in the community. Inclement weather, such as rain and snow, have caused, and will continue to cause, water and structural damage to the structure on the Property, which weakens it and poses a safety hazard to the public. As the structure on the Property deteriorates, it will become more difficult to maintain and secure.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Square 2892, Lot 0105 Surplus Property Declaration and Disposition Authorization Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 27, 2018
Protest Petition Deadline:	September 10, 2018
Roll Call Hearing Date:	September 24, 2018

License No.:	ABRA-093846
Licensee:	L'Enfant DC Hotel, LLC
Trade Name:	Hilton Washington DC/National Mall
License Class:	Retailer's Class "C" Hotel
Address:	480 L'Enfant Plaza, S.W.
Contact:	Michael D. Fonseca: (202) 625-7700

WARD 6 ANC 6D SMD 6D01

Notice is hereby given that this licensee has requested Substantial Changes 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 September 24, 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 CHANGES
Applicant requests a Summer Garden with 148 seats, and to extend Live Entertainment to the Summer Garden. Applicant also requests a Change of Hours.

CURRENT HOURS OF OPERATION INSIDE PREMISES
Sunday through Saturday 12am – 12am (24 hour operations)

CURRENT HOURS ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION INSIDE PREMISES
Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 2:30am

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES
Sunday through Saturday 11am – 3am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION INSIDE PREMISES
Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR THE SUMMER GARDEN
Sunday through Thursday 8am – 11pm, Friday and Saturday 8am – 12am

PROPOSED HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES
Sunday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

PROPOSED HOURS OF LIVE ENTERTAINMENT FOR THE SUMMER GARDEN
Sunday through Saturday 10am – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
7/27/2018

Notice is hereby given that:
License Number: ABRA-095751 **License Class/Type: A Retail - Liquor Store**
Applicant: Daniman L.L.C.
Trade Name: Lee's Liquor
ANC: 7B03

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

2339 PENNSYLVANIA AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:
9/10/2018

A HEARING WILL BE HELD ON:
9/24/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 9:30 pm	8 am - 9:30 pm
Monday:	7 am - 10 pm	7 am - 10 pm
Tuesday:	7 am - 10 pm	7 am - 10 pm
Wednesday:	7 am - 10 pm	7 am - 10 pm
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 27, 2018
Protest Petition Deadline:	September 10, 2018
Roll Call Hearing Date:	September 24, 2018
Protest Hearing Date:	November 28, 2018
License No.:	ABRA-110805
Licensee:	SYMPATYASHKA, LLC
Trade Name:	Spacy Cloud
License Class:	Retailer's Class "C" Restaurant
Address:	2309 18th Street, N.W.
Contact:	Jeff Jackson: (202) 251-1566

WARD 1 ANC 1C SMD 1C07

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 September 24, 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 **November 28, 2018 at 1:30 p.m.**

NATURE OF OPERATION
New Restaurant serving Latin American and Cuban cuisines. Requesting an Entertainment Endorsement to provide live entertainment inside the premises only. Summer Garden with 35 seats. Seating for 60 inside, and a Total Occupancy Load of 124.

HOURS OF OPERATION INSIDE PREMISES
Sunday through Thursday 8am – 12:30am, Friday and Saturday 8am – 2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES
Sunday through Thursday 10am – 12:30am, Friday and Saturday 10am – 2am

HOURS OF OPERATION FOR SUMMER GARDEN
Sunday through Thursday 8am – 10pm, Friday and Saturday 8am – 11pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SUMMER GARDEN
Sunday through Thursday 10am – 10pm, Friday and Saturday 10am – 11pm

HOURS OF LIVE ENTERTAINMENT INDOORS ONLY
Sunday through Thursday 6pm – 10pm, and Friday and Saturday 6pm – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	July 27, 2018
Protest Petition Deadline:	September 10, 2018
Roll Call Hearing Date:	September 24, 2018
Protest Hearing Date:	November 28, 2018
License No.:	ABRA-110594
Licensee:	TSEHAY, LLC
Trade Name:	Tsehay Ethiopian Restaurant
License Class:	Retailer's Class "C" Restaurant
Address:	3630 Georgia Avenue, N.W.
Contact:	Zakaria Ibrahim: (240) 491-1145

WARD 1 ANC 1A SMD 1A08

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 September 24, 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 **November 28, 2018 at 4:30 p.m.**

NATURE OF OPERATION

New Restaurant serving Ethiopian food. Summer Garden with 20 seats. Seating for 42 inside and a Total Occupancy Load of 62. Requesting an Entertainment Endorsement to provide live entertainment inside the premises and for the Summer Garden.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE THE PREMISES AND FOR THE SUMMER GARDEN

Sunday through Thursday 10am – 2am, Friday and Saturday 10am – 3am

HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES AND FOR THE SUMMER GARDEN

Sunday through Thursday 6pm – 2am, and Friday and Saturday 6pm – 3am

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD ON AIR QUALITY ISSUES

Reasonably Available Control Technology for Oxides of Nitrogen

Notice is hereby given that a public hearing will be held on August 27, 2018 at 5:30 PM in Room 574 at 1200 First Street NE, Washington, DC. This hearing provides interested parties an opportunity to comment on a plan by the Department of Energy & Environment (DOEE) to submit to the Environmental Protection Agency (EPA) a proposed State Implementation Plan (SIP) Revision for meeting the requirements of Reasonably Available Control Technology (RACT) set forth by the federal Clean Air Act (CAA); and submission of "*Revisions to Reasonably Available Control Technology Requirements for Combustion Turbines*" as an emergency rulemaking to the District's SIP for approval. Once the District has completed its procedures, the proposed revisions to the SIP will be submitted to EPA for approval.

The CAA requires that states achieve the health-based 8-hour ozone National Ambient Air Quality Standard (NAAQS) by specified dates, based on the severity of an area's air quality problem. Furthermore, *Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements* (80 FR 12264, March 6, 2015) states that areas classified as "moderate" non-attainment for ozone must submit a demonstration that their existing rules fulfill the 8-hour ozone RACT requirements. For the purposes of regulating stationary sources, even though the Washington, DC-MD-VA metropolitan area is designated as a "marginal" ozone nonattainment area, it is required by Section 182 (f) of the CAA to meet RACT requirements equivalent to those for a "moderate" ozone nonattainment area for the federal 8-hour ozone NAAQS because it is in the Ozone Transport Region established under Section 184 of the CAA. Attaining and maintaining concentrations of ground-level ozone below the health-based standard is important because ozone is a serious human health threat, and also can cause damage to important food crops, forests, and wildlife.

This proposed SIP Revision certifies that the District's existing federally-approved SIP meets the CAA RACT requirements in regards to control of oxides of nitrogen (NO_X) under the 8-hour ozone NAAQS, except with respect to certain combustion turbines and related equipment and with respect to certain equipment fired on digester gas. A separate public hearing notice is being issued concerning CAA RACT requirements in regards to control of Volatile Organic Compounds (VOC).

"*Revisions to Reasonably Available Control Technology Requirements for Combustion Turbines*" is an emergency rulemaking published in the *D.C. Register* on Friday, July 27, 2018 to update the District's requirements for RACT by adding emission standards for NO_X from combustion turbines. This rulemaking is being submitted as an amendment to the District's SIP in order to meet the RACT requirements for combustion turbines. The District is also submitting permit requirements for one (1) facility as an amendment to the

SIP in order to meet the RACT requirements for equipment fired on digester gas that is not covered by the combustion turbines rulemaking.

DOEE is seeking public comments on this proposed SIP Revision. Copies of this proposal are available for public review upon request at the DOEE offices on the 5th floor of 1200 First Street NE, Washington DC, 20002 or at https://doee.dc.gov/service/public-notices-hearings.

Persons wishing to present testimony at the hearing should furnish their name, address, telephone number, and affiliation, if any, to Alexandra Catena by 4:00 PM, August 27, 2018. No written comments will be accepted after August 27, 2018. Written comments should be sent to Alexandra Catena, Monitoring and Assessment Branch, Air Quality Division, 1200 First St, NE, Washington, DC 20002. E-mail· comments may be sent to alexandra.catena@dc.gov. Please use "NOx RACT SIP for 8-Hour Ozone" in the subject line. For more information, call Ms. Catena at (202) 741-0862.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD ON AIR QUALITY ISSUES

Reasonably Available Control Technology for Volatile Organic Compounds

Notice is hereby given that a public hearing will be held on August 27, 2018 at 5:30 PM in Room 574 at 1200 First Street NE, Washington, DC. This hearing provides interested parties an opportunity to comment on a plan by the Department of Energy & Environment (DOEE) to submit to the Environmental Protection Agency (EPA) a proposed State Implementation Plan (SIP) Revision for meeting the requirements of Reasonably Available Control Technology (RACT) set forth by the federal Clean Air Act (CAA); and submission of *Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations Regulations* (MVMERR) (63 DCR 15095) as a federally enforceable measure. Once the District has completed its procedures, the proposed revisions to the SIP will be submitted to EPA for approval.

The CAA requires that states achieve the health-based 8-hour ozone National Ambient Air Quality Standard (NAAQS) by specified dates, based on the severity of an area's air quality problem. Furthermore, *Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements* (80 FR 12264, March 6, 2015) states that areas classified as "moderate" non-attainment for ozone must submit a demonstration that their existing rules fulfill the 8-hour ozone RACT requirements. For the purposes of regulating stationary sources, even though the Washington, DC-MD-VA metropolitan area is designated as a "marginal" ozone nonattainment area, it is required to meet RACT requirements equivalent to those for a "moderate" ozone nonattainment area for the federal 8-hour ozone NAAQS because it is in the Ozone Transport Region established under Section 184 of the CAA. Attaining and maintaining concentrations of ground-level ozone below the health-based standard is important because ozone is a serious human health threat, and also can cause damage to important food crops, forests, and wildlife.

DOEE is certifying through this proposed SIP Revision that the District of Columbia's existing federally-approved SIP meets the CAA RACT requirements in regards to control of Volatile Organic Compounds (VOC) under the 8-hour ozone NAAQS. DOEE is also submitting the updated MVMERR rule (20 DCMR §§ 714(3)(a)(1), 718, 799) as an amendment to the District's SIP. The MVMERR rule was updated in 2016 to incorporate the Ozone Transport Commission's (OTC) 2009 MVMERR Model Rule. (63 DCR 003792, March 11, 2016; 63 DCR 15095, December 9, 2016). A separate public hearing notice is being issued concerning CAA RACT requirements in regards to control of oxides of nitrogen (NO_X).

DOEE is seeking public comments on this proposed SIP Revision. Copies of this proposal are available for public review upon request at the DOEE offices on the 5th floor of 1200 First Street NE, Washington DC, 20002 or at https://doee.dc.gov/service/public-notices-hearings.

Persons wishing to present testimony at the hearing should furnish their name, address, telephone number, and affiliation, if any, to Alexandra Catena by 4:00 PM, August 27, 2018. No written comments will be accepted after August 27, 2018. Written comments should be sent to Alexandra Catena, Monitoring and Assessment Branch, Air Quality Division, 1200 First St, NE, Washington, DC 20002. E-mail· comments may be sent to alexandra.catena@dc.gov. Please use "VOC RACT SIP for 8-Hour Ozone" in the subject line. For more information, call Ms. Catena at (202) 741-0862.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC HEARING AND SOLICITATION OF PUBLIC COMMENT

Fiscal Year 2019 Low Income Home Energy Assistance Program Draft State Plan

The Department of Energy and Environment (the Department) invites the public to present its comments at a public hearing on the Fiscal Year 2019 (FY 2019) Draft State Plan for the Low Income Home Energy Assistance Program (LIHEAP).

Public Hearing

HEARING DATE: **Monday, August 27, 2018**
TIME: **5:00 pm**
PLACE: **Department of Energy and Environment**
1200 First Street, NE, Washington, DC 20002
5th Floor
NOMA Gallaudet (Red Line) Metro Stop

Beginning July 27, 2018, the full text of the **FY 2019 Draft LIHEAP State Plan** will be available online at the Department's website. A person may obtain a copy of the Draft LIHEAP State Plan by any of the following means:

Download from the Department's website, doee.dc.gov/liheap. Look for "LIHEAP FY19 Draft State Plan" near the bottom of the page. Follow the link to the page, where the document can be downloaded in a PDF format;

Email a request to LIHEAP.StatePlan@dc.gov with "Request copy of **FY 2019 Draft State Plan**" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call the Department's reception at (202) 535-2600 and mention this Notice by name.

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Kenley Farmer RE: FY19 Draft LIHEAP State Plan" on the outside of the envelope.

The deadline for comments is August 27, 2018 at the conclusion of the public hearing. All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements.

Persons may also submit written testimony by email, with a subject line of "FY 2019 Draft LIHEAP State Plan", to LIHEAP.StatePlan@dc.gov. Comments clearly marked "FY 2019 Draft LIHEAP State Plan" may also be hand delivered or mailed to the Department's offices at the address listed above. All comments should be received no later than the conclusion of the public hearing on Monday, August 27, 2018. The Department will consider all comments received in its final decision.

DEPARTMENT OF HEALTH (DC HEALTH)

STATE HEALTH PLANNING AND DEVELOPMENT AGENCY

NOTICE OF PUBLIC HEARING

Pursuant to 22-B DCMR § 4302.1, the District of Columbia State Health Planning and Development Agency ("SHPDA") will hold a public hearing on Children's National's certificate of need application to develop the Pediatric Research and Innovation Campus and to relocate Pediatric and Adolescent Outpatient Primary Care Services, Genetics Services, and the Rare Disease Institute to the Walter Reed Army Medical Center Campus - Certificate of Need Registration No. 18-4-8.

The hearing will be held on Thursday, August 9, 2018, beginning at 10:00 a.m., at 899 North Capitol Street, N.E., 6th Floor, Room 6002, Washington, D.C. 20002.

Testimony from affected persons will be received at the hearing. Comments may be submitted in writing before the hearing, or they may be presented at the hearing orally or in writing. Written statements may also be submitted to the SHPDA, 899 North Capitol Street, N.E., Sixth Floor, Washington, D.C. 20002, until 4:45 p.m. on Thursday, August 16, 2018 before the record closes. The referenced application is available at the SHPDA for review.

Persons who wish to testify should contact the SHPDA on (202) 442-5875 before 4:45 p.m., by Wednesday, August 8, 2018. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes.

BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, SEPTEMBER 12, 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 TWO

19798 ANC 2B — **Application of State of Hungary, Ministry of Foreign Affairs and Trade,** pursuant to 11 DCMR Subtitle X, Chapter 2, to renovate the existing Hungarian Chancery in the MU-15 Zone at premises 1500 Rhode Island Avenue N.W. (Square 195S, Lot 800).

WARD ONE

19775 ANC 1D — **Application of District of Columbia Public Schools,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1 (b) and (c), to construct rooftop mechanical equipment screening on an existing public school in the RF-1 Zone at premises 1755 Newton Street N.W. (Square 2619, Lot 654).

WARD ONE

19794 ANC 1B — **Application of Scott Giering,** pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a two-story rear addition to an existing principal dwelling unit in the RF-1 Zone at premises 744 Hobart Place N.W. (Square 2888, Lot 117).

WARD ONE

19796 ANC 1A — **Application of 3324 Sherman Ave LLC,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert an existing flat to a three-unit apartment house in the RF-1 Zone at premises 3324 Sherman Avenue N.W. (Square 2841, Lot 864).

WARD SEVEN

19806 ANC 7C — **Application of Multi-Therapeutic Services Inc.,** pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 203.1(g), to permit an adult daytime care use in the R-2 Zone at premises 927 55th Street N.E. (Square 5214, Lot 128).

WARD EIGHT

19814 ANC 8B — **Application of Stanton View Development, LLC,** pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the side yard requirements of Subtitle D § 307.4, to construct a new principal dwelling unit in the R-3 Zone at premises 1724 Gainesville Street S.E. (Square 5822, Lot 103).

WARD THREE

19816 ANC 3B — **Application of InSite Real Estate Investment Properties LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use requirements of Subtitle U § 203.1(g), to permit a daytime care use in the R-12 Zone at premises 2461 Wisconsin Avenue N.W. (Square 1299, Lot 959).

WARD TWO

19807 ANC 2B — **Appeal of J. River 1772 Church Street LLC and St. Thomas Episcopal Parish,** pursuant to 11 DCMR Subtitle Y § 302, from the decision made on April 23, 2018 by the Department of Consumer and Regulatory Affairs, to issue a stop work order for the construction of an addition to an existing church and a new residential building, in the DC/SP-1 Zone at premises 1772 Church Street N.W. (Square 156, Lot 369).

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
ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገ ዎት ወይም የ ቋንቋ እርዳታ አገ ልግሎ ቶች (ትርጉ ም ወይ ም ማስ ተር ጎ ም ካስ ፈለ ገ ዎት እ ባክ ዎን ከስ ብስ ባ ወጪ ም ት ቀ ና ት በፊ ት ዚ ሂ ልን በስ ልክ ቁ ጥር (202) 727-0312 ወ ይ ም በኤ ሜ ል Zelalem.Hill@dc.gov ይ ገ ና ኙ። እ ነ ኚ ህ አ ገ ል ግ ሎ ቶ ች የ ሚ ሰ ጡ ት በ ነ ጻ ነ ው።

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

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

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

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

Vietnamese
Quí vị có cần trợ giúp gì để tham gia không?

Nếu quí 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

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of For-Hire Vehicles, pursuant to the authority set forth in Sections 8 (c) (1), (2), (3), (5), (7), (10), (12), (13), and (19); 14; 20; 20a; 20j; and 20l of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07(c) (1),(2), (3), (5), (7), (10), (12), (13), and (19); § 50-301.13; § 50-301.19; § 50-301.20; and § 50-301.29 (2014 Repl. & 2017 Supp.)), hereby gives notice of the adoption of amendments to Chapter 8 (Operating Rules for Public Vehicles-for-Hire) and Chapter 99 (Definitions), of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends Chapter 8 to encourage the use of shared riding for digital taxicab solutions through a clarified structure for calculating shared ride fares. The Department finds there is an immediate need to preserve and promote the safety and welfare of District residents by increasing the taxicab industry's competitiveness and maintaining the availability of taxicab service by lowering the wait time rate. In addition, the current shared riding system outlined under the Department's current regulations is being underutilized. The new system will make shared riding more attractive to both operators and passengers by instituting a clarified structure for calculating shared ride fares that incentives the use of digital meters, an innovative technology that would apportion shared ride fares in a manner that maximizes consumer choice and operator income. In transporting two or more shared ride fares, operators will earn more money than had they only transported one passenger or fare at once. Passengers, in turn, will save money by paying a lower time and distance rate in sharing a ride with others—a benefit that has long been available on the private sedan segment of the for-hire transportation industry through services such as UberPOOL, Lyft Line, and Via.

This rulemaking also amends Chapter 8 to reduce the wait time rate from $35 per hour to $25 per hour. The wait time rate was increased from $25 to $35 in 2015, but most operators' modern taximeter systems were never reprogrammed with the same rate. With the beginning of the DTS rollout, many passengers have raised concerns to the Department about the higher wait time rate, and the Department has also heard from taxicab owners and operators that the higher rate is bad for business and places taxicabs at a greater competitive disadvantage versus the private sedans.

A Notice of Emergency and Proposed Rulemaking was adopted on November 30, 2017, and took effect immediately. It was due to expire one hundred twenty (120) days after the date of its adoption on March 30, 2018, and was published in the *D.C. Register* on February 9, 2018, at 65 DCR 001480. A Notice of Public Hearing was published in the *D.C. Register* on March 2, 2018, at 65 DCR 002174, announcing a public hearing for Wednesday, March 7, 2018 at 10:00 am. Additionally, a forty-five (45)-day comment period ran from February 9, 2018, to March 26, 2018. No substantial comments were received from either the comment period or at the public hearing. A second emergency rulemaking was adopted on March 27, 2018, and published in the *D.C. Register* on July 20, 2018, at 65 DCR 007583, for the reasons articulated above. No

substantive changes were made from to the prior rulemaking. Non-substantive changes were to correct a numbering error at (c)(2), which was replaced with the proper numbering of (c)(1)(C)(v); to replace the word "plus" with the words "for entry and" in subparagraph (c)(1)(A); and to replace the word "never" with "not" in subparagraph (c)(2)(E). The second emergency rulemaking took effect immediately upon adoption and was due to expire on July 25, 2018.

These rules were adopted as final on July 20, 2018 and will take effect upon publication in the *D.C. Register*.

Chapter 8, OPERATING RULES FOR PUBLIC VEHICLES-FOR-HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended as follows:

Subsection 801.7(c) is amended to read as follows:

(c) Fare for trips booked by a street hail, a telephone dispatch or a digital dispatch by a DDS that does not process digital payments (in-vehicle payment only) shall be as follows:

(1) The time and distance charges that shall be generated automatically by the taximeter for a taxicab trip booked by street hail, by telephone dispatch, or by digital dispatch through a DDS that does not process digital payments, are established as follows:

(A) Minimum fare (flag drop rate): three dollars and twenty-five cents ($3.25) for entry and the first one-eighth (1/8) of a mile.

(B) Distance (after the first one eighth (1/8) of a mile):

(i) General distance rate: two dollars and sixteen cents ($2.16) per mile (or twenty-seven cents ($0.27) per one-eighth (1/8) of a mile); or

(ii) Special shared ride distance rate (available for digital taximeter systems only): one dollar and twenty cents ($1.20) per mile (or fifteen cents ($0.15) per one-eighth (1/8) of a mile).

(C) Time (wait time):

(i) Twenty-five dollars ($25) per hour, to be calculated in sixty (60)-second increments;

(ii) Time shall be charged when the vehicle is stopped, and when the vehicle is slowed to a speed of less than ten (10) miles per hour for longer than sixty (60) seconds;

(iii) Time shall be charged for delays and stopovers en route at the direction of the passenger;

(iv) Time shall not be charged during periods lost due to vehicle or operator inefficiency; and

(v) If the vehicle is responding to a dispatch, time shall be charged beginning five (5) minutes after the time pickup was requested by the customer. There shall be no additional charge for early arrival.

(2) The authorized additional charges which shall be generated automatically by the taximeter for a taxicab trip booked by street hail, by telephone dispatch, or by digital dispatch through a DDS that does not process digital payments, are established as follows:

(A) A fee for telephone dispatch, if any, which shall be two dollars ($2);

(B) A taxicab passenger surcharge, which shall be twenty-five cents ($0.25) (per trip or per segment of a shared ride, and not per passenger);

(C) A charge for delivery service where there is no passenger present shall be determined by an applicable administrative issuance or other document approved by the Department;

(D) The amount of any airport surcharge or toll paid by the taxicab operator;

(E) An additional passenger fee for each segment of a group or shared ride where more than one (1) passenger is present in the vehicle, which shall be one dollar ($1.00) regardless of the number of additional passengers (the total additional passenger fee shall not exceed one dollar ($1.00)), provided however, that no additional passenger fee shall be charged when the special shared ride distance rate applies; and

(F) A snow emergency fare when authorized under § 804.

Section 9901, DEFINITIONS, of Chapter 99, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended to add the following definition:

"Special shared ride distance rate" – the taximeter distance rate for a shared ride in a vehicle with a digital taximeter which has been reprogrammed for this rate.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance ("DHCF" or "Department"), pursuant to the authority set forth in An Act to enable the District of Columbia ("District") to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (2016 Repl.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of amendments to Chapter 27 (Medicaid Reimbursement for Fee for Service Pharmacies) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations ("DCMR").

These final rules amend the Medicaid reimbursement methodology of covered outpatient drugs for fee-for-service pharmacies. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services ("CMS") promulgated federal rules that require all states to comply with reimbursement requirements for covered outpatient drugs in accordance with 42 CFR §§ 447.500 – 447.522.

Under the federal rules, states must use actual acquisition costs ("AAC") as part of the methodology to reimburse ingredient costs of brand name and multiple source drugs that do not have established federal upper limits ("FULs"). The federal rules also provided a definition of professional dispensing fees, which in effect requires states to restructure their professional dispensing fees to take into account additional costs (*e.g.*, overhead, a pharmacist's time in checking the computer for information about an individual's coverage, performing drug utilization review and preferred drug list review activities, and packaging).

The federal rules also require that the District reimburse pharmacies a professional dispensing fee that takes into account required factors and ensures the District rate is comparable to other jurisdictions. Taking these factors into account, the District's reimbursement of the professional dispensing fee is increasing under this rulemaking from four dollars and fifty cents ($4.50) to eleven dollars and fifteen cents ($11.15).

The federal rules also specify the reimbursement methodologies that apply to: retail pharmacies; specialty drugs primarily dispensed through the mail; non-retail community pharmacies (*e.g.*, institutional or long-term care pharmacy when not included as part of an inpatient stay); clotting factor from Specialty Pharmacies Hemophilia Treatment Centers, Centers of Excellence; drugs acquired via the Federal Supply Schedule ("FSS"); drugs acquired at nominal price outside of 340B Drug Pricing Program and FSS; federally approved 340B covered entity pharmacies; and 340B contract pharmacies. These final rules make changes to conform to these federal requirements. DHCF expects a decrease in aggregate expenditures of approximately $2,681,140 in FY 2017 and a decrease in aggregate expenditures of approximately $6,434,735, each year, in FY 2018 through FY 2021.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 5, 2017, at 64 DCR 004262. Three (3) sets of comments were received. Unity Health Care ("UHC"), RELX Group, and Mary's Center all responded to request for public comment. DHCF carefully considered all comments received and made substantive changes. DHCF separately determined to require, as condition of participation with the District Medicaid Program, that pharmacy service providers cooperate with District Medicaid initiatives to provide information to beneficiaries at the point of sale when a beneficiary's request for pharmacy benefits is denied. Implementation of the changes set forth in Subsection 2701.2(d) are not dependent upon CMS approval.

A Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on March 23, 2018, at 65 DCR 003013. DHCF received no comments and made no substantive changes to the rule. DHCF made a technical correction to Subsection 2706.1 to properly identify the website address where the on-line provider manual is located.

These rules correspond to a SPA, which has been approved by the Council of the District of Columbia ("Council") and CMS. The Council approved the corresponding SPA through the Fiscal Year 2017 Budget Support Act of 2016, effective October 8, 2016 (D.C. Law No. 21-160; 63 DCR 10775 (August 26, 2016)). CMS approved the SPA on June 28, 2017 with an effective date of May 6, 2017.

These final rules were adopted on July 3, 2018 and shall become effective on the date of publication of this notice in the *D.C. Register.*

Chapter 27, MEDICAID REIMBURSEMENT FOR FEE FOR SERVICE PHARMACIES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 2701 PROVIDER PARTICIPATION, is amended to read as follows:

2701 PROVIDER PARTICIPATION

2701.1 A provider of pharmacy services shall be a licensed pharmacy. To participate in the District of Columbia's Medicaid Program, the provider shall:

(a) Fully comply with any applicable District, state and federal laws or regulations governing the provision and reimbursement of pharmacy services; and

(b) Complete and sign the Medicaid Provider Agreement.

2701.2 As a condition of participation, the provider shall be required to comply with the following requirements:

(a) Perform prospective drug utilization review before dispensing each prescription. This shall include screenings for, but not limited to, the following:

(1) Therapeutic duplication;

(2) Drug-disease contraindications;

(3) Drug interactions;

(4) Incorrect dosage indication, or duration;

(5) Drug allergies; and

(6) Abuse or misuse;

(b) Provide patient counseling on all matters which, in the provider's professional judgment, shall be deemed significant, including:

(1) Name and/or description of the medication;

(2) Route, dosage form, and duration of therapy;

(3) Directions for use;

(4) Common side effects;

(5) Potential adverse reactions, contraindications;

(6) Storage; and

(7) Refill information;

(c) Obtain, record, and maintain patient profiles including the following:

(1) Name, address, phone number, age and gender;

(2) Individual history (*i.e.*, diseases, allergies, drug reactions);

(3) Comprehensive listing of medications; and

(4) Relevant comments; and

(d) Cooperate with any District of Columbia Medicaid Program initiatives to provide information to beneficiaries at the point of sale including, but not limited to:

(1) Prominently displaying posters or notices; and

(2) Providing beneficiaries with individualized notices, letters, or pamphlets.

Section 2702, [RESERVED], is amended to read as follows:

2702 PROFESSIONAL DISPENSING FEE

2702.1 Medicaid reimbursement of covered outpatient drugs to fee for service pharmacies shall include a professional dispensing fee. A professional dispensing fee is a fee that:

(a) Is incurred at the point of sale or service;

(b) Pays for pharmacy costs in excess of the ingredient cost of a covered outpatient drug each time a covered outpatient drug is dispensed;

(c) Includes only pharmacy costs associated with ensuring that possession of the appropriate covered outpatient drug is transferred to a Medicaid beneficiary. Pharmacy costs include, but are not limited to reasonable costs associated with delivery, special packaging and overhead associated with maintaining the facility and equipment necessary to operate the pharmacy, and a pharmacist’s time spent:

(1) Checking the computer for information about an individual's coverage

(2) Performing drug utilization review and preferred drug list review activities;

(3) Measuring or mixing of the covered outpatient drug;

(4) Filling the container;

(5) Counseling a beneficiary; and

(6) Physically providing the completed prescription to the Medicaid beneficiary.

2702.2 The professional dispensing fee shall not include administrative costs incurred by the District in the operation of the covered outpatient drug benefit including systems costs for interfacing with pharmacies.

Subsection 2703.1 of Section 2703, REIMBURSEMENT FOR PRESCRIPTIONS, is amended as follows:

2703.1 The District of Columbia Medicaid Program shall reimburse claims submitted by participating providers for the following prescriptions:

(a) Legend drugs that are approved for safety and effectiveness as prescription drugs by the U.S. Food and Drug Administration ("FDA") and prescribed for their FDA-approved indication;

(b) Over-the-counter ("OTC") medications as listed in the District Medicaid Preferred Drug List and the Pharmacy Billing Manual. The following categories of OTC medications shall be covered when prescribed by a licensed provider:

(1) Oral Analgesics with a single active ingredient (*e.g.*, aspirin, acetaminophen, and ibuprofen);

(2) Ferrous salts (sulfate, gluconate);

(3) Antacids (aluminum, magnesium, bismuth);

(4) Diabetic preparations (*e.g.*, Insulin);

(5) Single agent Vitamin Bl, Vitamin B6, Vitamin Bl2, Vitamin D, folic acid products, and geriatric vitamins;

(6) Family planning drugs;

(7) Senna extract;

(8) Smoking cessation products;

(9) Single ingredient antihistamine medications;

(10) Single ingredient cough and cold medications; and

(11) Select agents when used for anorexia, weight loss, or weight gain as indicated in the District Medicaid Preferred Drug List and the Pharmacy Billing Manual;

(c) Prenatal vitamins and fluoride preparations, as required under Section 1927 of the Social Security Act;

(d) Diabetic preparations (*e.g.*, blood glucose monitors, blood glucose test strips, syringes), when prescribed by a licensed provider; and

(e) Other drugs or products used for mitigating disease in the event of a public health emergency.

Subsections 2706.1 and 2706.3 of Section 2706, LIMITATIONS AND REQUIREMENTS FOR CERTAIN SERVICES, are amended to read as follows:

2706.1 All claims submitted by participating providers shall only be reimbursed if they meet relevant quantity/day supply and refill limitations established by DHCF and are available in the on-line provider manual at www.dc-pbm.com.

2706.3 The drugs or classes of drugs listed in § 1927(d)(2) of Title XIX of the Social Security Act (42 USC § 1396r-8(d)(2)) shall be excluded from coverage unless specifically placed, either individually or by drug class, on the Medicaid Preferred Drug List of prior authorized drugs based on FDA-approved indications. The following categories of medications shall be excluded from the Medicaid outpatient pharmacy benefit:

(a) A drug which has been issued a "less than effective" ("LTE") rating by the FDA or a drug that is "identical, related or similar" to an LTE drug;

(b) A drug that has reached the termination date established by the drug manufacturer;

(c) A drug that the drug manufacturer has not entered into or has not complied with a rebate agreement for in accordance with § 1927(a) of Title XIX of the Social Security Act (42 USC § 1396r-8(a)), unless DHCF reviewed and determined that it shall be in the best interest of a Medicaid beneficiary to make a payment for the non-rebated drug;

(d) Investigational drugs;

(e) Over-the-counter drugs provided by nursing home pharmacies;

(f) Weight loss;

(g) Fertility;

(h) Non-prescription cough and cold;

(i) Non-prescription vitamin and mineral products;

(j) Agents when used for the treatment of sexual or erectile dysfunction except for limited medical uses as required by federal law; and

(k) Agents when used for cosmetic purposes or hair growth except when the District has determined that use to be medically necessary.

Section 2708, MAXIMUM ALLOWABLE COST (MAC) FOR PRESCRIBED MULTIPLE SOURCE DRUGS, is deleted in its entirety and amended to read as follows:

2708 REIMBURSEMENT FOR MULTIPLE SOURCE DRUGS

2708.1 A multiple source drug is a covered outpatient drug for which there is at least one other drug product that is:

(a) Rated as therapeutically equivalent as reported in the FDA's "Approved Drug Products with Therapeutic Equivalence Evaluations" which is available at http://www.accessdata.fda.gov/scripts/cder/ob/;

(b) Pharmaceutically equivalent and bioequivalent, as determined by the FDA; and

(c) Sold or marketed in the United States during the rebate period.

2708.2 Reimbursement for multiple source drugs shall include a professional dispensing fee in the amount of eleven dollars and fifteen cents ($11.15) plus the lesser of:

(a) The Federal Upper Limit ("FUL") of the drug for multiple source drugs, with the exception of the following:

(1) Multiple source drugs that do not have FULs; and

(2) Brand name drugs for which a prescriber has certified in writing as "Dispense as Written" or "Brand Necessary," subject to the requirements set forth under § 2708.3;

(b) The National Average Drug Acquisition Cost ("NADAC") when available, which shall be published online at: https://www.medicaid.gov/medicaid/prescription-drugs/pharmacy-pricing/index.html;

(c) The Wholesale Acquisition Cost ("WAC") plus zero percent (0%), which shall be kept by drug file pricing compendia vendors or drug databases approved by and in use at the federal level;

(d) The pharmacy's usual and customary charges to the general public; or

(e) The District Maximum Allowable Cost ("DMAC") established pursuant to §§ 2708.4 and 2708.5.

2708.3 Certification of "Dispense as Written" or "Brand Necessary," as described in § 2708.2, shall be subject to the following requirements:

(a) The handwritten phrase "Dispense as Written" or "Brand Necessary" shall appear on the face of the prescription form;

(b) If the prescription is for a nursing facility resident, a handwritten phrase "Dispense as Written" or "Brand Necessary" shall be documented in the resident's medical record accompanied by a copy of the physician's order and plan of care; and

(c) A dual line prescription form, a check-off box on the prescription form, and a check-off box on the physician's orders and plan of care shall not satisfy the certification requirement.

2708.4 A DMAC may be established for any drug for which there are two (2) or more A-rated therapeutically equivalent, source drugs with a significant cost difference. The DMAC shall be determined taking into account drug price status (non-rebatable, rebatable), marketplace status (obsolete, regional availability), equivalency rating (A-rated), and relative comparable pricing. Other factors that may be considered are clinical indications of generic substitution, utilization, and availability in the marketplace.

2708.5 The DMAC for multiple source drugs shall be determined as follows:

(a) Multiple drug pricing resources shall be utilized to determine the pricing for multiple source drugs, applying the necessary multipliers to ensure reasonable access by providers to the drug at or below the determined pricing benchmark; and

(b) The resources used to determine DMAC shall be maintained by a vendor under contract with DHCF, and include but are not limited to pharmacy providers, wholesalers, drug file pricing compendia vendors or drug databases approved by and in use at the federal level, and pharmaceutical manufacturers, or any current equivalent pricing benchmark.

2708.6 DHCF shall supplement the CMS listing for DMAC pricing described in § 2708.2(e) by adding drugs and their prices, which meet the following requirements:

(a) The formulation of the drug approved by the U.S. Food and Drug Administration (FDA) has been evaluated as therapeutically equivalent in the most current edition of its publication, Approved Drug Products with Therapeutic Equivalence Evaluations (including supplements or in successor publications); and

(b) At least two (2) suppliers list the drug (which has been classified by the FDA as category "A" in its publication, Approved Drug Products with Therapeutic Equivalence Evaluations, including supplements or in

successor publications) based on listing of drugs which are locally available.

Section 2709, METHODS FOR DETRMINING COST FOR SINGLE SOURCE DRUGS, is deleted in its entirety and amended to read as follows:

2709 REIMBURSEMENT FOR BRAND NAME DRUGS

2709.1 Reimbursement for brand name drugs shall include a professional dispensing fee in the amount of $11.15 and the lesser of:

(a) The pharmacies' usual and customary charges to the general public; or

(b) The Actual Acquisition Cost (AAC), which shall be determined by DHCF in accordance with § 2709.2.

2709.2 The AAC shall be determined by DHCF based upon the lesser of:

(a) The NADAC when available, which shall be published online at https://www.medicaid.gov/medicaid/prescription-drugs/pharmacy-pricing/index.html; or

(b) The WAC plus zero percent (0%), which shall be kept by drug file pricing compendia vendors or drug databases approved by and in use at the federal level.

Section 2710, CLAIMS REIMBURSEMENT REQUIREMENTS FOR RETAIL PHARMACIES, is deleted in its entirety and amended to read as follows:

2710 CLAIMS REIMBURSEMENT REQUIREMENTS FOR PHARMACIES

2710.1 Reimbursement by the Department shall be restricted to only those drugs supplied from manufacturers that have a signed a national rebate agreement or an approved existing agreement, as specified in § 1927(a) of Title XIX of the Social Security Act (42 USC § 1396r-8(a)).

2710.2 To be reimbursable, all prescriptions shall comply with District and federal laws and regulations for legal prescriptions. The District of Columbia will provide reimbursement for covered outpatient drugs consistent with prior authorization and other requirements under § 1927 of the Social Security Act.

2710.3 To be reimbursable, all prescriptions that have been written, verbally ordered, or electronically initiated by a licensed prescriber shall contain the following information on the prescription form:

(a) Name and address of patient;

(b) Individual Prescriber's Name and National Provider Identifier;

(c) Name, strength, and quantity of the medication;

(d) Directions for use;

(e) Number of refills, if any;

(f) Indication for "Dispense as Written" or "Brand necessary," when applicable; and

(g) Signature and date of the prescriber.

2710.4 To be reimbursable, prescriptions for controlled substances ordered by a licensed prescriber shall contain the prescription requirements set forth in § 2710.3 and include the following additional information:

(a) The Drug Enforcement Agency ("DEA") number of the licensed prescriber;

(b) The District of Columbia controlled substance registration number of the licensed prescriber; and

(c) The X-DEA number of the licensed prescriber for buprenorphine/naloxone drug preparations.

2710.5 The reimbursement methods for brand name drugs and multiple source drugs, set forth under §§ 2708 and 2709 of this chapter, shall apply to the following claims, as appropriate:

(a) Pharmacy claims for retail pharmacy providers;

(b) Specialty drugs primarily dispensed through the mail;

(c) Claims from pharmacies in inpatient or residential care settings when not included as part of an inpatient stay;

(d) Clotting factors from Specialty Pharmacies Hemophilia Treatment Centers, Centers of Excellence;

(e) Drugs acquired via the Federal Supply Schedule ("FSS"); and

(f) Drugs acquired at nominal price (outside of 340B Drug Pricing Program and FSS).

2710.6 Except for 340B of the Public Health Service Act (340B) contract pharmacies, federally approved 340B covered entity pharmacies that include Medicaid claims in the 340B Drug Pricing Program shall be reimbursed in accordance with §§ 2710.7 or 2710.8, as applicable, plus the professional dispensing fee of eleven dollars and fifteen cents ($11.15).

2710.7 The submitted ingredient cost for drugs purchased through the Federal Public Health Service's 340B Drug Pricing Program shall mean the 340B acquisition cost, and shall be reimbursed no higher than the 340B ceiling price as published. 340B covered entity pharmacies shall include the National Council for Prescription Drug Program (NCPDP) indicator on each claim for drugs purchased through the 340B program.

2710.8 Drugs purchased outside of the 340B program shall be submitted without the NCPDP 340B claim indicator described in § 2710.7, and shall be reimbursed using the methodology described in §§ 2708 and 2709, as applicable, plus up to the established professional dispensing fee of eleven dollars and fifteen cents ($11.15). All applicable Federal and District Supplemental rebates shall be applied to claims submitted without the NCPDP 340B claim indicator.

2710.9 Drugs acquired through the 340B drug pricing program and dispensed by 340B contract pharmacies are not covered. DHCF shall not reimburse prescription claims submitted by 340B contract pharmacies.

2710.10 340B contract pharmacies shall exclude Medicaid claims from the 340B Drug Pricing Programs.

2710.11 Drugs covered by Medicare for persons who are dually eligible for Medicare and Medicaid shall be billed to Medicare under the Medicare Prescription Drug Benefit Part D. The Medicaid program provides coverage to persons who are dually eligible for excluded or otherwise restricted classes of drugs to the same extent that it provides coverage to all Medicaid beneficiaries.

2710.12 Nursing facility pharmacies shall be reimbursed for an additional supply of covered medications when dispensed for use by a beneficiary residing in a long-term care facility during a short-term medically approved trip away from the facility.

2710.13 Nursing facility pharmacies' reimbursement for prescribed drugs for patients in their care shall not include the following prescription drugs and items which have been included in the Medicaid reimbursement rates for nursing facilities:

(a) Over-the-counter medications;

(b) Syringes for diabetic preparations;

(c) Geriatric vitamin formulations; and

(d) Senna extract single dose preparations except when required for diagnostic radiological procedures performed under the supervision of a physician.

Section 2711, CLAIMS REIMBURSEMENT REQUIREMENTS FOR NURSING HOME PHARMACY PROVIDERS, is deleted in its entirety and amended as follows:

2711 [RESERVED]

Section 2799, DEFINITIONS, is amended to read as follows:

2799 DEFINITIONS

2799.1 For purposes of this chapter, the following terms and phrases shall have the meanings ascribed:

Actual Acquisition Costs – DHCF's determination of the pharmacy providers' actual prices paid to acquire drug products marketed or sold by specific manufacturers.

Brand - Any registered trade name commonly used to identify a drug.

Brand name drugs – A single source or innovator multiple source drug.

Compound medication – Any prescription drug, excluding cough preparations, in which two (2) or more ingredients are extemporaneously mixed by a registered pharmacist.

Container – A light resistant receptacle designed to hold a specific dosage form which is or maybe in direct contact with the item and does not interact physically or chemically with the item or adversely affect the strength, quality, or purity of the item.

Department of Health Care Finance – The executive department responsible for administering the Medicaid program within the District of Columbia.

Federal Supply Schedule – A multiple award, multi-year federal contract for medical equipment, supplies, pharmaceutical, or service programs that is available for use by federal government agencies that complies with all federal contract laws and regulations. Pricing is negotiated based on how vendors do business with their commercial customers.

Federal Upper Limit – The upper limits of payment established by the Centers

for Medicare and Medicaid Services, consistent with the requirements set forth under 42 CFR §§ 447.512 – 447.516.

Generic drug – A drug that is produced and distributed without patent protection.

Investigational drug – A drug that is under study but does not have permission from Food and Drug Administration to be legally marketed and sold in the U.S.

Legend drug – A drug that can only be dispensed to the public with a prescription.

Medicaid Drug Rebate Program – The program created pursuant to the Omnibus Budget Reconciliation Act of 1990, approved November 5, 1990 (104 Stat. 1388; 42 USC § 1396r-8) (OBRA 1990), which requires a drug manufacturer to enter into and have in effect a national rebate agreement with the Secretary of the Department of Health and Human Services (HHS) for states to receive Federal funding for outpatient drugs dispensed to Medicaid patients.

Maintenance narcotic medication – A narcotic medication that has been dispensed in quantities sufficient for thirty (30) days or more for pain management therapy.

Pharmacy benefit manager – A company under contract with DHCF to manage pharmacy networks, provide drug utilization reviews, outcome management and disease management.

340B Covered Entity Pharmacy – An in-house pharmacy of an entity that meets the requirements set forth in § 340B(a)(4) of the Public Health Services Act.

340B Contract Pharmacy – A pharmacy dispensing drugs on behalf of a covered entity described at § 340B(a)(4) of the Public Health Services Act.

X-DEA number – A unique identification number (x-number) assigned by the Drug Enforcement Administration under the Drug Addiction Treatment Act of 2000 in order to prescribe or dispense buprenorphine/naloxone drug preparations.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.744; D.C. Official Code § 1-307.02 (2016 Repl. & 2017 Supp.)) and Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment to Section 5213 (Reimbursement), of Chapter 52 (Medicaid Reimbursement for Mental Health Rehabilitative Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This final rule increases the per unit reimbursement rate for the Crisis/Emergency service codes H2011 and H2011HK. The Crisis/Emergency service codes H2011 and H2011HK represent authorized services under the Mental Health Rehabilitation Services (MHRS) section of the District Medicaid State Plan. DHCF is increasing the H2011 code per unit reimbursement rate from thirty-six dollars and ninety-three cents ($36.93) to fifty-nine dollars and eighteen cents ($59.18) for services provided to beneficiaries other than the deaf or hard of hearing; and to increase the H2011HK code per unit reimbursement rate from forty-nine dollars and eighty-five cents ($49.85) to fifty-nine dollars and eighteen cents ($59.18) for services provided to beneficiaries who are deaf or hard of hearing.

This final rule also establishes authority for DHCF to reimburse MHRS providers in accordance with the rates set forth in the District of Columbia Medicaid fee schedule. Effective May 1, 2018, updates to MHRS reimbursement rates shall comply with the public notice requirements for Medicaid fee schedule updates, as set forth at 29 DCMR § 988.

The aggregate fiscal impact of the rate change is an increase in Medicaid expenditures of $375,498 in fiscal year (FY) 2018 and $901,196 in FY 2019.

This rule corresponds to a related State Plan amendment (SPA), which was approved by the U.S. Department of Health and Human Services, Center for Medicaid and Medicare Services (CMS) on April 27, 2018 with an effective date of May 1, 2018. The Council of the District of Columbia authorized the SPA on July 31, 2017, in the "Fiscal Year 2018 Budget Support Act of 2017" (D.C. Act 22-130; 64 DCR 7652 (August 11, 2017)).

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on April 6, 2018 at 65 DCR 003700. DHCF received no comments and made no changes.

This final rule was adopted on July 3, 2018 and shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 52, MEDICAID REIMBURSEMENT FOR MENTAL HEALTH REHABILITATIVE SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 5213, REIMBURSEMENT, is amended to read as follows:

5213 REIMBURSEMENT

5213.1 Effective May 1, 2018, reimbursement for Mental Health Rehabilitative Services (MHRS) shall be made according to the District of Columbia Medicaid fee schedule available online at www.dc-medicaid.com. All future updates to the reimbursement rates for MHRS services shall comply with the public notice requirements set forth under Section 988 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations (DCMR).

5213.2 A public notice of MHRS rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the change, and shall include a link to the Medicaid fee schedule.

5213.3 Medicaid reimbursement for MHRS provided to beneficiaries, other than beneficiaries who are deaf or hard of hearing, shall be determined as follows:

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Diagnostic/ Assessment	T1023HE	An assessment, at least 3 hours in duration	$256.02
	H0002	An assessment, 40 – 50 minutes in duration to determine eligibility for admission to a mental health treatment program	$85.34
Medication Training& Support	H0034	15 minutes	$44.65 – Individual
	H0034HQ	15 minutes	$13.52 – Group
Counseling	H0004	15 minutes	$26.42 – Individual
	H0004HQ	15 minutes	$8.00 – Group
	H0004HR	15 minutes	$26.42 – Family with Consumer On-Site
	H0004HS	15 minutes	$26.42 – Family without

			Consumer On-Site
	H0004HETN	15 minutes	$27.45 – Individual Off-Site

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Community Support	H0036	15 minutes	$21.97 – Individual
	H0036HQ	15 minutes	$6.65 – Group
	H0036UK	15 minutes	$21.97 – Collateral
	H0036AM	15 minutes	$21.97 – Physician Team Member
	H0038	15 minutes	$21.97 – Self-Help Peer Support
	H0038HQ	15 minutes	$6.65 – Self-Help Peer Support Group
	H0038HS	15 minutes	$21.97 – Family/Couple Peer Support without Consumer
	H0038HQHS	15 minutes	$6.65 – Family/Couple Peer Support Group Without Consumer
	H0036HR	15 minutes	$21.97 – Family with Consumer
	H0036HS	15 minutes	$21.97 – Family without Consumer
	H0036U1	15 minutes	$21.97– Community Residence Facility
	H2023	15 minutes	$18.61– Supported Employment (Therapeutic)
Crisis/ Emergency	H2011	15 minutes	$59.18

Day Services	H0025	One day, at least 3 hours in duration	$116.90
Intensive Day Treatment	H2012	One day, at least 5 hours in duration	$164.61
Community-Based Intervention (Level I – Multi-Systemic Therapy)	H2033	15 minutes	$57.42
Community-Based Intervention (Level II and Level III)	H2022	15 minutes	$35.74

SERVICE	**CODE**	**BILLABLE UNIT OF SERVICE**	**RATE**
Community-Based Intervention (Level IV – Functional Family Therapy)	H2033HU	15 minutes	$57.42
Assertive Community Treatment	H0039	15 minutes	$38.04 – Individual
	H0039HQ	15 minutes	$11.51 – Group
Trauma Focused Cognitive Behavioral Therapy	H004ST	15 minutes	$35.74
Child-Parent Psychotherapy for Family Violence	H004HT	15 minutes	$35.74

5213.4 Medicaid reimbursement for MHRS provided to beneficiaries who are deaf or hard of hearing shall be determined as follows:

SERVICE	**CODE**	**BILLABLE UNIT OF SERVICE**	**RATE**
Diagnostic/ Assessment	T1023HEHK	An assessment, at least 3 hours in duration	$345.63

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
	H0002HK	An assessment, 40 – 50 minutes in duration to determine eligibility for admission to a mental health treatment program	$115.21
Medication Training& Support	H0034HK	15 minutes	$60.28 – Individual
	H0034HQHK	15 minutes	$18.25 – Group
Counseling	H0004HK	15 minutes	$35.67 – Individual
	H0004HQHK	15 minutes	$10.80 – Group
	H0004HRHK	15 minutes	$35.67 – Family with Consumer On-Site
	H0004HSHK	15 minutes	$35.67 – Family without Consumer On-Site
Community Support	H0036HK	15 minutes	$29.66 – Individual
	H0036HQHK	15 minutes	$8.98 – Group
	H0036UKHK	15 minutes	$29.66 – Collateral
	H0036AMHK	15 minutes	$29.66 – Physician Team Member
	H0038HK	15 minutes	$29.66 – Self-Help Peer Support
	H0038HQHK	15 minutes	

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
	H0038HSHK	15 minutes	$8.98 –Self-Help Peer Support Group
	H0038HQHK	15 minutes	$29.66 – Family/Couple Peer Support without Consumer
	H0036HRHK	15 minutes	
	H0036HSHK	15 minutes	
	H0036U1HK	15 minutes	$8.98 – Family/Couple Peer Support Group Without Consumer
		15 minutes	$29.66 – Family with Consumer
		15 minutes	$29.66 – Family without Consumer
		15 minutes	$29.66– Community Residence Facility
	H2023HK	15 minutes	$25.12 Supported Employment (Therapeutic)
Crisis/ Emergency	H2011HK	15 minutes	$59.18
Day Services	H0025HK	One day, at least 3 hours in duration	$166.12
Intensive Day Treatment	H2012HK	One day, at least 5 hours in duration	$222.22

SERVICE	CODE	BILLABLE UNIT OF SERVICE	RATE
Community-Based Intervention (Level I – Multi-Systemic Therapy)	H2033HK	15 minutes	$77.52
Community-Based Intervention (Level II and Level III)	H2022HK	15 minutes	$48.25
Community-Based Intervention (Level IV – Functional Family Therapy)	H2033HUHK	15 minutes	$77.52
Assertive Community Treatment	H0039HK	15 minutes	$51.35 – Individual
	H0039HQHK	15 minutes	$15.54 – Group
Trauma Focused Cognitive Behavioral Therapy	H004STHK	15 minutes	$48.25
Child-Parent Psychotherapy for Family Violence	H004HTHK	15 minutes	$48.25

5213.5 The Department of Behavioral Health (DBH) shall be responsible for payment of the non-federal share of total expenditures under the District of Columbia

Medicaid State Plan (State Plan), or the local match, for all MHRS in accordance with the terms and conditions set forth in the Memorandum of Understanding between Department of Health Care Finance (DHCF) and DBH.

5213.6 DHCF shall claim the federal share of Medicaid financial participation, or the federal match, for all MHRS services.

5213.7 MHRS providers shall not bill the Medicaid beneficiary or any member of the Medicaid beneficiary's family for MHRS services.

5213.8 In accordance with the Medicaid third-party liability requirements set forth under 42 CFR Part 433 and outlined in the District of Columbia Medicaid State Plan, DBH shall bill all known third-party payors prior to billing the Medicaid Program.

5213.9 Medicaid reimbursement for MHRS is not available for:

(a) Room and board costs;

(b) Inpatient services (including hospital, nursing facility services, intermediate care facility for persons with mental retardation services, and Institutions for Mental Diseases services);

(c) Transportation services;

(d) Vocational services;

(e) School and educational services;

(f) Services rendered by parents or other family members;

(g) Socialization services;

(h) Screening and prevention services (other than those provided under Early and Periodic, Screening Diagnostic Treatment requirements);

(i) Services which are not medically necessary, or included in an approved Individualized Recovery Plan for adults or an Individualized Plan of Care for children and youth;

(j) Services which are not provided and documented in accordance with DBH-established MHRS service-specific standards; and

(k) Services furnished to a person other than the Medicaid client, when those services are not used exclusively for the well-being and benefit of the Medicaid client.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

Smoke-Free Public Housing

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 61 (Public Housing: Admission and Recertification) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed amendments is to achieve compliance with the Department of Housing and Urban Development's mandate contained in 24 CFR §§ 965.651 *et seq.*, and to minimize the risk of fire, reduce maintenance costs, and eliminate the adverse health effects associated with second and thirdhand smoke.

DCHA is creating Section 6128, "Public Housing: Smoke-Free Policy."

The proposed regulations were adopted by the Board on April 11, 2018 and were published in the *D.C. Register* on May 18, 2018, at 65 DCR 005687. A technical change was made to the numbering of the section. "Definitions" were moved from Subsection 6128.3 to Subsection 6128.99, and Subsections 6128.4-6128.7 were renumbered accordingly. No substantive changes were made.

This rulemaking was adopted as final at the Board of Commissioners' regular meeting on July 11, 2018. The final rules will become effective upon publication of this Notice in the *D.C. Register*.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, Title 14 DCMR, HOUSING, is amended as follows:

A new Section 6128, PUBLIC HOUSING: SMOKE-FREE POLICY, is created to read as follows:

6128 PUBLIC HOUSING: SMOKE-FREE POLICY

6128.1 Purpose. In accordance with the Department of Housing and Urban Development's mandate contained in 24 C.F.R. § 965.651 *et seq.*, the purpose of this section is to minimize the risk of fire, reduce maintenance costs, and eliminate the adverse health effects associated with second and thirdhand smoke.

6128.2 Applicability.

(a) This section applies to public housing assisted units as defined in D.C. Code § 6-201(41), except for dwelling units in redeveloped properties as defined in § 6113.1.

(b) This section applies to all residents, guests, visitors, service personnel and employees.

6128.3 Smoke-Free Public Housing. Smoking is prohibited within:

(a) All interior common areas, including but not limited to community rooms, community bathrooms, lobbies, hallways, laundry rooms, stairways, offices, and elevators;

(b) All living units; and

(c) All outdoor areas on public housing grounds.

6128.4 Designated Smoking Areas. The DCHA may designate Smoking Areas on public housing grounds provided that the Smoking Area is not within 25 feet of public housing or administrative office buildings in which public housing is located.

6128.5 The DCHA is not a guarantor of a smoke-free environment. The DCHA is not required to take steps in response to smoking unless it has actual knowledge of the smoking and the identity of the responsible resident.

6128.6 Lease Violation. Residents are responsible for the actions of their household, their guests, and visitors. Repeated failures to adhere to conditions in section 6128.04 will constitute both a material non-compliance with the lease agreement and a serious violation of the Lease Agreement. In addition, resident will be responsible for all costs to remove smoke odor or residue upon any violation of this section.

6128.99 Definitions.

The term **"smoking"** means inhaling, exhaling, breathing, carrying, or possessing any lighted cigar, cigarette, pipe, or other tobacco product or similar lighted product in any manner or in any form.

For purposes of this section **"public housing"** means low-income housing, and all necessary appurtenances (*e.g.*, community facilities, public housing offices, day care centers, and laundry rooms) thereto, assisted under U.S. Housing Act of 1937 (the 1937 Act), other than assistance under Section 8 of the 1937 Act.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

Housing Choice Voucher/Home Ownership Assistance Program

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of to the adoption of the following amendments to Chapter 92 (Housing Choice Voucher/Home Ownership Assistance Program (HCV/HOAP)) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed amendments is to improve the Housing Choice Voucher/Home Ownership Assistance Program to increase homeownership opportunities and ensure success of the program.

DCHA is amending Section 9203, "Eligibility Requirements," Section 9204, "Participant Selection Process," Section 9205, "Program Participation Requirements," Section 9208, "Review of Purchase Contract and Issuance of Final Certificate of Assistance," Section 9209, "Home Inspection," Section 9212, "Home Ownership Subsidy Terms and Conditions," Section 9213, "Maintenance Reserve," Section 9215, "Home Owner Obligations and Continued Assistance Requirements," Section 9217, "Lease-Purchase Agreements," and Section 9219, "Transfers from Homeownership to Rental Assistance."

The proposed regulations were adopted by the Board on April 11, 2018 and were published in the *D.C. Register* on April 27, 2018, at 65 DCR 004651. This rulemaking was adopted as final at the Board of Commissioners regular meeting on July 11, 2018. The final rules will become effective upon publication of this Notice in the *D.C. Register*.

Chapter 92, HOUSING CHOICE VOUCHER/HOME OWNERSHIP ASSISTANCE PROGRAM (HCV/HOAP), of Title 14 DCMR, HOUSING, is amended as follows:

CHAPTER 92 HOUSING CHOICE VOUCHER/HOME OWNERSHIP ASSISTANCE PROGRAM (HCV/HOAP)

Section 9203, ELIGIBILITY REQUIREMENTS, is amended as follows:

Subsections 9203.1 and 9203.2(c) are amended to read as follows:

9203.1 As a minimum threshold for participation in the HOAP, a head of household shall either already be a participant under lease in the federal Housing Choice Voucher Program with tenant-based voucher or be eligible for issuance of a federal tenant-based voucher for the sole purpose of homeownership purchase as described in 9204.1

9203.2 A Family that meets the threshold determination shall then meet the following eligibility requirements:

…

(c) Minimum Income.

(1) The household shall demonstrate that the gross annual income of the adult family members who will own the home at commencement of homeownership assistance meets the higher of twenty-five thousand dollars ($25,000) or the required District of Columbia Housing and Community Development Home Purchase Assistance (HPAP) Program minimum income requirement, as that requirement changes from time to time.

(2) Except in the case of an elderly or disabled family, income from a welfare assistance program shall not be counted toward the initial minimum income determination.

(3) Alternatively, the Family will be found to meet minimum income requirements if the adult family members who will own the home at commencement of homeownership assistance have gross annual income equal to at least two thousand (2,000) full-time work hours at the Federal Minimum Wage (FMW) or, for Disabled Families, equal to the monthly federal Supplemental Security Income Program benefit for an individual living alone multiplied by twelve (12); and

(i) The Family demonstrates that it has been pre-qualified or pre-approved for financing;

(ii) The pre-qualified or pre-approved financing meets the financing requirements outlined in §§ 9210, 9211 and 9212; and

(iii) The pre-qualified or pre-approved financing amount is sufficient to purchasing housing that meets Housing Quality Standards in the District of Columbia.

Section 9204, PARTICIPANT SELECTION PROCESS, is amended as follows:

Subsection 9204.1 is amended to read as follows:

9204.1 Families shall only be selected for the HOAP based on one of the following:

(a) Families who have completed the DCHA Housing Choice Voucher Family Self-Sufficiency (FSS) Programs with homeownership as the stated goal;

(b) Families in public housing that complete the DCHA Achieving Your Best Life (AYBL) Program that require and qualify for a Housing Choice Voucher to be able to purchase a home; OR

(c) Families who are under a lease using a federal tenant-based or project-based housing choice voucher that has met HOAP requirements and need a tenant-based voucher to purchase.

Section 9205, PROGRAM PARTICIPATION REQUIREMENTS, is amended as follows:

Subsections 9205.3, 9205.4, 9205.6(c), 9205.7, and 9205.8(a) are amended to read as follows:

9205.3 Homeownership Counseling. The Family shall satisfactorily complete homeownership and housing counseling training, before the Family can proceed to the home buying process. This training for homebuyers shall be provided by the HOAP or its designee and include the following but is not limited to:

(a) Credit Counseling, including credit repair;

(b) The Home Purchase Process, including the selecting of a real estate agent and home inspection professional;

(c) Homeownership Financing, including selection among the program's Participating Lenders;

(d) Mortgage delinquency/default prevention;

(e) Consumer (Homebuyer) Protection;

(f) Home Maintenance and Repair; and

(g) Choosing a good location.

9205.4 The applicant Family shall supply a copy of the Certificate of Completion upon receipt from District of Columbia Housing and Community Development Home Purchase Assistance Program.

9205.6 Mortgage Pre-approval.

…

(c) The mortgage pre-approval letter shall reflect the maximum purchase price, first trust mortgage loan amount, interest rate, and term of loan**.**

9205.7 Home Search Authorization.

(a) Upon receipt of their Initial Certificate of Assistance the Family shall select a Lender and present their Initial Certificate of Assistance to apply for their mortgage pre-approval.

(b) The Family shall be responsible for selecting a lender, independent professional housing inspector and a real estate agent**.**

9205.8 Home Search Time Limits and Extensions.

(a) From the date of issuance of a Home Search Authorization, the Family shall be allowed a total time period of one hundred and eighty (180) days to:

(1) Search for and find a home;

(2) Execute a contract of sale, including the HOAP contract addendum as required under Section 9209;

(3) Submit the sales contract to HOAP for review;

(4) Obtain a firm loan commitment;

(5) Obtain a HQS inspection from HCV;

(6) Submit a Professional Inspection Report to HOAP, as provided under Section 9209;

(7) Obtain HOAP Notice of Inspection Approval, as provided under Section 9208;

(8) Obtain a Final Certificate of Assistance from HOAP;

(9) Sign all required HOAP forms and attachments, including:

(i) Statement of Homeownership Obligations, required under Section 9215 hereof;

(ii) A Recapture Agreement and Subordinate Mortgage, as required under Section 9214 hereof;

(10) Close on the purchase of the property and the mortgage loan;

(11) Notify HOAP that the Loan has closed and provide to the DCHA HOAP Coordinator or designee a copy of the executed settlement statement and First Mortgage Payment Letter within five (5) business days of closing**.**

…

Section 9208, REVIEW OF PURCHASE CONTRACT AND ISSUANCE OF FINAL CERTIFICATE OF ASSISTANCE, is amended to read as follows:

9208 REVIEW OF PURCHASE CONTRACT AND ISSUANCE OF FINAL CERTIFICATE OF ASSISTANCE

9208.1 Once the Applicant Family has found a home and executed a purchase agreement, the Family shall provide the HCVP HOAP Homeownership Coordinator or designee with the following required documents for review and/or approval:

(a) Verification of funds for the initial down-payment;

(b) The executed purchase agreement or contract of sale;

(c) The professional home inspection report.

9208.2 If the Family is a graduate from a DCHA Family Self-Sufficiency (FSS) Program and DCHA has provided the Family with an escrow payment, the Family must put down no less than forty percent (40%) of the total amount of their escrow payment towards down-payment and closing costs and must disclose the full amount of escrow funds to the lender. The Family may choose to use their FSS escrow payment towards the minimum percentage down-payment and closing cost, OR seek other financial resources the meet the equivalent to the minimum required out of pocket cost.

9208.3 If the Family is a graduate from the DCHA AYBL Program and the graduating family has earned an escrow payment, the family must put down the amount required by the AYBL program towards down-payment and closing costs if they choose to purchase a home using federal housing choice voucher assistance.

9208.4 Based on the purchase amount identified in the purchase agreement and the loan terms of the mortgage pre-approval submitted by the Applicant Family, the

HOAP shall determine the amount of the HOAP Subsidy and the Total Tenant Payment, taking into account:

(a) The family composition;

(b) The bedroom size of the home;

(c) The applicable Payment Standard;

(d) The Family Income as determined on the last annual recertification;

(e) The estimated homeownership expenses, taking into account the projected mortgage payment, insurance and taxes, and homeownership expenses, calculated in accordance with Subsection 9212.2.

9208.5 HOAP shall review the seller against the debarment and suspension lists provided by HUD and disapprove the contract if the seller appears on such lists.

9208.6 HOAP shall issue a Notice of Approval or Disapproval of Inspection under the provisions in Subsection 9209, below.

9208.7 Unless the purchase contract is disapproved or the Inspection is for Disapproval, the HOAP shall issue a Final Certificate of Assistance, which the Applicant Family shall submit to their Participating Lender in applying for a mortgage loan.

Section 9209, HOME INSPECTION, is amended as follows:

Subsection 9209.1 is amended to read as follows, and adds Subsection 9209.1(a)(3)-(4). Subsection 9209.1(b) will be unchanged:

9209.1 Before issuance of a Final Certificate of Assistance, the Applicant Family shall schedule two kinds of physical inspections required in the HOAP as follows:

(a) A HUD Housing Quality Standard (HQS) inspection conducted by DCHA.

(1) The HQS inspection does not include an assessment of the adequacy and life span of the major building components, building systems, appliances or other structural components.

(2) However, the HQS inspection shall indicate the current physical condition of the home and repairs necessary to ensure that the home is safe and otherwise habitable.

(3) If the home fails the initial inspection, DCHA shall schedule a second inspection. DCHA may require the family to pay for a third (3rd) and final inspection, if needed.

(4) If the home fails a third inspection, DCHA shall not approve the home purchase.

…

Section 9212, HOME OWNERSHIP SUBSIDY TERMS AND CONDITIONS, is amended as follows:

Subsections 9212.3, 9212.4, 9212.5 are amended to read as follows. Subsections 9212.3(b) and 9212.4(b)-(e) will be unchanged:

9212.3 Determination of Homeownership Expenses. The amount of HOAP assistance shall be determined by a HOAP Coordinator after taking into consideration the following costs to the Family:

(a) For a homeownership loan, the following costs shall be considered:

(1) Principal and interest on the initial mortgage debt or any refinanced debt;

(2) Any mortgage insurance premium;

(3) Real estate taxes on the home;

(4) Homeowners insurance;

(5) An allowance for maintenance expenses, including major repairs and replacement;

(6) Utility allowance, and

(7) If the home is a condominium unit or part of a homeowner association, the operating charges, condominium fees and/or maintenance fees assessed by the condominium association or homeowner association.

…

9212.4 Distribution of Monthly HOAP Payments

(a) The monthly HOAP payment shall be made to an account with a credit union or bank designated by the Family.

…

9212.5 Determination of Total Tenant Payment

(a) The Total Tenant Payment shall be determined in accordance with 24 CFR § 5.628.

(b) For the HOAP Program, the minimum rent shall be fifty dollars ($50) per month. Pursuant to 24 CFR § 5.628, that amount will be the minimum Total Tenant Payment.

(c) A Family that cannot afford the minimum monthly payment of fifty dollars ($50) because of a financial hardship may request an exemption, pursuant to the rules of 24 CFR § 5.630.

(1) Exemption requests must be submitted in writing by the Head of Household.

(2) DCHA will verify whether a qualifying financial hardship exists and whether it is temporary or long-term and respond in writing within ten (10) days of receipt of the verifying information.

(3) Examples of a financial hardship include:

(i) Loss of eligibility for a federal, state, or local assistance program;

(ii) Decrease in income because of changed circumstances, including loss of employment;

(iii) A death in the family; and

(iv) When the family would be evicted for inability to pay the minimum mortgage.

Section 9213, MAINTENANCE RESERVE, is amended to read as follows:

9213 MAINTENANCE RESERVE

9213.1 The Family shall establish and maintain a maintenance reserve after the family has purchased a home for as long as they receive voucher subsidy assistance to assist in them in making monthly mortgage payments or for home maintenance and repairs. This reserve is to be kept in a bank or credit union of the Family's choice.

9213.2 The required maintenance reserve shall be fifty dollars ($50). Participants can elect to put more than the established initial reserve amount in their account at their discretion. The family must provide evidence of this minimum monthly reserve to the HOAP Coordinator as part of their HOAP family obligations at

periodic recertification or interim.

9213.3 Purchasers who fail to establish a maintenance reserve account, which shall be verified periodically, by the HOAP Coordinator, shall be required to attend individual counseling sessions.

Section 9215, HOME OWNER OBLIGATIONS AND CONTINUED ASSISTANCE REQUIREMENTS, is amended as follows:

Subsections 9215.2, 9215.3, 9215.5, 9215.7(c), and 9215.8 are amended to read as follows:

9215.2 The Participating Family shall execute a Statement of Home Ownership Obligation whereby they contractually agree to comply on a continuing basis with the obligations, rules and requirements of the HOAP which cover the following areas:

(a) Pre and Post-purchase Homeownership Counseling.

(b) Compliance with mortgage terms and conditions.

(c) Prohibition against conveyance or transfer of home.

(d) Supplying Required Information.

(e) Notice of move-out.

(f) Notice of mortgage default.

(g) Prohibition of an ownership interest on second residence.

(h) Notice of additional grounds for termination of assistance.

9215.3 Post Closing Housing Counseling. The Family shall continue to follow through with participation in Post Settlement home ownership and housing counseling program sessions until the Family is no longer receiving voucher subsidy assistance.

…

9215.5 Pre-approval for any change in financing. The Family shall obtain written approval from HOAP or its designee before securing any refinancing on the primary loan, subordinate equity loan or line of credit.

…

9215.7 Sale or Other Conveyance.

…

(c) Upon death of a household member who holds, in whole or in part, title to the home or ownership of cooperative membership shares for the home:

(1) The remaining member(s) are required to inform DCHA of the decedent's death within thirty (30) days of its occurrence.

(2) HOAP may continue mortgage subsidy assistance payments up to one year, pending settlement of the decedent's estate, notwithstanding transfer of the title by operation of the law to the decedent's executor or legal representative, provided the home is solely occupied by the remaining household members on the Family composition.

(i) The remaining mortgage-holder(s) may submit income and other necessary information about the remaining family members for DCHA to make a continuing eligibility determination. If the Family remains eligible, they will be allowed to stay in the HOAP program under the terms of their original agreements.

(ii) If the remaining household members include at least one disabled adult, elderly adult, or minor, the Family may request to transfer to the Housing Choice Voucher Program.

9215.8 Required Notices to HOAP. Participating Families are required to inform HOAP of certain types of information on a regular or interim basis as follows:

(a) Change in Expenses. The Family shall inform the HOAP of any change in the household ownership expenses or ability to pay household expenses that shall affect the household's ability to financially handle the change in expense and the monthly mortgage obligations within the time frame set forth in 14 DCMR § 5310.1(a).

(b) Annual Recertification. The household shall participate fully in the annual recertification process by providing all required documentation, including verification that the mortgage, insurance, utility payments and other home ownership expenses are current.

(c) Notice of move - with or without resale of home.

(1) The household shall notify the HOAP of their intent to move out of the home by supplying a written ninety (90)-day notice.

(2) The household shall notify the HOAP in advance if any household member who owns, in whole or in part, any ownership interest in the home moves out.

(d) Notice of Mortgage Default. The household shall notify the HOAP if the household defaults on the mortgage securing any debt incurred to purchase the home after receiving the notice of delinquency within the time frame set forth in § 5310.1(a).

(e) Change in Income or Family Composition. The Family shall inform the HOAP of any change in the source and/or amount of household income and change in the household composition at their annual recertification. A change in household composition shall not result in a reduction in the Payment Standard, but may be used to increase the Payment Standard.

(f) Pursuant to Chapter 56 (Debts and Repayment Agreements) of this title, any monies that HOAP overpays for a Family due to untimely reporting of a change in family composition or income may result in termination of assistance or any of the collection methods referenced in §§ 5600 *et seq.*

Section 9217, LEASE-PURCHASE AGREEMENTS, will be removed entirely and its title changed to [RESERVED].

Section 9219, TRANSFERS FROM HOMEOWNERSHIP TO RENTAL ASSISTANCE, is amended to read as follows:

9219 TRANSFERS FROM HOMEOWNERSHIP TO RENTAL ASSISTANCE

9219.1 Criteria for a Transfer. DCHA shall allow a reversion from HOAP assistance to federal tenant-based assistance for the following reasons:

(a) The elderly only family fails to maintain their portion of the mortgage payment and is in default jeopardy of foreclosure;

(b) The disabled only family fails to maintain their portion of the mortgage payment and is in default jeopardy of foreclosure;

(c) A family in good standing has a substantial loss of household income that cannot be recovered within twelve (12) months of the loss that will cause the family to pay zero towards their portion of mortgage payment;

(d) At DCHA's discretion, a Family that has met all of its obligations while participating in the HOAP, may be allowed a reversion from HOAP assistance to federal tenant-based assistance;

(e) At DCHA’s discretion a family that is in default only because of an inability to inform DCHA of a change in income or family circumstance

by reason of documented participation in a witness protection program or activity that would put the family under the protection of the Violence Against Women Act, may be allowed a reversion from HOAP assistance to federal tenant-based assistance; or

(f) If the family conveys the title to the home to HUD, an approved designee or representative of the lender, or to DCHA. The Family shall sign a Conveyance Acknowledgment Notice, indicating the requirement to completely transfer and convey the property, and such notice shall be acceptable to the mortgage lender. Reversion during the subsidy period requires that HOAP will receive sales proceeds from the home in order of the interest held.

9219.2 Approval of Rental Voucher. If the Family is approved for transfer from the HOAP, the Housing Choice Voucher Program shall issue the Family a rental voucher and the Family shall complete the normal voucher rental unit search process. During the period the Family is searching for a rental unit, if no mortgage default has occurred and all other program requirements have been satisfied, the HOAP shall continue to provide the Family with home ownership subsidy.

9219.3 Termination of all Assistance. If the family fails to transfer or convey the property as provided hereinabove, resulting in foreclosure of the property, the HOAP payment will be terminated and the HCVP will not provide the family with rental assistance. If a rental assistance lease has commenced, the Housing Choice Voucher Program will terminate both the family Housing Choice Voucher and the rental assistance payment.

9219.4 No concurrent assistance. A Family member who owns an interest in the home cannot receive both HOAP and rental assistance concurrently, except as provided in § 9219.2 above.

OFFICE OF CABLE TELEVISION, FILM, MUSIC, AND ENTERTAINMENT

NOTICE OF PROPOSED RULEMAKING

The Office of Cable Television, Film, Music and Entertainment ("the Agency"), pursuant to authority set forth in the Cable Television Reform Act of 1981, effective August 21, 1982 (D.C. Law 4-142; D.C. Official Code §§ 34-1201 *et seq.* (2012 Repl.)), as amended by the Cable Television Reform Amendment Act of 2002, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code §§ 34-1254.01 *et seq.* (2012 Repl.)), and the Office of Cable Television, Film, Music and Entertainment Act of 2015, effective October 22, 2015, (D.C. Law 21-36; D.C. Official Code §§ 34-1254.01, *et seq.* (2012 Repl.)) (the "Act"), including D.C. Official Code §§ 34-1252.02(1), 34-1264.04, and 34-1265.06(c), and Mayor's Order 90-137, dated October 17, 1990, hereby gives notice of the intent to adopt the following amendment to Chapter 31 (Customer Service Standards) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

D.C. Official Code § 34.1260.02 provides privacy protections for customers receiving cable services and other services provided by companies that operate pursuant to a cable franchise with the District of Columbia (the "District"). These privacy protections generally provide limitations and conditions upon the companies' collection and disclosure of the customer's personally identifiable information ("PII"). The possibility of providers of cable and Internet services collecting and selling District customers' browsing data without their permission is of great concern to the District Government. The District has a substantial interest in protecting the privacy of customer data, and is committed to protecting District customers' ability to exercise control over what personal details providers collect from them and how the data is used. As Internet-driven, smart technologies emerge that give providers increasing access to consumers' personal data, the District will continue to support solutions that balance consumer rights with innovation.

Recent Congressional action repealed the Federal Communication Commission's 2016 Broadband Privacy Rules, which gave consumers control over the use of their personal information by Internet service providers, and imposed requirements for transparency and security practices of Internet service providers to protect the privacy of consumer information. Consistent with its regulatory authority, the Agency is developing and implementing additional processes and procedures for ensuring compliance with the privacy protections and securing the personal data of District customers. The Agency's privacy regulations are in all respects consistent with 47 USC § 551 and designed to ensure cable operators' compliance with District and Federal law.

The proposed rule would:

- Prohibit Cable Operators from collecting or disclosing any information regarding the extent of any individual customer's viewing habits, or other use by a customer of a cable service or other service provided, such as web browsing activity, without the prior affirmative consent of the customer, unless such information is necessary to

render a service requested by the customer, or a legitimate business purpose related to the service.

- Require Cable Operators to destroy within ninety (90) days any PII if it is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such PII under the proposed rule, or pursuant to a court order, per 47 USC § 551.
- Require Cable Operators to provide stamped, self-addressed post cards that customers can mail in to have their names and addresses removed from any lists the Cable Operators might use for purposes other than the direct provision of service to those customers.
- Establish that a once a customer prohibits the disclosure of certain information, such disclosure is permanently prohibited unless the customer later revokes his or her prohibition.
- Require all Cable Operators to provide semi-annual reports to verify their compliance with the District's privacy protections.

Several cable and Internet service providers have released statements of commitment to protect consumer data. The District encourages and supports such statements with the expectation that these providers will adhere to the District of Columbia's laws and regulations concerning the protection of PII as well as maintaining the privacy of the data they collect from consumers.

This action is taken pursuant to D.C. Official Code § 34.1252.02, which delegates to the Agency the powers and responsibilities to promulgate rules or regulations to administer or enforce Chapter 34 of the D.C. Official Code, including the privacy protections of D.C. Official Code § 34.1260.02; and to establish reasonable conditions and restrictions on cable operators necessary or useful to protect and promote the public interest in cable television or to protect the public health, safety, or welfare.

Chapter 51, CUSTOMER SERVICE STANDARDS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

A new Section 3119, PROTECTION OF PRIVACY, is created to read as follows:

3119 PROTECTION OF PRIVACY

3119.1 At the time of entering into an agreement to provide any cable service or other service to a customer and at least once a year thereafter, a cable operator shall provide notice in the form of a separate, written statement, not included in any other mailing or notice (other than a notice related to customer privacy) to each subscriber which is consistent with 47 USC § 551 and which clearly and conspicuously informs the subscriber of the following:

(a) The nature of personally identifiable information collected or to be collected with respect to the customer and the nature of the use of such information;

(b) The nature, frequency, and purpose of any disclosure which may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

(c) The rights of the customer to prohibit the disclosure of personally identifiable information in accordance with this section;

(d) The period during which such information will be maintained by the cable operator;

(e) The times and place at which the customer may have access to such information in accordance with Subsection 3119.10 of this section; and

(f) The limitations provided by this section with respect to the collection and disclosure of information by a cable operator and the right of the customer under Sections 3119.4 and 3119.7 below to enforce such limitations.

3119.2 A cable operator shall submit the notice required under Subsection 3119.1 of this section to the Agency for approval at least thirty (30) days before providing such statement to customers. If the Office determines that the cable operator's notice does not comply with this section, it will promptly notify the cable operator, identifying the reasons why the notice does not meet the requirements of this section and requiring the cable operator to make the necessary modifications to ensure compliance. If a cable operator sends to customers notices that do not comply with this section, as determined by the Office it is subject to all enforcement action available to the District.

3119.3 A cable operator must also send with the notice required under Subsection 3119.1 of this section, the following:

(a) A stamped, self-addressed post card that customers may mail in to have their names and addresses removed from any lists the cable operator may use for purposes other than the direct provision of cable service or other service to those customers; and

(b) If required by the Agency, an insert which includes the official District's seal and succinctly informs the customers of their privacy protections under District law and how to seek redress if necessary.

3119.4 A cable operator shall not use the cable system to collect, record, monitor, or observe personally identifiable information concerning any customer without the prior written or electronic consent of the customer except for the following purposes:

(a) To obtain information necessary to render a cable service or other service provided by the cable operator to the customer; or

(b) To detect unauthorized reception of cable communications.

3119.5 A cable operator shall take such actions as are necessary to prevent any affiliate from using the facilities of the cable operator in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit an affiliate unauthorized access to personally identifiable information on the computer or other equipment of a customer (regardless of whether such equipment is owned or leased by the customer or provided by a cable operator) or on any of the facilities of the cable operator that are used in the provision of cable service. Subsection 3119.5 does not prohibit an affiliate from obtaining access to personally identifiable information to the extent otherwise permitted by this section.

3119.6 A cable operator shall take such actions as are reasonably necessary to prevent a person or entity (other than affiliates) from using the facilities of the cable operator in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit such person or entity unauthorized access to personally identifiable information on the computer or other equipment of a customer (regardless of whether such equipment is owned or leased by the customer or provided by a cable operator) or on any of the facilities of the cable operator that are used in the provision of cable service.

3119.7 A cable operator shall not disclose personally identifiable information concerning any customer without the prior written or electronic consent of the customer and shall take such actions as are necessary to prevent unauthorized access to personally identifiable information by a person other than the customer or cable operator, except if:

(a) The disclosure is necessary to render, or conduct a legitimate business activity directly related to, a cable service or other service provided by the cable operator to the customer;

(b) The disclosure is made pursuant to a court order authorizing such disclosure, if the customer is notified of such order by the person to whom the order is directed;

(c) The disclosure is of the names and addresses of customers to the cable service; provided, that:

(i) The cable operator has provided the customer the opportunity to prohibit or limit such disclosure;

(ii) The disclosure does not reveal, directly or indirectly, the extent of any viewing or other use by the customer of a cable service or other service provided by the cable operator, any channel or class

of channels to which the customer subscribes, or the nature of any transaction made by the customer over the cable system; and

(iii) The disclosure is otherwise consistent with District law and regulation; or

(iv) The disclosure is otherwise consistent with 41 USC § 551.

3119. 8 At least thirty (30) days before making any disclosure of personally identifiable information of any customer, the cable operator shall notify in writing the Agency and each customer about which the cable operator intends to disclose information of the specific information that will be disclosed, to whom it will be disclosed, and notice of the customer's right to prohibit the disclosure of such information for non-cable-related purposes. The notice to customers may be included with or made a part of the customer's monthly bill for cable service or other service or may be made by separate mailed notice. Each time that this notice is given to a customer, the cable operator also shall provide the customer with an opportunity to prohibit the disclosure of information in the future. Such opportunity shall be given in one of the following forms: a toll-free number that the customer may call, a website option, or such other equivalent methods as may be approved by the Office.

3119.9 Within forty-five (45) days after each disclosure of personally identifiable information of any customer, the cable operator shall notify in writing the Agency and each customer about which the cable operator has disclosed information of the specific information that has been disclosed, to whom it has been disclosed, and notice of the customer's right to prohibit the disclosure of such information for non-cable-related purposes. The notice to customers may be included with or made a part of the monthly bill for cable service or other service or may be made by separate mailed notice. Each time that this notice is given to a customer, the cable operator also shall provide the customer with an opportunity to prohibit the disclosure of information in the future. Such opportunity shall be given in one of the following forms: a toll-free telephone number that the customer may call; a website option; or such other equivalent methods as may be approved by the Office.

3119.10 A customer shall be provided access to all personally identifiable information regarding that customer which is collected and maintained by a cable operator. Such information shall be made available to the customer for examination within thirty (30) days of receiving a request by a customer to examine such information at the local offices of the cable operator or at reasonable times and at a convenient place designated by the cable operator. A customer shall be provided reasonable opportunity to correct any error in the information.

3119.11 If a customer exercises the customer’s right to prohibit the disclosure of personally identifiable information as provided in this section, such prohibition

against disclosure shall remain in effect permanently unless the customer subsequently notifies the cable operator in writing that the customer wishes to permit the cable operator to disclose the customer's name and address.

3119.12 A cable operator shall destroy, within ninety (90) days, personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under § 3119.10, or pursuant to a court order or if a cable operator is otherwise excused from destroying personally identifiable information pursuant to 47 USC § 551.

3119.13 A cable operator shall not engage in or permit the transmission of any aural, visual, or digital signal, including "polling" the channel selection from any customer's premises without first obtaining written permission of the customer. This provision is not intended to prohibit the use of transmission of signals useful only for the control or measurement of system performance.

3119.14 A cable operator shall not engage in or permit the installation of any special terminal equipment in any subscriber's premises that will permit transmission from subscriber's premises of two-way services using aural, visual, or digital signals without first obtaining written permission from the subscriber.

3119.15 A cable operator shall notify affected customers of any breach without unreasonable delay and in any event no later than thirty (30) calendar days after the cable operator reasonably determines that a breach has occurred, subject to law enforcement needs, unless the cable operator can reasonably determine that no harm to customers is reasonably likely to occur as a result of the breach.

(a) Cable operators required to provide notification to a customer under this subsection must provide such notice by one or more of the following methods:

(i) Written notification sent to either the customer's email address or the postal address on record of the customer, or, for former customers, to the last postal address ascertainable after reasonable investigation using commonly available sources; or

(ii) Other electronic means of active communications agreed upon by the customer for contacting that customer for data breach notification purposes.

(b) The customer notification required to be provided under this paragraph must include:

(i) The date, estimated date, or estimated date range of the breach of security;

(ii) A description of the customer personally identifiable information that was breached or reasonably believed to have been breached;

(iii) Information the customer can use to contact the cable operator inquire about the breach of security and the personally identifiable information that the cable operator maintains about that customer;

(iv) Information about how to contact the Agency; and

(v) If the breach creates a risk of financial harm, information about the national credit-reporting agencies and the steps customers can take to guard against identity theft, including any credit monitoring, credit reporting, credit freezes, or other consumer protections the cable operator is offering customers affected by the breach of security.

3119.16 A cable operator must notify the Agency of any breach affecting five thousand (5,000) or more customers no later than seven (7) business days after the carrier reasonably determines that a breach has occurred, and at least three (3) business days before notification to the affected customers, unless the cable operator can reasonably determine that no harm to customers is reasonably likely to occur as a result of the breach. A cable operator must notify the Office of any breach affecting fewer than five thousand (5,000) customers without unreasonable delay and no later than thirty (30) calendar days after the operator reasonably determines that a breach has occurred, unless the cable operator can reasonably determine that no harm to customers is reasonably likely to occur as a result of the breach. Such notification shall be made in writing to the Office.

3119.17 A cable operator shall maintain a record, electronically or in some other manner, of any breaches and notifications made to customers, unless the cable operator can reasonably determine that no harm to customers is reasonably likely to occur as a result of the breach. The record must include the dates on which the operator determines that a reportable breach has occurred and the dates of customer notification. The record must include a written copy of all customer notifications. Operators shall retain the record for a minimum of two (2) years from the date on which the carrier determines that a reportable breach has occurred.

3119.18 A cable operator must not condition, or effectively condition, provision of cable service or other service provided by the cable operator on a customer's agreement to waive privacy rights guaranteed by law or regulation, including this subsection. An operator must not terminate service or otherwise refuse to provide cable service or other service provided by the cable operator as a direct or indirect consequence of a customer's refusal to waive any such privacy rights.

3119.19 A cable operator that offers a financial incentive, such as lower monthly rates or free services, in exchange for a customer's approval to use, disclose, and/or permit access to the customer's proprietary information must do all of the following:

(a) Provide notice explaining the terms of any financial incentive program that is clear and conspicuous, and in language that is comprehensible and not misleading. Such notice must be provided both at the time the program is offered and at the time a customer elects to participate in the program. Such notice must:

(i) Explain that the program requires opt-in approval to use, disclose, and/or permit access to personally identifiable information;

(ii) Include information about what customer personally identifiable information the cable operator will collect, how it will be used, and with what categories of entities it will be shared and for what purposes;

(iii) Be easily accessible and separate from any other privacy notifications, including but not limited to any privacy notifications required by this subsection;

(iv) Be completely translated into a language other than English if the cable operator transacts business with the customer in that language; and

(v) Provide at least as prominent information to customers about the equivalent service plan that does not necessitate the use, disclosure, or access to subscriber personally identifiable information beyond that required or permitted by law or regulation, including under this subsection.

(b) Obtain customer opt-in approval in accordance with this section for participation in any financial incentive program.

(c) If customer opt-in approval is given, the cable operator must make available a simple, easy-to-use mechanism for customers to withdraw approval for participation in such financial incentive program at any time. Such mechanism must be clear and conspicuous, in language that is comprehensible and not misleading, and must be persistently available on or through the operator’s Web site; the operator’s application (app), if it provides one for account management purposes; and any functional equivalent to the operator’s homepage or app. If an operator does not have a Web site, it must provide a persistently available mechanism by another means such as a toll-free telephone number.

3119.20 The cable operator shall provide a semi-annual report to the District summarizing:

(a) The type of personally identifiable information that was actually collected or disclosed during the reporting period, including:

(i) For each type of personally identifiable information collected or disclosed, a statement sufficient to demonstrate that the personally identifiable information collected or disclosed was: collected or disclosed only to the extent necessary to render, or conduct a legitimate business activity related to, a cable service or other service provided by the cable operator; used only to the extent necessary to detect unauthorized reception of cable service; disclosed pursuant to a subpoena or valid court order or to a governmental entity to the extent required by federal law; names and addresses disclosed in compliance with Subsection 3119.7(c) of this section; or a disclosure of personally identifiable information of particular customers, but only to the extent affirmatively consented to by such customers in writing or electronically; and

(ii) The categories of all entities to whom such personally identifiable information was disclosed, including, but not limited to, cable installation and maintenance contractors, direct mail vendors, telemarketing companies, print/mail houses, promotional service companies, billing vendors, and account collection companies; and

(b) Measures that have been taken, or could be taken, to prevent the unauthorized access to personally identifiable information by a person other than the customer or the cable operator, including, among other things, a description of the technology that is or could be applied by the cable operator to prohibit unauthorized access to personally identifiable information by any means.

3119.21 Cable operators must submit a letter to the Director of the Agency self-reporting their compliance with this section six (6) months after these rules are published in final form, and annually thereafter. At a minimum, this letter must contain the following:

(a) The process by which customers may opt-in to sharing or other use of web browsing activity, other internet usage history, and use of their personally identifiable information;

(b) Whether customer web browsing activity or other internet usage history is shared in a detailed or aggregate manner;

(c) De-identification techniques used to protect individual customer privacy before web browsing activity or other internet usage history is shared;

(d) Process by which customers may appeal perceived privacy harms from this data sharing process.

3119.22 The cable operator shall provide the names of the entities described in Subsection 3119.15(a)(ii) of this section to whom personally identifiable information was disclosed, within thirty (30) days of receiving a request for such names from the District. However, the cable operator need not provide the name of any court or governmental entity to which such disclosure was made if such disclosure would be inconsistent with applicable federal law.

3119.23 Nothing in this section shall prevent the District from obtaining personally identifiable information to the extent not prohibited by 47 USC § 551.

3119.24 In addition to any other lawful remedy available to a customer, any person aggrieved by any act of a cable operator in violation of this section may bring a civil action in the Superior Court and the Court may award the following:

(a) Actual damages or liquidated damages computed at the rate of one hundred dollars ($100) a day for each day of violation or one thousand dollars ($1,000), whichever is higher;

(b) Punitive damages; and

(c) Reasonable attorneys' fees and other litigation costs reasonably incurred.

3119.99 For the purposes of this rule, the following definitions apply:

"Affiliate" means any person or entity that owns or controls or is owned or controlled by, or under common ownership or control with, a cable operator, and provides any cable service or other service.

"Agency" means the Office of Cable Television, Film, Music and Entertainment.

"Cable operator" means any person or group of persons (A) who provides cable services over a cable system or over an open video system and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who controls or is responsible for, through any arrangement, the management and operation of a cable system or open video system.

"Customer" means a subscriber or District government user.

"District government user" means the District government or any agency of the District government that lawfully receives cable services or other services from a cable operator in the District of Columbia and who does not further distribute the service.

"Subscriber" means a person who lawfully receives cable services or other services from a cable operator in the District of Columbia and who does not further distribute the service.

"Person" means an individual, partnership, association, joint-stock company, trust, corporation, non-profit organization, or other legal entity, excluding any government user.

"Personally identifiable information" means specific information about a subscriber or government user, including, but not limited to, a subscriber's or government user's (A) login information, (B) extent of viewing of video programming or other services, (C) shopping choices, (D) interests and opinions, (E) energy uses, (F) medical information, (G) banking data or information, (H) web browsing activities, or (I) any other personal or private information. "Personally identifiable information" does not include any record of aggregate data which does not identify particular persons.

"Other service" means any wire or radio communications service provided using any of the facilities of a cable operator that are used in the provision of cable service.

Comments on the subject matter of this proposed rulemaking should be submitted in writing to Lawrence Cooper, General Counsel, Office of Cable Television, Film, Music, and Entertainment (OCTFME), 1899 9th Street, N.E., Washington, D.C. 20018, via telephone at (202) 671-2139, via email at lawrence.cooper@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

NOTICE OF SECOND EMERGENCY RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Title 12 (D.C. Construction Codes Supplement of 2013), Subtitles A (Building Code Supplement of 2013), Subtitle B (Residential Code Supplement of 2013), Subtitle F (Plumbing Code Supplement of 2013), and Subtitle H (Fire Code Supplement of 2013), of the District of Columbia Municipal Regulations (DCMR).

This second emergency rulemaking is necessitated by the immediate need to: (1) revise provisions in the 2013 District of Columbia Building Code, the 2013 District of Columbia Residential Code and the 2013 District of Columbia Fire Code to ensure that the fire and life safety regulations for child development homes and expanded child development homes in the District of Columbia apply to those facilities that are operated in dwelling units located within buildings containing one or two dwelling units which are not within the scope of the 2013 District of Columbia Residential Code; (2) revise a provision in the 2013 District of Columbia Plumbing Code to comply with the terms of a District of Columbia commitment to the federal Environmental Protection Agency, in connection with a long-term control plan consent decree, to identify and repeal regulations and guidelines that might impede the development of green infrastructure in the District of Columbia; and (3) to revise provisions in the 2013 District of Columbia Building Code to clarify that applications vested under a prior edition of the Construction Codes (pursuant to Section 123, 12-A DCMR) have the same rights as issued permits.

Identical language was adopted on October 18, 2017, in a Notice of Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on January 5, 2018 at 65 DCR 61. The internal process for the final rulemaking and consideration of the comments submitted during the comment period for the proposed rulemaking is ongoing.

This second emergency rulemaking was adopted on April 11, 2018 and became effective on that date. This second emergency rulemaking shall remain in effect for up to one hundred twenty (120) days, or August 9, 2018, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

To clearly show the changes being made to the Construction Codes Supplement, additions are shown in <u>underlined</u> text and deletions are shown in ~~strikethrough~~ text.

The process for submitting comments on the proposed rulemaking is detailed on the final page of this Notice.

Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:

Chapter 1, ADMINISTRATION AND ENFORCEMENT, is amended as follows:

Section 101, GENERAL, is amended as follows:

Insert a new Section 101.2.5 in the 2013 District of Columbia Building Code to read as follows:

101.2.5 Home Day Care in Group R-3 Buildings. Day care homes in Group R-3 *dwellings* shall comply with Appendix M of the *Residential Code* or meet the corresponding provisions of the *Building Code*.

Amend Section 101.3.3.1 in the 2013 District of Columbia Building Code to read as follows:

101.3.3.1 Home Day Care. Appendix M of the *Residential Code* shall apply to home day care in detached one- and two-family *dwellings* or townhouses within the scope of the *Residential Code* or in R-3 *dwellings*, including Child Development Homes where oversight is provided by the Office of the State Superintendent of Education or a successor agency. ~~where~~

~~1. The home day care is provided in *dwelling units* within (1) detached one and two family *dwellings* or townhouses within the scope of the *Residential Code;*~~
~~2. The home day care is legally operated as a home occupation under the *Zoning Regulations.*~~

Section 102, APPLICABILITY, is amended as follows:

Revise Section 102.6 of the 2013 District of Columbia Building Code to read as follows:

102.6 Continuation of Legal Use and Occupancy. The legal use and occupancy of any *structure* existing on the effective date of the *Construction Codes*, ~~or~~ for which a permit has already been *approved*, or, pursuant to Section 123, an application vested under a prior edition of the *Construction Codes,* shall be permitted to continue without change.

Exceptions:

1. Provisions of the *Building Code*, the *Property Maintenance Code*, or the *Fire Code* that are specifically required to be applied retroactively.

2. Provisions of the *Construction Codes* deemed necessary by the *code official*, as defined in Section 103.1 of the *Building Code*, for the general safety, health and welfare of the occupants and the public.

Chapter 3, USE AND OCCUPANCY CLASSIFICATION, is amended as follows:

Section 308, INSTITUTIONAL GROUP I, is amended as follows:

Amend Section 308.6.3 in the 2013 District of Columbia Building Code to read as follows:

308.6.3 Five or fewer persons receiving care. A facility having five or fewer persons receiving *custodial care* in a facility other than a *dwelling unit* within the scope of Section 308.6.4 shall be classified as part of the primary occupancy.

Strike Section 308.6.4 in the 2013 District of Columbia Building Code in its entirety and insert new Section 308.6.4 in its place to read as follows:

308.6.4 Persons receiving custodial care in a dwelling unit. A facility providing custodial care in a *dwelling unit* within either (1) a detached one- or two-family *dwelling* or townhouse within the scope of the *Residential Code* or (2) an R-3 *dwelling*, shall comply with Appendix M of the *Residential Code.*

Title 12-B DCMR, RESIDENTIAL CODE SUPPLEMENT OF 2013, is amended as follows:

Appendix M, HOME DAY CARE, is amended as follows:

Section M101, GENERAL, is amended as follows:

Amend Section M101.1, Appendix M, of the 2013 District of Columbia Residential Code, to read as follows:

M101.1 General.

This appendix shall apply to ~~a home~~ day care facilities (a) operated within ~~existing~~ detached one- and two-family *dwellings* and townhouses within the scope of the *Residential Code* and in *dwelling units* within R-3 *dwellings*, and (b) occupied by persons of any age who receive custodial care (i) for less than 24 hours per day (ii) provided by individuals other than parents or guardians or relatives by blood, marriage, or adoption (iii) in a place other than the home of the person cared for. Appendix M does not apply to the following:

1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code.*

2. Adult day care where any of the clients is incapable of self-preservation, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an exit door directly to the exterior.

3. A child day care facility within a *dwelling unit* that is located in a multi-family building classified as an R-2 occupancy.

Section M103, MEANS OF EGRESS, is amended as follows:

Strike Section M103.1.6, Appendix M of the 2013 District of Columbia Residential Code, in its entirety, and insert new Section M103.1.6 in its place to read as follows:

M103.1.6 Dwellings with Three or More Stories. Home day care shall not be provided above the second story in *dwellings* with three or more stories.

Exception: The third story is allowed to be used for home day care where the *dwelling* is equipped throughout with an automatic sprinkler system in accordance with Section R313 and the third story is provided with a means of *exit access* and a means of escape in compliance with Section R310.

Title 12-H DCMR, FIRE CODE SUPPLEMENT OF 2013, is amended as follows:

Chapter 3, GENERAL REQUIREMENTS, is amended as follows:

Section 319, DAY CARE FACILITIES IN DWELLING UNITS, is amended as follows:

Amend Section 319.2 in the 2013 District of Columbia Fire Code to read as follows:

319.2 **Day care homes in 1- or 2-family homes or townhouses.** Day care facilities that are operated in *dwelling units* within existing detached one- and two-family *dwellings* and townhouses within the scope of the *Residential Code*, or within R-3 *dwellings*, shall comply with the fire safety provisions in Appendix K. Appendix K does not apply to the following:

~~1. Day care facilities in a *dwelling unit* which is not the primary residence of the person operating the facility;~~

1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.

2. Adult day care where any of the clients are *incapable of self-preservation*, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an *exit* door directly to the exterior.

Appendix K, HOME DAY CARE, is amended as follows:

Section K101, GENERAL, is amended as follows:

Amend Section K101.1 of Appendix K in the 2013 District of Columbia Fire Code to read as follows:

K101.1 General.

This appendix shall apply to~~home~~ day care facilities (a) operated in *dwelling units* within existing detached one- and two-family *dwellings* and townhouses within the scope of the *Residential Code* or within R-3 *dwellings*, and (b) occupied by persons of any age who receive custodial care (i) for less than 24 hours per day (ii) provided by individuals other than parents or guardians or relatives by blood, marriage, or adoption, and (iii) in a place other than the home of the person cared for. Appendix K does not apply to the following:

1. Day care facilities that are classified as Group E or Group I-4 under the *Building Code*.

2. Adult day care where any of the clients is *incapable of self-preservation*, unless such persons are cared for in rooms located on a *level of exit discharge* serving such rooms and each room has an *exit* door directly to the exterior.

3. A child day care facility within a *dwelling unit* that is located in a multi-family building classified as an R-2 occupancy.

Section K103, MEANS OF EGRESS, is amended as follows:

Strike Section K103.1.6, Appendix K of the 2013 District of Columbia Fire Code in its entirety and insert new Section K103.1.6 in its place to read as follows:

K103.1.6 Dwellings with three or more stories. Day care shall not be provided above the second story in *dwellings* with three or more stories.

Exception: The third story is allowed to be used for day care where the *dwelling* is equipped throughout with an automatic sprinkler system in accordance with Section R313 of the *Residential Code* or Section 903.2.8 of the *Fire Code*, as applicable, and the third story is provided with a means of *exit access* and a means of escape in compliance with Section R310 of the *Residential Code*.

Title 12-F DCMR, PLUMBING CODE SUPPLEMENT, is amended as follows:

Chapter 11, STORM DRAINAGE, is amended as follows:

Section 1115, RAINWATER COLLECTION AND DISTRIBUTION SYSTEMS, is amended as follows:

Amend Section 1115.11.1 of the 2013 District of Columbia Plumbing Code to read as follows:

1115.11.1 Collection surface. Rainwater shall be collected only from above-ground impervious roofing surfaces constructed from *approved* materials. Collection of water from vehicular parking, pedestrian, or other surfaces shall be prohibited except where the water is used exclusively for landscape irrigation or where water quality treatment measures that are adequate for any *non-potable* water ~~the~~ end use have been approved. ~~Overflow and bleed-off pipes from roof-mounted appliances including but not limited to evaporative coolers, water heaters and solar water heaters shall not discharge onto rainwater collection surfaces.~~

All persons desiring to comment on these proposed regulations should submit comments in writing to Jill Stern, Chairperson, Construction Codes Coordinating Board, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5100, Washington, D.C. 20024, or via e-mail at jill.stern@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar ($1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the website of the District of Columbia Office of Documents and Administrative Issuances at: http://www.dcregs.dc.gov/Gateway/IssueList.aspx.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

Reasonably Available Control Technology Requirements for Combustion Turbines

The Director of the Department of Energy and Environment (DOEE or Department), pursuant to the authority set forth in Sections 5 and 6 of the District of Columbia Air Pollution Control Act of 1984 (the "Act"), effective March 15, 1985 (D.C. Law 5-165; D.C. Official Code §§ 8-101.05 *et seq*. (2013 Repl. & 2017 Supp.)); Section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4) (2013 Repl.)); and Mayor's Order 2006-61, dated June 14, 2006; hereby gives notice of the adoption of emergency amendments to Chapter 1 (Air Quality - General Rules) and Chapter 8 (Air Quality - Asbestos, Sulfur, Nitrogen Oxides, and Lead) of Title 20 (Environment) of the District of Columbia Municipal Regulations (DCMR).

Emergency Rulemaking

This emergency rulemaking action is necessary for the immediate preservation of the public safety and welfare of District residents because it is necessary to comply with the District's obligations under the federal Clean Air Act (CAA) to adopt updates to its requirements for reasonably available control technology (RACT), in accordance with the 2008 National Ambient Air Quality Standards (NAAQS) for ozone (smog). The District is required to submit a complete amendment to the District's State Implementation Plan (SIP) by September 6, 2018 or face federal sanctions, which include increased economic burdens on certain air quality permit applicants[1] and loss of federal highway funding.

This emergency rulemaking action was signed by the Director on July 23, 2018 and became effective immediately. This emergency rule will expire one hundred and twenty (120) days from that date, on November 20, 2018, or upon the publication of the final rulemaking action, whichever occurs first.

Proposed Amendments

The Department is proposing amendments to 20 DCMR Chapter 8, §§ 805.1(a), 805.1(a)(2) and 805.4 of the air quality regulations in order to establish updated RACT requirements for emissions of oxides of nitrogen (NOx) from combustion turbines. Additionally, the Department is proposing to add related definitions and abbreviations to 20 DCMR Chapter 1, § 199. Previously the regulation established NOx RACT standards for combustion turbines with heat input capacities of 100 million BTU per hour or more. Since the most recent update of § 805 (Final Rulemaking published at 51 DCR 3877 (April 16, 2004)), all combustion turbines located in the District with heat input capacities of 100 million BTU per hour or more have been decommissioned. However, several new combustion turbines with heat input capacities less than

[1] Sanctions would require air pollution sources seeking an air quality permit under the District's New Source Review (NSR) program (20 DCMR § 204) to offset increased emissions from the permitted project at a higher rate than currently required by District regulations. 40 CFR § 51.121 and 40 CFR § 52.31.

100 million BTU per hour have been installed at major stationary sources of NOx since that time.

On March 27, 2008, EPA promulgated a revised eight (8)-hour primary and secondary ozone NAAQS. Under the CAA, areas designated nonattainment for a revised ozone NAAQS and states located in the Ozone Transport Region (OTR) are required to submit, for the approval of the U.S. Environmental Protection Agency (EPA), revisions to the relevant state implementation plan (SIP) to ensure that they comply with all applicable statutory and regulatory requirements. Because the District is located in the OTR, this is a requirement that is applicable to the District.

The requirement to update RACT standards in response to the 2008 ozone NAAQS applies to the two precursor pollutants of ozone, NOx and volatile organic compounds (VOC). This rulemaking addresses only NOx RACT. The NOx RACT requirement applies only to major stationary sources of NOx. Because the District has been designated as a marginal nonattainment area for the 2008 ozone NAAQS, for purposes of this RACT evaluation, a major stationary source is one that directly emits or has the potential to emit one hundred (100) tons of NOx or more; however, this rulemaking will apply to stationary sources with the potential to emit twenty-five (25) tons of NOx or more because that is the threshold under the District's current RACT rulemaking.

In performing the resulting review of its regulations, the District has determined that it is necessary to update the existing RACT standards for combustion turbines to cover units with heat input capacities of less than 100 million BTU per hour. The existing regulation, as well as the proposed revisions to the regulation, applies to major stationary sources that have the potential to emit twenty-five (25) tons of NOx or more.

EPA has defined RACT as "the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility… In evaluating economic feasibility for RACT determinations, the EPA gives significant weight to economic efficiency and relative cost effectiveness."[2]

The Department evaluated NOx RACT for combustion turbines in the District with this definition and policy in mind. The NOx RACT standards being proposed by this rulemaking reflect RACT based on a review of emission levels achieved in practice. The proposed standards are similar to those established for new units according to the federal "Standards of Performance for Stationary Combustion Turbines" found at Title 40 of the Code of Federal Regulations (CFR) Part 60, Subpart KKKK for units with heat input ratings exceeding fifty million (50,000,000) BTU per hour, except that an alternate standard is included for such units if they most recently commenced construction, modification, or reconstruction on or before February 18, 2005, and if the only liquid fuel they fire is ultra-low sulfur Number two (No. 2) fuel oil and they only fire on this liquid fuel during periods of natural gas curtailment, natural gas supply interruption, startups,

[2] See October 20, 2016 memorandum from Anna Marie Wood, Director, Air Quality Policy Division, OAQPS to Regional Air Division Directors, 1-10, titled "Implementing Reasonably Available Control Technology Requirements for Sources Covered by the 2016 Control Techniques Guidelines for the Oil and Natural Gas Industry".

or periodic testing on liquid fuel, where such periodic testing does not exceed a combined total of forty-eight (48) hours during any calendar year. This exception is expected to apply to only one facility in the District, and due to the limited operations of the equipment on No. 2 fuel oil, is expected to have a de minimis effect on NOx emissions from the facility.

The proposed standards are more stringent than the Subpart KKKK standards for units with heat input ratings less than or equal to fifty million (50,000,000) BTU per hour, consistent with those standards found in an Ozone Transport Commission (OTC) model rule (available at https://otcair.org/document.asp?fview=modelrules) for combustion turbines used for high electric demand days (HEDD). The proposed standards are based on modern technologies for combustion turbines, but without the addition of add-on controls, such as selective catalytic reduction (SCR), which the Department determined would be excessively costly for purposes of establishing RACT with respect to the 2008 ozone NAAQS. For estimation purposes, the Department has reviewed a memorandum from Alpha-Gamma Technologies, Inc. to the EPA Office of Air Quality Planning and Standards ESD Combustion Group, dated December 21, 2004, which estimated a cost per ton of NOx reductions of $13,794 for small turbines (in the 5 megawatt range) most similar to those currently found in the District.[3] The DC-MD-VA nonattainment area is already monitoring attainment with the 2008 ozone NAAQS, and with this fact in mind, the Department determined that heavy investment in additional end-of-pipe controls to this level is not economically efficient or cost effective with respect to the 2008 ozone NAAQS.

This action will set RACT for the existing inventory of combustion turbines in the District of Columbia as well as set minimum standards for new units at major stationary sources that have the potential to emit twenty-five (25) tons per year of NOx, but does not preclude the Department from requiring more stringent standards on new or modified units pursuant to EPA regulations or a permit required under 20 DCMR Chapter 2.

This action addresses only the 2008 ozone NAAQS. A subsequent ozone NAAQS was promulgated by EPA in 2015. RACT will be re-evaluated for compliance with the 2015 NAAQS in a subsequent action, rather than as a part of this rulemaking.

As a result of this analysis, the Department is proposing the attached rulemaking amending 20 DCMR §§ 199.1, 199.2, 805.1(a), 805.1(a)(2), and 805.4.

The Director also gives notice of intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication in the *D.C. Register*. The Department also proposes to submit this emergency rulemaking and subsequent final rulemaking as an amendment to the District's State Implementation Plan (SIP).

Chapter 1, AIR QUALITY – GENERAL RULES, of Title 20 DCMR, ENVIRONMENT, is amended to read as follows:

Section 199, DEFINITIONS AND ABBREVIATIONS, is amended as follows:

[3] This document is available at https://www.regulations.gov/ in docket EPA-HQ-OAR-2004-0490 as document number EPA-HQ-OAR-2004-0490-0114.

Subsection 199.1 is amended by adding the following definitions:

Duct burner – a device that combusts fuel and that is placed in the exhaust duct from another source, such as a stationary combustion turbine, internal combustion engine, kiln, etc., to allow the firing of additional fuel to heat the exhaust gases before the exhaust gases enter a heat recovery steam generating unit.

Gaseous fuel – any fuel or mixture of fuels that maintains a gaseous state at standard atmospheric temperature and pressure.

Heat recovery steam generating unit – a unit where the hot exhaust gases from the combustion turbine are routed in order to extract heat from the gases and generate steam, for use in a steam turbine or other device that utilizes steam. Heat recovery steam generating units can be used with or without duct burners.

Liquid fuel – any fuel that maintains a liquid state at standard atmospheric temperature and pressure.

Natural gas – a naturally occurring fluid mixture of hydrocarbons (e.g., methane, ethane, or propane) produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperature and pressure under ordinary conditions. Additionally, natural gas must either be composed of at least 70 percent methane by volume or have a gross calorific value between 950 and 1,100 British thermal units (Btu) per standard cubic foot. Natural gas does not include the following gaseous fuels: landfill gas, digester gas, refinery gas, sour gas, blast furnace gas, coal-derived gas, producer gas, coke oven gas, or any gaseous fuel produced in a process which might result in highly variable sulfur content or heating value.

Stationary combustion turbine – all equipment, including but not limited to the turbine, the fuel, air, lubrication and exhaust gas systems, control systems (except emissions control equipment), heat recovery system, and any ancillary components and sub-components comprising any simple cycle stationary combustion turbine, any regenerative/recuperative cycle stationary combustion turbine, any combined cycle combustion turbine, and any combined heat and power combustion turbine based system. Stationary means that the combustion turbine is not self-propelled or intended to be propelled while performing its function. It may, however, be mounted on a vehicle for portability.

Subsection 199.2 is amended by adding an abbreviation to the table for "ppmvd" as follows:

ppmvd	Parts Per Million by Volume Dry Basis

Chapter 8, AIR QUALITY – ASBESTOS, SULFUR, NITROGEN OXIDES, AND LEAD, is amended as follows:

Section 805, REASONABLY AVAILABLE CONTROL TECHNOLOGY FOR MAJOR STATIONARY SOURCES OF THE OXIDES OF NITROGEN, is amended as follows:

Subsection 805.1(a) is amended as follows:

805.1

…

(a) Any person owning, leasing, operating or controlling any major stationary source, having the potential to emit twenty-five (25) tons per year or more of oxides of nitrogen, including the following major stationary sources or parts thereof:

…

(2) Stationary combustion turbines of any size at major stationary source facilities, including any associated heat recovery steam generators and duct burners;

…

Subsection 805.4 is amended to read as follows:

805.4 Any person owning, leasing, operating or controlling any stationary combustion turbine subject to § 805 shall comply with the requirements of this subsection:

(a) The following emission and operational requirements shall apply, as applicable:

(1) For any stationary combustion turbine that most recently commenced construction, modification, or reconstruction (as these terms are defined in 40 CFR 60, Subpart A, § 60.2 and § 60.15 as in effect on July 1, 2018) after February 18, 2005, and has a heat input rating greater than fifty million (50,000,000) BTU per hour, based on the higher heating value of the fuel:

(A) Emissions, with any supplemental duct burner firing, shall not be greater than:

(i) Twenty-five (25) ppmvd, corrected to fifteen percent (15%) O_2 when fired on any combination of gaseous fuels; and

(ii) Seventy-four (74) ppmvd, corrected to fifteen percent (15%) O_2 when fired on any combination of liquid fuels;

(B) Only the peak heat input rating of the stationary combustion turbine shall be included when determining whether or not § 805.4(a)(1) is applicable. Any additional heat input to associated heat recovery steam generators or duct burners shall not be included when determining the peak heat input to the stationary combustion turbine; and

(C) When fifty percent (50%) or more of the total heat input is from gaseous fuels the emission limitation in § 805.4(a)(1)(A)(i) applies, but when more than fifty percent (50%) of the total heat input is from liquid fuels the emission limitation in § 805.4(a)(1)(A)(ii) applies;

(2) For any stationary combustion turbine that most recently commenced construction, modification, or reconstruction (as these terms are defined in 40 CFR 60, Subpart A, § 60.2 and § 60.15 as in effect on July 1, 2018) on or before February 18, 2005 and has a heat input rating greater than fifty million (50,000,000) BTU per hour, based on the higher heating value of the fuel:

(A) Emissions from a stationary combustion turbine alone, shall not be greater than:

(i) Twenty-five (25) ppmvd, corrected to fifteen percent (15%) O2 when fired on any combination of gaseous fuels; and

(ii) Except as provided in § 805.4(a)(2)(D) seventy-four (74) ppmvd, corrected to fifteen percent (15%) O_2 when fired on any combination of liquid fuels;

(B) Emissions from a stationary combustion turbine and all duct burners combined, shall not be greater than twenty hundredths (0.20) pounds per million BTU, based on a calendar day average, when fired on any fuel or combination of fuels;

(C) Only the peak heat input rating of the stationary combustion turbine shall be included when determining whether or not § 805.4(a)(2) is applicable. Any additional heat input to associated heat recovery steam generators or duct burners shall not be included when determining the peak heat input to the stationary combustion turbine; and

(D) Any stationary combustion turbine fired on liquid fuel or any combination of gaseous and liquid fuels, such that more than fifty percent (50%) of the total heat input is from liquid fuels, is not required to comply with the maximum allowable NOx emission rate in § 805.4(a)(2)(A)(ii) if it meets the following requirements:

(i) The only liquid fuel used is Number two (No. 2) fuel oil (as determined in accordance with 20 DCMR § 502.6) not containing sulfur in excess of fifteen parts per million (15 ppm) by weight;

(ii) It burns liquid fuel only during periods of natural gas curtailment, natural gas supply interruption, startups, or periodic testing on liquid fuel, where such periodic testing does not exceed a combined total of forty-eight (48) hours during any calendar year;

(iii) The owner or operator shall maintain records of all instances of operation using liquid fuel, including the fuel used, the date and duration of the fuel use, the reason for operating using that fuel, and all notifications received from the natural gas supplier notifying the owner or operator of the beginning or end of a natural gas interruption; and

(iv) The owner or operator shall maintain a running calendar year sum of the duration of all liquid fuel use each year for purposes of periodic testing;

(3) For any stationary combustion turbine with a heat input rating less than or equal to fifty million (50,000,000) BTU per hour, based on the higher heating value of the fuel:

(A) Except as specified in § 805.4(a)(4), with any supplemental duct burner firing, emissions shall not be greater than:

(i) Twenty-five (25) ppmvd, corrected to fifteen percent (15%) O_2 when fired on any combination of gaseous fuels; and

(ii) Forty-two (42) ppmvd, corrected to fifteen percent (15%) O_2 when fired on liquid fuel;

(B) Only the peak heat input rating of the stationary combustion turbine shall be included when determining whether or not § 805.4(a)(3) is applicable. Any additional heat input to associated heat recovery steam generators or duct burners shall not be included when determining the peak heat input to the stationary combustion turbine; and

(C) When fifty percent (50 %) or more of the total heat input is from gaseous fuels the emission limitation in § 805.4(a)(3)(A)(i) applies, but when more than fifty percent (50 %) of the total heat input is from liquid fuels the emission limitation in § 805.4(a)(3)(A)(ii) applies;

(4) For any stationary combustion turbine with a heat input rating less than or equal to ten million (10,000,000) BTU per hour and fired exclusively on natural gas:

(A) Compliance with § 805.4(a)(7) shall be maintained; and

(B) Only the peak heat input rating of the stationary combustion turbine shall be included when determining whether or not § 805.4(a)(4) is applicable. Any additional heat input to associated heat recovery steam generators or duct burners shall not be included when determining the peak heat input to the stationary combustion turbine;

(5) No combustion turbine shall fire coal or a synthetic fuel derived from coal;

(6) Any stationary combustion turbine designed to fire any solid fuel other than coal or synthetic fuel derived from any other solid than coal shall be subject to § 805.4(a)(7) and § 805.7; and

(7) Any stationary combustion turbine subject to § 805 shall be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions at all times, including during startup, shutdown, and malfunction, and shall be maintained in accordance with one of the following:

(A) The manufacturer's emission-related written instructions; or

(B) An alternate written maintenance plan approved in writing by the Department;

(b) Any person required to comply with § 805.4 shall maintain continuous compliance at all times. Compliance shall be demonstrated by testing or by installing a continuous emissions monitoring system:

(1) The emissions monitoring system shall do the following:

(A) Continuously monitor the NOx emission rate from the major stationary source;

(B) Continuously record the NOx emission rate from the major stationary source;

(C) Be installed and operated in a manner approved by the Mayor and acceptable to the EPA; and

(D) Demonstrate that the NOx emission rate does not exceed the applicable maximum allowable NOx emission rate specified in § 805.4.

(2) Testing shall meet the following requirements:

(A) Be conducted using methods approved by the Department and acceptable to EPA;

(B) Demonstrate that the NOx emission rate does not exceed the applicable maximum allowable NOx emission rate specified in § 805.4, for each fuel subject to such an allowable rate; and

(C) Be performed according to the following frequencies:

(i) Once within one hundred and eighty (180) days of either initial start-up of the unit or the applicability of § 805 to the unit, whichever is later;

(ii) For units with heat input ratings greater than ten million (10,000,000) BTU per hour, based on the higher heating value of the fuel, subsequent tests shall be performed once each calendar year and no

more than fourteen (14) months following the previous performance test; and

(iii) For units with heat input ratings less than or equal to ten million (10,000,000) BTU per hour, based on the higher heating value of the fuel, and subject to a maximum allowable NOx emission rate in § 805.4, subsequent tests shall be performed once every five (5) calendar years and no more than sixty-two (62) months after the previous performance test.

All persons desiring to comment on the proposed rulemaking should file comments in writing not later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be clearly marked "Public Comments: Chapter 8 of the Air Quality Regulations" and filed with DOEE, Air Quality Division, 1200 First Street, N.E., 5th Floor, Washington, D.C. 20002, Attention: Stephen Ours, or e-mailed to airqualityregulations@dc.gov. Copies of the above documents may be obtained from DOEE at the same address.

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF THIRD COMBINED EMERGENCY & FIRST PROPOSED RULEMAKING

The Director of the Department of For-Hire Vehicles, pursuant to the authority set forth in Sections 8 (c) (1), (2), (3), (5), (7), (10), (12), (13), and (19); 14; 20; 20a; 20j; and 20l of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301.07(c)(1), (2), (3), (5), (7), (10), (12), (13), and (19); § 50-301.13; § 50-301.19; § 50-301.20; and § 50-301.29 (2014 Repl. & 2017 Supp.)), hereby proposes and gives notice of the adoption, on an emergency basis, of amendments to Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) and Chapter 20 (Fines and Civil Penalties) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This third notice incorporates and combines the following two (2) rulemakings, most recently published as a second combined notice in the *D.C. Register* at 65 DCR 7587 (July 20, 2018):

Emergency and proposed rulemaking amending Chapter 18: This emergency and proposed rulemaking amends Chapter 18 to modify the requirements: (1) that taxicab companies approved to provide service in Transport DC add a wheelchair-accessible vehicle for every 3,000 trips completed in the program, allowing the addition of these vehicles at such greater intervals as may be established in an administrative issuance; and (2) for a fixed, flat rate fare of thirty three dollars ($33) for each Transport DC trip, changing the requirement from a fixed fare to a cap on the fare.

This emergency rulemaking is necessary as the Department finds there is an immediate need to preserve and promote the safety and welfare of District residents to make the foregoing changes to ensure the financial viability of the Transport DC program, which serves the ongoing paratransit needs of the community, including by providing wheelchair service.

Notice of emergency and proposed rulemaking was adopted by the Department and posted on the DFHV website on June 29, 2016. That emergency rulemaking expired on October 27, 2016. An additional emergency rulemaking was adopted and posted on the DFHV website on October 6, 2016, and expired on February 3, 2017. An emergency rulemaking was adopted and posted to the DFHV website on February 3, 2017, and expired June 3, 2017. An emergency rulemaking was adopted and posted to the DFHV website on June 3, 2017, and expired on September 30, 2017. A Notice of Emergency Rulemaking, which combined the Chapter 18 amendments with the Chapter 20 amendments listed below, was then adopted and posted on the DFHV website on November 30, 2017, expiring on March 30, 2018, and was published in the *D.C. Register* at 65 DCR 1087 (February 2, 2018), followed by a Notice of Second Combined Rulemaking, which was adopted by the DFHV on March 27, 2018, took effect immediately, and remains in effect until July 25, 2018), published in the *D.C. Register* at 65 DCR 7587 (July 20, 2018).

Emergency and proposed rulemaking amending Chapter 20: This emergency and proposed

rulemaking amends Chapter 20 to reestablish a fine of five hundred dollars ($500) for serious violations of Title 31 DCMR.

This emergency rulemaking is necessary as the Department finds there is an immediate need to preserve and promote the safety and welfare of District residents to ensure that civil fines are immediately available for serious violations such as fraud, misrepresentation, larceny, aggressive driving, and illegal driving maneuvers, and for numerous other violations as set forth in § 816. Prior to the enactment of Chapter 20, these violations were punishable by a $500 civil fine for "unlawful activities" under a schedule of fines in § 825, in addition to other civil penalties (vehicle impoundment, and license suspension, revocation, or nonrenewal). When Chapter 20 was published as final, however, fines for these violations were inadvertently omitted. The Department, therefore, finds there is an immediate need to preserve and promote the safety and welfare of District residents by ensuring that lawful, reasonable, and appropriate civil fines are immediately available for these violations, in addition to civil penalties other than fines.

Notice of emergency and proposed rulemaking was adopted by the Department and posted to the DFHV website on June 29, 2016, and expired on October 27, 2016. An additional notice of emergency and proposed rulemaking was adopted and posted to the DFHV website on October 6, 2016, and expired on February 3, 2017. An emergency and proposed rulemaking was adopted and posted to the DFHV website on February 3, 2017, and expired on June 3, 2017. An emergency and proposed rulemaking was adopted and posted to the DFHV website on June 3, 2017, and expired on September 30, 2017. A Notice of Emergency Rulemaking, which combined the Chapter 18 and 20 amendments, was adopted and posted on the DFHV website on November 30, 2017, expiring on March 30, 2018, and was published in the *D.C. Register* at 65 DCR 1087 (February 2, 2018), followed by a Notice of Second Combined Rulemaking, which was adopted by the DFHV on March 27, 2018, took effect immediately, and remains in effect until July 25, 2018), published in the *D.C. Register* at 65 DCR 7587 (July 20, 2018).

This Notice of Third Combined Emergency & First Proposed Rulemaking was adopted on July 26, 2018, took effect immediately, and will remain in effect for one hundred twenty (120) days after the date of its adoption, (expiring November 23, 2018), unless earlier superseded by an amendment or repeal by the Department, whichever occurs first.

The Director hereby gives notice of the intent to take final rulemaking action to adopt these rules as final in not less than forty-five (45) days after the publication of this notice in the *D.C. Register*. A public hearing will be held on the proposed rulemaking in not fewer than twenty (20) days from the date of publication. Directions for submitting comments may be found at the end of this notice.

Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 1806, TAXICAB COMPANIES AND OPERATORS - OPERATING REQUIREMENTS is amended as follows:

Subsection 1806.5(a), is amended to read as follows:

…

(a) Each company shall add a vehicle to its fleet which complies with paragraph (b) each time the company completes three thousand (3,000) Transport DC trips, or such greater number of trips as may be established in an administrative issuance.

Subsection 1806.10 is amended to read as follows:

1806.10 The rates and charges, and acceptable forms of payment, for each Transport DC trip shall be in accordance with the following requirements:

(a) The fare for a Transport DC trip shall not exceed a flat rate of thirty-three dollars ($33), or such lower amount as may be established in an administrative issuance, plus any gratuity which a passenger chooses to add to the total fare, payable as follows:

(1) Not more than five dollars ($5.00) of the Transport DC fare shall be paid by the passenger by any means allowed by Chapter 8, including a payment card or cash; and

(2) The remaining fare shall be paid by the District.

(b) No passenger surcharge shall be collected from a passenger for a Transport DC trip.

Chapter 20, FINES AND CIVIL PENALTIES, is amended as follows:

Subsection 2000.8 of Section 2000, FINES AND CIVIL PENALTIES, is amended as follows:

Schedule 3 (Fines for Entities, Owners, and Operators) is amended by amending the row of the schedule listing "Fraudulent actions" and the associated fine, to read as follows:

Fraudulent and unlawful actions • Falsifying or tampering with manifest (§ 823) • Displaying, possessing, or presenting a fraudulent copy or altered government issued operator identification (Face) card or vehicle inspection (DFHV) card (§ 814.7) • Tampering with meter or meter seals (§ 1323) • Knowingly operating with non-functioning meter or operating without a meter • Improperly sealed meter (§ 1321) • Improper conduct and/or unlawful actions (§ 816)	$500

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes approved December 27, 1967 (81 Stat.744; D.C. Official Code § 1-307.02 (2012 Repl. & 2017 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl. & 2017 Supp.)), hereby gives notice of an amendment, on an emergency basis, Section 995 (Medicaid Physician and Specialty Services Rate Methodology) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules provide DHCF the authority to make recurring quarterly supplemental payments for one fiscal year to Medicaid-enrolled physician groups, with at least five hundred (500) physicians that are members of the group, that contract with a public, general hospital located in economically underserved areas of the District to deliver inpatient, emergency department, and intensive care physician services to Medicaid beneficiaries. These supplemental payments would mitigate the Medicaid losses of eligible physician group practices that offer these critically important services to Medicaid beneficiaries. DHCF projects an increase in aggregate expenditures of approximately four and a half ($4.5) million dollars in Fiscal Year (FY) 2019.

DHCF is also proposing to amend the District's State Plan for Medical Assistance (State Plan). These proposed rules correspond to the amendment, which requires approval by the Centers for Medicare and Medicaid Services (CMS). These rules shall become effective for services rendered on or after October 1, 2018 through September 30, 2019, if the corresponding State Plan Amendment (SPA) has been approved by CMS with an effective date of October 1, 2018, or the effective date established by the CMS in its approval of the corresponding SPA, whichever is later.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of Medicaid beneficiaries in need of inpatient, emergency, and intensive care physician services that are delivered by physicians. This emergency rulemaking will ensure that physicians that deliver these services are able to continue delivering critically important healthcare services to vulnerable District Medicaid beneficiaries in the District without interruption.

The emergency rulemaking was adopted on July 11, 2018, and shall become effective for dates of services rendered beginning October 1, 2018 if the corresponding State Plan amendment has been approved by CMS with an effective date of October 1, 2018 or the effective date established by CMS, whichever is later. The emergency rules will remain in effect for one hundred and twenty (120) days or until November 8, 2018, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director also gives notice of the intent to

take final rulemaking action to adopt this emergency and proposed rule not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Subsections 995.7 through 995.9 of Section 995, MEDICAID PHYSICIAN AND SPECIALTY SERVICES RATE METHODOLOGY, are amended to read as follows:

995.7 For services rendered on or after October 1, 2018 through September 30, 2019, quarterly supplemental payments in the amount of one million and one hundred and twenty-five thousand dollars ($1,125,000.00) shall be equally distributed among physician groups that meet the criteria described in Subsection 995.8.

995.8 To receive a supplemental payment, a physician group shall meet all of the following conditions:

(a) Be a group practice, consistent with the conditions set forth under 42 CFR § 411.352, and additionally have at least five hundred (500) physicians that are members of the group (whether employees or direct or indirect owners) as defined at 42 CFR § 411.351;

(b) Be screened and enrolled with the Department of Health Care Finance (DHCF) in accordance with the requirements set forth under Chapter 94 of the District of Columbia Municipal Regulations (DCMR);

(c) Contract with a public, general hospital, as defined under Section 2099 of Title 22-B DCMR, located in an economically underserved area of the District of Columbia to provide at least two (2) of the following services to Medicaid beneficiaries:

(1) Inpatient services, as described in Supplement 1 to Attachment 3.1A, section 1.B, page 2, and Supplement 1 to Attachment 3.1B, section 1.B, page 2 and defined in 42 CFR § 440.10;

(2) Emergency hospital services, as described in Supplement 1 to Attachment 3.1A, section 24.E, page 28; Supplement 1 to Attachment 3.1B, section 24.E, page 27; and Attachment 4.19B, Part 1, section 20.a, page 11; or

(3) Intensive care physician services, as authorized under Supplement 1 to Attachment 3.1A, section 5, pages 6b-7, and Supplement 1 to Attachment 3.1B, section 5, pages 5b-6.

995.9 Quarterly payments made in accordance with Subsection 995.7 shall not exceed four and a half ($4.5) million for Fiscal Year (FY) 2019.

Subsections 995.10 through 995.11 are deleted in their entirety.

Comments on these rules should be submitted in writing to Claudia Schlosberg, J.D, Senior Deputy and Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 441 4th Street, N.W., Suite 900, Washington D.C. 20001, via telephone on (202) 442-8742 or via email at DHCFPubliccomments@dc.gov within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-053
July 20, 2018

SUBJECT: Delegation - Authority to Announce the Law Enforcement Torch Run

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2016 Repl.), and under 6-B DCMR § 1805.10, it is hereby **ORDERED** that:

1. The Chief of the Metropolitan Police Department ("**Chief**") is delegated the Mayor's authority under 6-B DCMR 1805.10 for the purpose of the Law Enforcement Torch Run ("**Torch Run**") scheduled to occur on Saturday, September 15, 2018, in support of Special Olympics DC. The Chief is also authorized to announce the Torch Run via a teletype to officers and employees of the Metropolitan Police Department.

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

MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-054
July 24, 2018

SUBJECT: Appointments — Commission on Health Equity

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 5043 of the Commission on Health Equity Amendment Act of 2016, effective October 8, 2016, D.C. Law 21-160; DC Official Code § 7-756.01 (2017 Supp.), it is hereby **ORDERED** that:

1. **LINDA ELAM** is appointed as a representative from an insurance company with access to health outcomes databases member, filling a vacant seat, for a term to end June 1, 2019.

2. **LAURA SANDER** is appointed as a president or chief executive of a District hospital or designee member, filling a vacant seat, for a term to end June 1, 2019.

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

MURIEL BOWSER
MAYOR

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, AUGUST 1, 2018
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00032; New York Avenue Beach Bar, LLC, t/a Half Time Sports Bar, 1427 H Street NE, License #94107, Retailer CT, ANC 6A
Substantial Change without Boards Approval (Increase in Occupancy), Dancing or Cover Charge Endorsement, Summer Garden Endorsement, Failed to Comply with hours of Operation (Summer Garden), Violation of Settlement Agreement

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00090; T & L Investment Group, LLC, t/a Panda Gourmet 2700 New York Ave NE, License #86961, Retailer CR, ANC 5C
No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00021; Betty's Gojo Restaurant and Lounge, LLC, t/a Betty's Gojo, 7616 Georgia Ave NW, License #102500, Retailer CR, ANC 4A
Failed to File and Maintain Invoices and Delivery Slips, Purchased Alcohol from an Off-Premise Retailer

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CIT-00175; 2500 Pennsylvania Avenue Investors, LLC, t/a La Piazza, 2500 Pennsylvania Ave NW, License #86545, Retailer CT, ANC 2A
No ABC Manager on Duty, No ABC Manager on Duty

Show Cause Hearing (Status) **9:30 AM**
Case # 17-251-00185; Prospect Dining, LLC, t/a Chinese Disco, 3251 Prospect Street NW, License #78058, Retailer CR, ANC 2E
Allowed Establishment to be Used for Unlawful or Disorderly Purposes (Two Counts), Failed to Follow Security Plan
This hearing is cancelled due to the cancellation of the license on July 18,

Board's Calendar
August 1, 2018
2018. See Board Order No. 2018-448.

Show Cause Hearing* **10:00 AM**
Case # 18-CMP-00020; Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT, ANC 1B
Violation of Settlement Agreement

Show Cause Hearing* **11:00 AM**
Case # 18-CIT-00109; Southeast Restaurant Group, LLC, t/a DCity, Smokehouse, 203 Florida Ave NW, License #98368, Retailer CT, ANC 5E
No ABC Manager on Duty
This hearing has been continued to August 15, 2018 at 10:00 am.

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

Show Cause Hearing* **1:30 PM**
Case # 17-CMP-00729; Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT ANC 1C
Failed to Comply with Board Order No. 2017-439

Protest Hearing* **2:30 PM**
Case # 18-PRO-00037; Georgetown Suites, LLC/Wabbit, LLC, t/a Georgetown Inn West End, 1121 New Hampshire Ave NW, License #109462, Retailer CR ANC 2A
Application for a New License

Protest Hearing* **2:30 PM**
Case # 18-PRO-00036; Pal the Mediterranean Spot and More, LLC, t/a Pal the Mediterranean Spot, 1501 U Street NW, License #92484, Retailer CR, ANC 1B
Substantial Change (Request to Change Hours of Operation and Sales)

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
INVESTIGATIVE AGENDA

WEDNESDAY, AUGUST 1, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On Wednesday, August 1, 2018 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed "to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations."

1. Case# 18-CMP-00157, Georgetown Club at Suter Tavern, 1530 Wisconsin Avenue N.W., Retailer CX, License # ABRA-000779

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2. Case# 18-CC-00072, Mudrick's Supermarket, 1064 Bladensburg Road N.E. Retailer B, License # ABRA-105822

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3. Case# 18- MGR-00012, ABC Manager, Tsion Gurmu Hailu, License # ABRA-105954

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4. Case# 18-CC-00075, Trader Joe's #662, 1914 14th Street N.W., Retailer B, License # ABRA-093455

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5. Case# 18-CC-00069, Glen's Garden Market, 2001 S Street N.W., Retailer B, License # ABRA-090082

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6. Case# 18-CC-00070, Oasis, 2024 P Street N.W., Retailer B, License # ABRA-014153

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7. Case# 18-CC-00076, Shaw Howard Deli, 1911 7th Street N.W., Retailer B, License # ABRA-095169

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, AUGUST 1, 2018 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping of License – Original Request. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Five to One***, 903 U Street NW, Retailer CT, License No. 105948.

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2. Review Application for Class Change from Retailer D Restaurant to Retailer C Restaurant, located within a Full-Service Class B Grocery Store. ANC 6B. SMD 6B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Radici***, 301 7th Street SE, Retailer DR, License No. 093739.

***In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS

DC MAYOR'S COMMISSION ON ASIAN AND PACIFIC ISLANDER AFFAIRS

NOTICE OF REGULAR MEETING

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on **July 18, 2018** at 6:30 pm.

The meeting will be held at the MOAPIA office at One Judiciary Square, 441 4th Street NW, Suite 721N, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact oapia@dc.gov .

The DC Commission on Asian and Pacific Islander Affairs convenes meetings to discuss current issues affecting the DC Asian American and Pacific Islander (AAPI) community.

MEETING AGENDA

DC Commission on Asian and Pacific Islander Affairs Monthly Meeting
Wednesday, July 18, 2018, 6:30 pm
Meeting Location: 441 4th St NW, Room 721 North Washington, DC

Call to Order
Introduction of Commissioners
Quorum
Approval of Agenda
Approval of June Meeting Minutes

Brief Community Announcements and Presentations
Executive Reports and Business Items

1. Director's Report, Director Do, MOAPIA.
2. MPD and Community Relations, Commissioner Martha Watanabe

Meeting Adjournment

Next Meeting:

Wednesday, August 15, 2018, 6:30 pm
Mayor's Office on Asian and Pacific Islander Affairs
441 4th St NW, Room 720 North
Washington, DC 20001

Questions:
John Tinpe Chairman, John.Tinpe@dcbc.dc.gov
Ben Takai, Vice Chair & Secretary, BenTakai@dcbc.dc.gov
Phuong Nguyen, Communications Specialist Phuong.nguyen2@dc.gov

BRIYA PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Briya PCS requests proposals for the following:

- **Special Education Services**
- **Strategic Planning Services**

Full RFP document available by request. Proposals shall be emailed **as PDF documents** no later than 5:00 PM on Tuesday, August 7, 2018. Contact: bids@briya.org

CENTER CITY PUBLIC CHARTER SCHOOLS

NOTICE OF INTENT TO AWARD SOLE SOURCE CONTRACT

Center City Public Charter Schools intends to award a Sole Source Contract to TAMAH LLC for the following:

Dedicated Aide Staffing Services

To obtain copies of full NOIs, please visit our website: www.centercitypcs.org. The full NOIs contain justification for the award.

Contact Person

Mr. Kelly Dickens
kdickens@centercitypcs.org

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

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

August 2018

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Grace Yeboah Ofori	Board of Accountancy	3	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	RECESS	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	RECESS	8:30 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	RECESS	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	RECESS	7:00-pm-8:30 pm
Brittani Strozier	Board of Funeral Directors	2	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	RECESS	9:00 am-1:30 pm
Patrice Richardson	Real Estate Commission	RECESS	8:30 am-1:00 pm
Jennifer Champagne	Board of Industrial Trades	RECESS	1:00pm-3:30 pm
	Asbestos		
	Electrical		
	Elevators		
	Plumbing		
	Refrigeration/Air Conditioning		
	Steam and Other Operating Engineers		

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

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION

NOTICE OF PUBLIC MEETING

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

MEETING AGENDA

Friday, August 3, 2018
9:00 AM

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

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION

D.C. Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024

MONTHLY PUBLIC MEETING
AGENDA

Thursday, August 02, 2018
1:00 PM.

1. Call to Order – 1:00 p.m.

2. Members Present

3. Staff Present

4. Comments from the Public

5. Minutes, May 3, 2018

6. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b) (4) (A); D.C. Official Code § 2-575(b) (9) (13) (14) to discuss complaints/legal matters, applications and legal counsel report.

    A. Applications- 2 applications for Board review

    B. Complaints/Investigation

        i. Anonymous vs. RN Horton Co. Morticians
        ii. Smalls vs. Stewart Funeral Home
        iii. Krakower vs. Torchinsky

7. Recommendations

8. Old Business

9. New Business

10. Adjourn

11. Next Scheduled Board Meeting –September 6, 2018 at 1:00 p.m.

D.C. CRIMINAL CODE REFORM COMMISSION

NOTICE OF PUBLIC MEETING

WEDNESDAY, AUGUST 1, 2018 AT 10:00 AM
441 4TH STREET N.W., ROOM 1114, WASHINGTON, D.C., 20001

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, August 1, 2018 at 10am. The meeting will be held in Room 1114 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, http://ccrc.dc.gov/page/ccrc-meetings. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

I. Welcome and Announcements.

II. Discussion of Advisory Group Written Comments on:

(A) First Draft of Report #21, *Kidnapping and Related Offenses; and*
(B) First Draft of Report #22, *Accomplice Liability and Related Provisions.*

III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:

(A) First Draft of Report #23, *Disorderly Conduct and Public Nuisance;*
(B) First Draft of Report #24, *Failure to Disperse and Rioting;* and
(C) First Draft of Report #25, *Merger.*

IV. Adjournment.

OFFICE OF DISABILITY RIGHTS

DC COMMISSION ON PERSONS WITH DISABILITIES (DCCPD)
COMMISSION MEETING

Thursday, July 26, 2018 at 10:00 a.m.-11:15 a.m.

***All Commission Meetings are available and open to the public to attend**

Location: 441 4th Street NW, 11th Floor, Room 1113

Call-In Number: (866) 628-2987
Passcode: 8488992

All reasonable accommodation requests must be made at least five (5) business days prior to the scheduled meeting date. Please contact julia.wolhandler@dc.gov or 202-727-2890

AGENDA:

10:00 a.m. Welcome / Call to Order – Terrance Hunter

10:05 a.m. Commissioner Roll- Call – Kamilah Martin-Proctor

10:10 a.m. Approval of June 2018 Commission Meeting Minutes (Formal Vote) – Hope Fuller

10:20 a.m. Review tentative D.C.C.P.D. Calendar dates for 2018 events and potential leads

- Emergency Preparedness Forum
- Olmstead Celebration – August 20
- DFHV Accessibility Advisory Committee Meeting – August 8

10:35 a.m. Status Check-In

- October 2018 Mayor's Disability Awareness Expo – Julia Wolhandler
- Deaf Awareness Rally Partnership - Jarvis Grindstaff/Julia Wolhandler
- Bullying Awareness Speaking Out - Gerard 'Gerry" Counihan
- Advisory Working Group within Capital Pride Alliance – Kamilah
- Disability Voter Registration Week – Julia
- DCCPD Facebook Page - Kamilah

10:45 a.m. 2018 White Papers and Reports Review & Leads (under the strategic plan)

- Transportation – Terrance Hunter
- Working with our ANC's Partners - Gerald 'Gerry" Counihan and Terrance Hunter
- Yearly Report – Kamilah Martin-Proctor

10:55 a.m. Review any Motions for Discussion and Consideration – Kamilah

11:00 a.m. Public Comment

11:15 a.m. Adjourn – Terrance Hunter

D.C. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

NOTICE OF CLOSED MEETING

Homeland Security Commission

July 27, 2018

10:30 a.m. to 12:00 p.m.

200 I Street, SE

Washington, D.C. 20003

Executive Conference Room 5607

On July 27, 2018 at 10:30 a.m., the Homeland Security Commission (HSC) will hold a closed fact-finding meeting, pursuant to D.C. Code § 2-575(b), D.C. Code § 7-2271.04, and D.C. Code § 7-2271.05, for the purpose of gathering information for the annual report.

The meeting will be held at 200 I Street, SE, Washington, D.C. 20003 in Executive Conference Room 5607.

For additional information, you may contact Jon Stewart, Regional Programs Coordinator, by phone at 202-430-7110 or by email at jonathan.stewart@dc.gov.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF FUNDING AVAILABILITY

Polly Donaldson, Director, Department of Housing and Community Development (DHCD), announces a Notice of Funding Availability (NOFA) for funding that may include the 9% Low Income Housing Tax Credit (LIHTC) program, the Housing Production Trust Fund (HPTF) program, the Community Development Block Grant (CDBG) program, Home Investment Partnerships (HOME) program, the National Housing Trust Fund (NHTF) program, the Department of Behavioral Health (DBH) funds administered by DHCD, the District of Columbia Housing Authority's (DCHA) Local Rent Supplement Program (LRSP) and Annual Contributions Contract Program (ACC), and the Department of Human Services (DHS) case management supportive services funds for Permanent Supportive Housing.

DHCD will issue a Consolidated Request for Proposals (RFP) for real estate development projects that Produce or Preserve affordable housing and that require gap financing. For new construction and vacant rehabilitation rental projects, DHCD requires at least a 5% of funded units be set aside as Permanent Supportive Housing (PSH). PSH programs must adhere to the Housing First model and all vacancies must be filled through the Coordinated Entry system. PSH projects will be also eligible for funding from the sources listed below.

AFFORDABLE HOUSING GAP FINANCING (DHCD and DBH)
The Department of Housing and Community Development will accept requests for 9% Low Income Housing Tax Credits and gap financing (multiple federal and local funding sources available) for projects that Produce or Preserve affordable housing, as described in detail in the forthcoming RFP.

OPERATING SUBSIDY (DCHA)
The District of Columbia Housing Authority will accept requests for LRSP and ACC funds to provide project-based rental subsidies to units for qualified persons or households.

CASE MANAGEMENT SUPPORTIVE SERVICES FUNDING (DHS)
The Department of Human Services (DHS) will accept funding requests from community based organizations to deliver intensive case management services to single adult and family participants (who are chronically homeless, vulnerable, and face significant barriers to achieving self-sufficiency) in permanent supportive housing programs/projects funded through this NOFA through community-based organizations qualified by DHS.

The Consolidated Request for Proposals (RFP) will be released on Tuesday, July 31, 2018 and applications will be due on Friday, September 28, 2018.

Application materials, further instructions, and information about the RFP orientation session will be available online at dhcd.dc.gov and at https://octo.quickbase.com/db/bjc34b76f. The entire application and submission process will be online and no hard copy submissions will be required or accepted.

Muriel Bowser, Mayor of the District of Columbia
Brian Kenner, Deputy Mayor for Planning and Economic Development
Polly Donaldson, Director, Department of Housing and Community Development

DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
PUBLIC NOTICE
DISTRICT OF COLUMBIA'S
SMALL BUILDING GRANT PROGRAM

Polly Donaldson, Director, DC Department of Housing and Community Development (DHCD or the Department) announces the relaunch of the Small Building Grant Program to improve housing conditions for small buildings between 5-20 housing units in the District.

The Small Building Grant Program will provide funds for limited systems replacement and other key repairs to eligible property owners of multi-family rental housing who meet the following criteria:

- Possess a current DC Department of Consumer and Regulatory Affairs Inspection Report, HQS report, or other substantially similar inspection report that documents unabated housing code violations;
- Possess proper business license to operate a housing accommodation;
- Building has between 5 and 20 housing units;
- Building is at least 75% occupied;
- Housing units are affordable:
  - At least 25% of housing units must be affordable to low- to moderate-income households who earn at or below 50% of the Median Family Income (MFI) as defined by the DHCD Inclusionary Zoning Maximum Income, Rent and Purchase Price Schedule.
  - If households earn at or below 80% of MFI, then all the units of the building must be affordable.
  - The program may also fund repairs to common areas of buildings in which at least 50% of the households earn 80% MFI or below;
- No defaulted or delinquent loans with DHCD;
- No pending litigation in the District of Columbia where there is a contingent liability to the property owner;
- Current on all DC and Federal taxes; and
- Application and supporting documentation submitted within 30 days of the DCRA Inspection.

DHCD has $200,000 to allocate through this program and will be awarding grants on a first come basis starting October 1, 2018. Applications will be available starting July 30, 2018 on the DHCD website at https://dhcd.dc.gov/, and the Department will begin receiving applications starting September 1, 2018.

For more information on this program, please contact the Housing Preservation Officer at ana.vanbalen@dc.gov or by calling 202-442-8392.

KIPP DC PUBLIC CHARTER SCHOOLS

NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS

Assessment Scoring and Feedback Services

KIPP DC intends to enter into a sole source contract with The Graide Network for the scoring and feedback of student essays on our Achievement Network (ANet) English language arts (ELA) interim assessments. The decision to sole source is due to the company's unique product model offering a network of pre-vetted graders who read, score, and respond to student writing, providing more personalized feedback to students and more actionable data to teachers on these formative writing assessments. The cost of the contract will be $36,000.

PERRY STREET PREPARATORY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Special Education Related Services

Perry Street Preparatory Public Charter School is seeking proposals to provide school-based special education related services and evaluations.

Proposals are due via email to Rocio Taylor (cc: Kelly Smith) no later than 5:00 PM on Friday, August 3, 2018. We will notify the final vendor of selection and schedule work to be completed. The full RFP with bidding requirements can be obtained at
www.pspdc.org/apps/pages/procurment

Contact Information:
Rocio Tyler, rtyler@pspdc.org
Kelly Smith, ksmith@pspdc.org

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

NOTICE OF INTENT TO ACCEPT UNSOLICITED PROPOSALS – AUGUST 31, 2018 TO OCTOBER 1, 2018

The District of Columbia Office of Public-Private Partnerships ("DC OP3"), pursuant to the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228, D.C. Official Code § 2-271.01 *et seq.*) ("P3 Act") and in accordance with the procedures set forth in Chapter 48 (Public-Private Partnerships) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations ("P3 Rules"), hereby gives notice of its intent to accept unsolicited proposals for possible public-private partnership projects.

Interested parties should review the process for submitting unsolicited proposals, which are detailed in the DC OP3 Guidelines and Procedures ("P3 Guidelines"). The P3 Guidelines, along with several forms that must be included as part of an unsolicited proposal, are available at http://op3.dc.gov/proposals.

Unsolicited proposals will only be accepted between the hours of 9:00 a.m. EST and 4:00 p.m. EST on business days that the District of Columbia government is open beginning on **Friday, August 31, 2018** and ending on **Monday, October 1, 2018.** Unsolicited proposals must be delivered by hand, by U.S. Mail, or by a delivery service. Only proposals meeting all of the requirements stated in the P3 Rules and P3 Guidelines and submitted during the times listed above will be considered for review by DC OP3.

Interested parties are encouraged to meet with the DC OP3 before submitting an unsolicited proposal. For additional information, please contact DC OP3 at op3@dc.gov or (202) 724-2128.

SOMERSET PREP DC PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

TV and Music Studio Equipment

Somerset Prep Public Charter School is seeking bids for the equipment of a new TV and Music Production Studio, this will include cameras, lighting, software, computers and music production equipment for the 2018-2019 school year.

GUIDELINES

The school must receive a PDF version of your proposal no later than 5pm EST on **August 3, 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:

- 10 Units of Laptop Minimum Specs or Better
- Processor: 8th Generation Intel® Core™ i5-8250U Processor (6MB Cache, up to 3.4 GHz)
- Memory: 8GB, DDR4, 2400MHz
- Hard Drive: 512 Solid State Drive
- Display: 13.3-inch FHD (1920x1080) IPS Truelife LED-Backlit Touch Display with Wide Viewing Angles-IR Camera
- OS: Windows 10 Pro 64-bit

- 25 Units of IMac
- Minimum Specs or Better
- 2.3GHz dual-core 7th-generation Intel Core i5 processor
- Turbo Boost up to 3.6GHz
- 8GB 2133MHz memory, configurable to 16GB
- 1TB hard drive1
- Intel Iris Plus Graphics 640
- Two Thunderbolt 3 ports
- 1920-by-1080 sRGB display

- 100 Units of Chrome Books
- Minimum Specs or Better
- Chrome OS
- Intel® Celeron® N3160 processor Quad-core 1.60 GHz
- 14" Full HD (1920 x 1080) 16:9 IPS
- Intel® HD Graphics 400 with Shared Memory
- 4 GB, LPDDR3
- 32 GB Flash Memory

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 19512 of 1262 Holbrook Terr, LLC, as amended[1], pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the alteration of a roof top architectural element requirement of Subtitle E § 206.1, and under the residential conversion requirements of Subtitle U § 320.2, to construct a rear addition and third-story addition to convert a one-family dwelling into a three-unit apartment house in the RF-1 Zone at premises 1262 Holbrook Terrace, N.E. (Square 4055, Lot 48).

HEARING DATE: June 21, 2017
DECISION DATE: July 26, 2017

DECISION AND ORDER

This self-certified application was submitted on April 20, 2017 by 1262 Holbrook Terr, LLC, the owner of the property that is the subject of the application (the "Applicant"). The Applicant requests special exception approval pursuant to 11-U DCMR § 320.2 of the Zoning Regulations to convert a single-family dwelling into a three-unit residential building, and special exception approval pursuant to 11-E DCMR § 206.1 for relief from the prohibition against altering rooftop architectural elements. Following a public hearing, the Board voted to approve the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated April 21, 2017, the Office of Zoning sent notice of the application to the Office of Planning ("OP"); the District Department of Transportation ("DDOT"); the Councilmember for Ward 5; Advisory Neighborhood Commission ("ANC") 5D, the ANC for the area within which the subject property is located; and the single-member district ANC 5D-02. Pursuant to 11-Y DCMR § 402.1, on April 21, 2017, the Office of Zoning mailed notice of the hearings to the Applicant, ANC 5D, and the owners of all property within 200 feet of the subject property. Notice was published in the *D.C. Register* on May 5, 2017 (64 DCR 18).

Party Status. The Applicant and ANC 5D were automatically parties in this proceeding. There were no requests for party status.

Applicant's Case. The Applicant provided evidence and testimony to show that the application satisfied all requirements for approval of the requested zoning relief.

[1] The Applicant amended the application (Exhibit 37 – Updated Self-Certification) by adding to the original request a special exception for roof top or upper floor addition under Subtitle E § 206.1.

OP Report. By a report dated June 9, 2017, the Office of Planning recommended approval of both the special exception for a conversion pursuant to 11-U DCMR § 320.2 and the special exception for altering an architectural element pursuant to 11-E DCMR § 206. The Office of Planning noted that while the Applicant had not yet requested relief pursuant to 11-E DCMR § 206 at the time of its report, it would be willing to support the relief. (Exhibit 34.)

DDOT Report. By memoranda dated June 9, 2017, DDOT indicated it had no objection to the approval of the application, noting that the proposal will have no adverse impacts on travel conditions of the District's transportation network. (Exhibit 33.)

ANC Report. At a regular public meeting on June 13, 2017, with a quorum present, the ANC voted 4-3-0 to oppose the application. The ANC indicated that its opposition was based on concerns regarding: (1) parking; (2) impacts to adjacent properties; (3) notification; and (4) infrastructure. The ANC Chair attended the hearing on June 21, 2017 and requested that the Applicant return to the July ANC meeting so that the ANC and community could have more time to review the application. The Applicant attended the ANC meeting on July 11, 2017, where the ANC declined to vote on the Application, as its position had not changed.

Persons in Opposition. Vonetta Dumas submitted a letter of opposition on behalf of the Holbrook Terrace Alliance. (Exhibit 44.)

Persons in Support. The Board received three letters of support: one from the adjacent neighbor at 1264 Holbrook Terrace, Marc Hyman; one from the adjacent neighbor at 1260 Holbrook Terrace, Isiah Foskey; and one from a community member, Jeffrey DeRoche. (Exhibits 38, 42, and 43).

FINDINGS OF FACT

1. The property is located 1262 Holbrook Terrace, N.E. (Square 4055, Lot 48).

2. The property is improved with a principal dwelling that was constructed circa 1910.

3. The subject property has a lot area of 4,039 square feet and a lot width of 22.5 feet.

4. Abutting the property to the north is an apartment building.

5. The property to the south is currently being converted to a three-unit residential building (pursuant to BZA Order No. 19173).

6. Abutting the property to the east and west are a public alley and Holbrook Terrace, respectively.

7. The property is located in the RF-1 zone district.

8. The Applicant is proposing to convert the home to a three-unit residential building.

9. Accordingly, the Applicant requested special exception relief pursuant to 11-U DCMR § 320.2.

10. The Applicant is proposing to construct a third-story addition to the building and a three-story addition at the rear of the building. The third-story addition will be set back ten feet from the front façade. The addition will be 34 feet and two inches in height, which is permitted as a matter of right.

11. At 4,039 square feet, the lot area of the subject property exceeds the minimum lot area requirement of 2,700 square feet (i.e. 900 square feet per dwelling unit) as required pursuant to 11-U DCMR § 320.2(d).

12. No adjacent property has a solar system installed on its roof.

13. The addition will not block or impede any chimneys.

14. The proposed addition extends only nine and a half inches past the rear wall of the building to the south and only three feet and nine inches past the rear wall of the building to the north.

15. The Applicant is providing three parking spaces that can be accessed through a rear alley.

16. The new construction will increase lot occupancy at the subject property from 19% to 43.72%. Sixty percent lot occupancy is permitted as a matter-of-right.

17. The Applicant is proposing to reconstruct the existing front porch and replace the existing vinyl material on the dormer and second floor façade with brick. The Applicant is also adding a railing to the roof and switching the location of the door and window.

18. Accordingly, the Applicant amended the application to special exception relief pursuant to 11-E DCMR § 206.1, in order to alter the architectural elements original to the building. (Exhibit 37.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requests special exception relief pursuant to 11-E DCMR § 206.1 and 11-U DCMR § 320.2 of the Zoning Regulations in order to update the front façade, restore the porch, construct a third-story addition and a rear addition to the existing building, and to convert the single-family dwelling to a three-unit residential building. The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning

Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11-X DCMR § 901.2.)

The Board's discretion in reviewing an application for a special exception is limited to a determination of whether an applicant has complied with the requirements of 11-E DCMR § 206.1, 11-U DCMR § 320.2, and 11-X DCMR § 901.2 of the Zoning Regulations. If an applicant meets its burden, the Board ordinarily must grant the application. *See, e.g. Stewart v. District of Columbia Board of Zoning Adjustment*, 305 A.2d 516, 518 (D.C. 1973); *Washington Ethical Society v. District of Columbia Bd. of Zoning Adjustment*, 421 A.2d 14, 18-19 (D.C. 1980); *First Baptist Church of Washington v. District of Columbia Bd. of Zoning Adjustment*, 432 A.2d 695, 698 (D.C. 1981); *Gladden v. District of Columbia Bd. of Zoning Adjustment*, 659 A.2d 249, 255 (D.C. 1995).

Pursuant to 11-E DCMR § 206.1, "a roof top architectural element original to the building such as a turret, tower or dormers, shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size." Subtitle E § 206.2 continues that "in an RF zone district, relief from the design requirements of Subtitle E § 206.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle Y Chapter 9, subject to the conditions of Subtitle E § 5203.3." The Applicant is proposing to replace the existing two-window dormer with a larger three-window dormer, replace the vinyl material on the dormer and second floor façade with brick, replace the porch, add a railing to the porch roof, and switch the location of the window and the door. The Applicant is therefore requesting relief pursuant to 11-E DCMR § 5203.3, which states that a special exception to the requirements of 11-E DCMR § 206 shall be subject to the conditions of 11-E DCMR § 5203.1(b), (c), and (d). These conditions include: (b) Any addition, including a roof structure or penthouse, shall not block or impede functioning of a chimney or other external vent compliant with any District of Columbia municipal code on an adjacent property. A chimney or other external vent must be existing and operative at the date of the building permit application for the addition; (c) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator; and (d) A roof top architectural element original to the house such as a turret, tower, or dormers shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size.

Based on the findings of fact, the Board concludes that the request for special exception relief, as represented by the submitted plans, testimony, and evidence, satisfies the requirements of 11-E DCMR § 206.1. The Board credits the testimony of the Applicant and the Office of Planning and finds that the proposed addition and conversion meets the enumerated conditions. As represented by the submitted plans, the addition shall not block or impede the functioning of any chimney or other external vent on the adjacent properties, the addition shall not interfere with the operation of an existing or permitted solar energy system on the adjacent properties, and, while the Applicant is proposing to alter architectural elements original to the building, as detailed above, the addition meets the general special exception requirements of 11-X DCMR § 901.2, and that

is what the Applicant has assumed is the basis of the special exception test for this request, since it is clear that the Zoning Commission intended to provide for special exception relief in this situation.

Pursuant to 11-U DCMR § 320.2, a conversion of a single-family dwelling to a multi-unit dwelling may be permitted as a special exception, subject to the enumerated conditions. These conditions include: (a) The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.); (b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the [inclusionary zoning set-aside requirements]; (c) There must be an existing residential building on the property at the time of filing an application for a building permit; (d) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit; (e) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on the adjacent property; (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of an operative chimney or other external vent on an adjacent property required by any municipal code; (g) Any addition, including a roof structure or penthouse, shall not significantly interfere with the operation of an existing or permitted solar energy system (of at least 2kW) on an adjacent property; (h) A roof top architectural element original to the house such as cornices, porch roofs, a turret, tower, or dormers shall not be removed or significantly altered, including shifting its location, changing its shape or increasing its height, elevation, or size; (i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular: (1) The light and air available to neighboring properties shall not be unduly affected; (2) the privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and (3) the conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley; (j) In demonstrating compliance with 11-U § 320.2(i) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways; (k) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block; (l) The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with 11-U DCMR § 320.2(i).

Based on the findings of fact, the Board concludes that the request for special exception relief, as represented by the submitted plans, testimony, and evidence, satisfies the requirements of 11-U DCMR § 320.2. The Board credits the testimony of the Applicant and the Office of Planning and finds that the proposed addition and conversion meet the enumerated conditions. As evidenced by the plans, the proposed addition will not exceed 35 feet in height. The Inclusionary Zoning set-aside requirements do not apply, as the Applicant is not proposing more than three units.

There is an existing residential building on the property and the Applicant has over 2,700 square feet of land area. The addition will not extend more than ten feet past the adjacent properties to the north and south, and will not interfere with any adjacent chimney, adjacent vents, or solar panels. The Applicant has requested relief from the prohibition against altering architectural elements original to the building, and the Board is permitted to grant that waiver and relief, as discussed above.

The light and air available to neighboring properties will not be unduly affected. The addition is intended to match the mass and height of the buildings on the adjacent properties. The addition will extend only nine and a half inches past the farthest rear wall of the building to the south and three feet and nine inches past the farthest rear wall of the building to the north.

The proposed addition will not have a material impact on the light and air to any abutting or adjacent property, and will not compromise the privacy or enjoyment of any abutting or adjacent property. The proposed addition includes three windows on the north side of the building. The windows are set back five feet from the shared property line and the building to the north is set back at least five feet from the shared property line, leaving about ten feet of space between the two buildings. No new windows are proposed on the south-facing side of the rear addition. Further, the Applicant is providing a six-foot high fence around the perimeter of the property. The Applicant has received letters in support of the application from both adjacent property owners.

The Board finds also that the proposed addition, along with the original structure, will not visually intrude on the character, scale, or pattern of houses along the street frontage.

For these same reasons, the Board finds that the proposed addition will not adversely affect the use of neighboring properties as required by 11-X DCMR § 901.2. Further, the Board finds that the addition will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001).) In this case, as discussed above, the Board concurs with OP's recommendation that the application should be approved.

The Board is also required to give "great weight" to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2001)).) The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." *Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978) (citation omitted). In this case, ANC 5D voted 4-3-0 to recommend denial of the Application, asserting four main concerns: (1) Parking; (2) Impacts to Adjacent Properties; (3) Lack of Notification; and (4) Neighborhood Infrastructure. At the decision meeting on July 26, 2017, the Board discussed these concerns at length.

Parking

According to the ANC Resolution in Opposition (Exhibit 41A), the ANC was concerned about the "potential parking burden posed by the density of the proposed project, in combination with other developmental projects in progress directly adjacent to the proposed development." The Board determined that the Applicant took steps to mitigate this concern, noting that the Applicant is providing three legal parking spaces, more than is required for a three-unit building in the RF-1 Zone. Further, the Board noted that there would be enough room to double park cars, potentially creating enough space to park six cars.

Impacts to Adjacent Properties

The ANC was also concerned about the "adverse effect on the use or enjoyment of any abutting or adjacent properties, in particular … the light and air available to the neighboring property of 1260 Holbrook Terrace, N.E. apartment building … and the privacy of use and enjoyment of neighboring property given the close proximity of the window placement between adjacent property (1260 Holbrook Terrace, N.E.) and the newly proposed development." The Board noted that while the project may not have been received well by all neighbors, the owners of the adjacent buildings at 1260 Holbrook Terrace, N.E. and 1264 Holbrook Terrace, N.E. submitted letters of support into the record. (Exhibits 38 and 42.) Further, the Board found that the proposed project would be of a similar size and scale to the adjacent properties. While the proposed addition includes three windows on the north side of the Building, the windows are set back five feet from the shared property line, and the building to the north (1260 Holbrook Terrace) is set back at least five feet from the shared property line, leaving about ten feet of space between the two buildings.

Notification

In its report, the ANC also notes that "some residents who reside within 200 feet indicated that they did not receive written notification from the DC Office of Zoning regarding this proposed development." The Board pointed to List of Names and Mailing Addresses of Property Owners within 200 Feet (Exhibit 3), noting that the Office of Zoning mailed out neighbor notifications. The Board also stated that the Single Member District Commissioner held several community meetings with the Applicant and community. In addition, community members were given notice of the project at the ANC meeting on June 13, 2017, and the property was posted, as shown in the Affidavit of Posting. (Exhibit 40.) Further, the Board's decision was delayed until July to accommodate the ANC's request to give the community more time to review the project. Accordingly, the Board finds that adequate notice was given.

Neighborhood Infrastructure

Lastly, the ANC raised concerns regarding "the effect of the proposed development on the sewage, gas, and electrical infrastructure for the block." A project's impact on existing utilities

is not legally relevant to the grant to the Board's consideration of a special exception.

Based on the case record, the testimony at the hearing, and the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for special exceptions under 11-E DCMR § 206 and 11-U DCMR § 320.2, to allow for an addition to and conversion of the subject property from a single-family dwelling to a three-unit residential building. It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 4 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter G. May (by absentee ballot) to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT
A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: July 13, 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 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. 19765 of Elizabeth Rosenberg, as amended[1], pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 504.1, the rear yard requirements of Subtitle D § 506.1, the side yard requirements of Subtitle D § 507.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition to an existing principal dwelling unit in the R-9 Zone at premises 3416 Garrison Street N.W. (Square 2032, Lot 57).

HEARING DATE: Applicant waived right to a public hearing
DECISION DATE: July 11, 2018 (Expedited Review Calendar)

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 4 (Original) and 31 (Revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 14.)

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") 3F, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3F, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on March 20, 2018, at which a quorum was in attendance, ANC 3F voted 6-0-0 to support the application. (Exhibit 15.)

[1] The Applicant amended the application by adding to the original request the nonconforming structure requirements of Subtitle C § 202.2. (See Exhibit 31 – Revised Self-Certification.) The amended relief is reflected in the caption above.

The Office of Planning ("OP") submitted a timely report dated June 29, 2018, in support of the application. (Exhibit 36.) The District Department of Transportation ("DDOT") submitted a timely report dated June 26, 2018, expressing no objection to the approval of the application. (Exhibit 35.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 504.1, the rear yard requirements of Subtitle D § 506.1, the side yard requirements of Subtitle D § 507.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition to an existing principal dwelling unit in the R-9 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, Subtitle D §§ 5201, 504.1, 506.1, and 507.1, 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 EXHIBIT 6.**

VOTE: **5-0-0** (Frederick L. Hill**,** Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Michael G. Turnbull 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: July 13, 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 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. 19776 of Georgia Harley and Patrick Dennien, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the nonconforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1, to construct a rear deck addition to an existing principal dwelling unit in the RF-1 Zone at premises 58 V Street N.W. (Square 3117, Lot 97 (formerly Lot 820)).

HEARING DATE: Applicant waived right to a public hearing
DECISION DATE: July 11, 2018 (Expedited Review Calendar)

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 6 (Original) and 40[1] (Revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 2.)

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")5E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on June 5, 2018, at which a quorum was in attendance, ANC 5E voted 8-0-0 to support the application. (Exhibit 43.)

The Office of Planning ("OP") submitted a timely report dated June 29, 2018, in support of the application. (Exhibit 48.) The District Department of Transportation ("DDOT") submitted a timely report, dated June 26, 2018, expressing no objection to the approval of the application. (Exhibit 47.)

[1] The revised self-certification form updated the calculations but did not change the relief being sought.

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201 from the nonconforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1, to construct a rear deck addition to an existing principal dwelling unit in the RF-1 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, Subtitle E §§ 5201 and 304.1, and Subtitle C § 202.1, 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 REVISED PLANS AT EXHIBIT 38.**

VOTE: **5-0-0** (Frederick L. Hill**,** Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Michael G. Turnbull 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: July 13, 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 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. 19784 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).

HEARING DATE: July 11, 2018
DECISION DATE: July 11, 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 dated June 26, 2018, recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 12, 2018, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 41.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 40.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 35.)

Five letters of support were submitted into the record by neighbors. (Exhibits 12-16.) The Capitol Hill Restoration Society also submitted a letter expressing its support for the application. (Exhibit 44.)
As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 to expand an existing rear deck addition to an existing principal dwelling unit

and construct a rear accessory garage 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 this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle E §§ 5201 and 304.1, 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 36 – UPDATED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **5-0-0** (Frederick L. Hill, Michael G. Turnbull, 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: July 13, 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 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. 19793 of Denise and Michael Bloomfield, as amended[1] pursuant to 11 DCMR Subtitle X, Chapter 9, for special exception under Subtitle D §§ 1206.4 and 5201, from the rear addition requirements of Subtitle D § 1206.3, and from the nonconforming structure requirements of Subtitle C § 202.2, 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).

HEARING DATE: July 11, 2018
DECISION DATE: July 11, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 45 (revised), Exhibit 1 (original), Exhibit 12 (corrected).[2]) 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") 2E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC submitted a report and resolution dated July 9, 2018, stating that it has no objection to approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 2, 2018, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 43.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 37.) The District Department of Transportation ("DDOT") submitted a

[1] In testimony at the hearing, the Applicant amended the application by adding to the original request special exception relief under the nonconforming structure requirements of Subtitle C § 202.2. The Applicant submitted a revised self-certification to reflect the additional relief. (See Exhibit 45.)

[2] The original self-certification form (Exhibit 1) erroneously requested relief from Section 223 of the 1958 zoning regulations, no longer in effect. The corrected form (Exhibit 12) reflects the request for relief from the current 2016 regulations.

timely report indicating that it had no objection to the grant of the application. (Exhibit 36.) The Commission of Fine Arts did not object to the application. (Exhibit 15.) The Applicant's proposal was approved by the L'Enfant Trust. (Exhibit 16.)

Five letters of support were submitted by neighbors. (Exhibits 33, 38-41.)

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 D §§ 1206.4 and 5201, from the rear addition requirements of Subtitle D § 1206.3, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a second-story rear addition to an existing principal dwelling unit in the R-20 Zone. The only parties to the case were the ANC and the Applicant. 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 averse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle D §§ 1206.4, 5201, 1206.3, 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 3 – ARCHITECTURAL PLANS AND ELEVATIONS**.

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John and Michael G. Turnbull 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: July 16, 2018

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

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

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

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.

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
BZA Application No. 19798

The Board of Zoning Adjustment for the District of Columbia (BZA), pursuant to the authority set forth in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286, D.C. Official Code § 6-1306), and the Zoning Regulations of the District of Columbia (Regulations), hereby gives notice of filing of the following case:

Application of State of Hungary, Ministry of Foreign Affairs and Trade, pursuant to 11 DCMR Subtitle X, Chapter 2, to renovate the existing Hungarian Chancery in the MU-15 Zone at premises 1500 Rhode Island Avenue N.W. (Square 195S, Lot 800).

Notice of the public hearing date will be mailed to property owners within 200 feet of the subject property and the affected **Advisory Neighborhood Commission (ANC) 2B**. Additionally, it will be published in the *DC Register*, the public hearing calendar of the Office of Zoning (OZ) website at http://dcoz.dc.gov/bza/calendar.shtm, and on public hearing notices available at the OZ office. A final determination on an application to locate, replace, or expand a chancery shall be made no later than six months after the date of the filing of the application.

HOW TO FAMILIARIZE YOURSELF WITH THE CASE

In order to review exhibits in the case, follow these steps:

- Visit the OZ website at www.dcoz.dc.gov
- Click on "Case Records" under "Services".
- Enter the BZA application number indicated above and click "Go".
- The search results should produce the case. Click "View Details".
- On the right-hand side, click "View Full Log".
- This list comprises the full record in the case. Simply click "View" on any document you wish to see, and it will open a PDF document in a separate window.

HOW TO PARTICIPATE IN THE CASE

Members of the public may participate in a case by submitting a letter in support or opposition into the record or participating as a witness. Visit the Interactive Zoning Information System (IZIS) on our website at http://app.dcoz.dc.gov and click on "Participating in an Existing (ZC or BZA) Case" for an explanation of these options. Please note that party status is not permitted in Foreign Missions cases.

If you have any questions or require any additional information, please call OZ at 202-727-6311.

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
BZA Application No. 19798

The Board of Zoning Adjustment for the District of Columbia (BZA), pursuant to the authority set forth in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286, D.C. Official Code § 6-1306), and the Zoning Regulations of the District of Columbia (Regulations), hereby gives notice of its intention to not disapprove, or in the alternative, disapprove the following:

Application of State of Hungary, Ministry of Foreign Affairs and Trade, pursuant to 11 DCMR Subtitle X, Chapter 2, to renovate the existing Hungarian Chancery in the MU-15 Zone at premises 1500 Rhode Island Avenue N.W. (Square 195S, Lot 800).

Notice of the public hearing date will be mailed to property owners within 200 feet of the subject property and the affected **Advisory Neighborhood Commission (ANC) 2B**. Additionally, it will be published in the *DC Register*, the public hearing calendar of the Office of Zoning (OZ) website at http://dcoz.dc.gov/bza/calendar.shtm, and on public hearing notices available at the OZ office. A final determination on an application to locate, replace, or expand a chancery shall be made no later than six months after the date of the filing of the application.

HOW TO FAMILIARIZE YOURSELF WITH THE CASE

In order to review exhibits in the case, follow these steps:

- Visit the OZ website at www.dcoz.dc.gov
- Click on "Case Records" under "Services".
- Enter the BZA application number indicated above and click "Go".
- The search results should produce the case. Click "View Details".
- On the right-hand side, click "View Full Log".
- This list comprises the full record in the case. Simply click "View" on any document you wish to see, and it will open a PDF document in a separate window.

HOW TO PARTICIPATE IN THE CASE

Members of the public may participate in a case by submitting a letter in support or opposition into the record or participating as a witness. Visit the Interactive Zoning Information System (IZIS) on our website at https://app.dcoz.dc.gov/Login.aspx to make a submission. Please note that party status is not permitted in Foreign Missions cases.

If you have any questions or require any additional information, please call OZ at 202-727-6311.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-11O/06-12O
Z.C. Case Nos. 06-11O & 06-12O
The George Washington University and Boston Properties
(Modification of First-Stage PUD, Related Zoning Map Amendment, Second-Stage PUD, and Amendment to a Campus Plan @ Square 75, Lots 50 and 51)
February 12, 2018

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on October 12, 2017, to consider an application of The George Washington University ("University") and Boston Properties (together, the "Applicant") for the review and approval of modification of a first-stage planned unit development ("PUD"), a related Zoning Map amendment, a second-stage PUD, and an application for an amendment to a Campus Plan (together, the "Applications"). The Commission considered the Applications pursuant to Chapters 1, 3, and 5 of the District of Columbia Zoning Regulations, Title 11-X of the District of Columbia Municipal Regulations ("DCMR"). The public hearing was conducted in accordance with the provisions of 11-Z DCMR, Chapter 4. The Commission approves the Applications, subject to the conditions below.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The property that is the subject of the Applications is located in Square 75, Lots 50 and 51 ("Property").

2. On April 13, 2017, the Applicant filed the Applications.[1] With the Applications, the Applicant sought approval to develop an eleven-story commercial office building with ground floor retail. (Exhibits ["Ex."] 1, 1A-1O, 2A1-2A6.)[2]

3. On June 16, 2017, the Office of Planning ("OP") filed a report recommending that the Applications be set down for a public hearing. (Ex. 10.)

4. During its public meeting on June 26, 2017, the Commission voted to set down the Applications for a public hearing. At the public meeting, the Commission requested that the Applicant provide more information about the following: a relocation plan for the university uses currently in Rice Hall; more curve projections on the building façades; the depth of the projections on the façades; materials detail; commitments to curved glass and LEED-Gold certification; streetscape dimensions; more definition of the proposed uses in the retail space; and more definition of the proffered benefits and amenities.

[1] Although the Applications consist of two cases – one for the PUD and Zoning Map amendment and one for the Campus Plan amendment – the Commission agreed to hear and decide the cases together at the request of the Applicant.
[2] All citations to the record are for Z.C. Case No. 06-12O.

5. Notice of the public hearing was published in the *D.C. Register* on August 18, 2017 and was mailed to Advisory Neighborhood Commission ("ANC") 2A and to owners of property within 200 feet of the Property. (Ex. 13.)

6. The Commission held a public hearing on the Applications on October 12, 2017. On behalf of the Applicant, the Commission accepted Rafael Pelli and Craig Copeland as experts in architecture and Jami Milanovich as an expert in traffic engineering. (Ex. 11B.) The Applicant provided testimony from these experts as well as from others.

7. In addition to the Applicant, ANC 2A was automatically a party in this proceeding. The Commission also granted a request for party status in opposition to the West End Citizens Association ("WECA"). (Ex. 19.)

8. At the hearing, the Commission heard testimony from OP, the District Department of Transportation ("DDOT"), ANC 2A, and WECA regarding the Applications.

9. The Commission also heard testimony from area residents and students in support of the Applications. Other than WECA, no other person or party testified in opposition to the Applications. One person testified neither in support nor opposition.

10. During the hearing, WECA discussed the Applicant's commitment to contribute $350,000 to the Washington Metropolitan Area Transit Authority ("WMATA") to fund improvements to the existing Foggy Bottom Metrorail Station, with the final improvements to be selected by the Washington Area Metropolitan Transit Authority. WECA believed that the contribution should be held in escrow and used for the eventual construction of a second elevator at the station. A discussion of this issue appears later in this Order under the heading "Allocation of WMATA Contribution."

11. At its public meeting on November 27, 2017, the Commission took proposed action to refer the Application to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the Home Rule Act. Through a letter dated January 4, 2018, the NCPC Executive Director indicated that through a delegated action dated December 28, 2017, he found that the proposed PUD would be inconsistent with the Comprehensive Plan for the National Capital and other federal interests because a portion of the mechanical penthouse was not setback from the open court it faces by an amount equal to its height. The Commission response to the report appears in Finding of Fact 64.

12. The Commission considered final action to approve the Applications at its January 29, 2018 public meeting, but determined that more information was needed from the Applicant regarding the height and width of a tenant sign planned for the 21st Street building façade, as depicted in Exhibit 18E of the case record, as well as clarification on the use of blade signs by ground-floor retail tenants, the use of illuminating signs, and the use of digital moving signs. The Applicant agreed to respond to the Commission's request for additional information by February 5, 2018 and the Applications were moved to the final action agenda for consideration at the Commission's February 12, 2018 public meeting.

13. On February 2, 2018, the Applicant submitted additional information on the tenant signage as requested. (Ex. 43, 43A, 43B.) The Applicant explained that it would prefer to leave the signage planned for the 21st Street façade as outlined in Exhibit 18E, consisting of both letters and insignia at a height of 60 feet; however, the Applicant stated its willingness to limit the height of the letters to 36 feet while leaving the insignia at 60 feet. The Applicant also clarified that it anticipates both blade signs and illuminating signs for the ground-floor retail tenants, but no digital or moving signs.

14. The Commission took final action to approve the Applications on February 12, 2018. As to the Applicant's February 2nd submission regarding tenant signage, the Commission determined that 60 feet, as depicted in Exhibit 18E, was a reasonable height for both the letters and the insignia signage planned for the 21st Street façade.

Campus Plan and First-Stage PUD Approval

15. In Z.C. Order No. 06-11/06-12, the Commission concurrently approved a new campus plan and first-stage PUD for the George Washington University Foggy Bottom Campus ("Campus Plan/PUD"). The Campus Plan incorporated a plan for developing the campus as a whole by concentrating height and density within the central campus core. The first-stage PUD is coterminous with the approved boundaries for the Foggy Bottom Campus and includes all properties that were owned by the University at the time of approval of the Campus Plan/PUD. The approved first-stage PUD identified sixteen development sites for future development as well as the uses, height, gross floor area, and lot occupancy for each development site.

16. The first-stage PUD approved height and massing for Site 75B and rezoned it to the C-3-C Zone District (now MU-9 zone). The first-stage PUD identified it as an infill location appropriate for future redevelopment at a height of 110 feet and density of 7.2 floor area ratio ("FAR"). The Campus Plan identified Site 75B as a development site for academic/administrative/medical use for the University. Site 75B includes Lot 51.

17. The Campus Plan identified Lot 50 as a commercial/investment site, reflecting its current use as a commercial office building with ground floor retail and service uses. Lot 50 is not identified in the first-stage PUD as a development site.

Modification of the First-Stage PUD and Zoning Map Amendment

18. With the Applications, the Applicant proposed to divide Site 75B into two new development sites: 75B1 and 75B2. Site 75B1, which is presently coterminous with Lot 51, will then be expanded to incorporate Lot 50. The new Site 75B1 will be a development site for commercial/investment use to the height and density as proposed in these Applications. The intended use and development envelope of Site 75B2 – height of 110 feet and FAR of 7.2 – will remain as approved in the first-stage PUD and will not be developed as part of these Applications.

19. As a part of this first-stage PUD modification, the Applicant proposed a PUD-related Zoning Map amendment for Lot 50 (the eastern portion of Site 75B1) from the MU-9

zone to the MU-30 zone. Lot 51 (the western portion of Site 75B1) will remain zoned MU-9. The proposed modification and rezoning will provide the Applicant with an opportunity to redevelop the Property with a more efficient footprint and floorplate that corresponds with market needs.

Campus Plan Amendment

20. The University proposed to amend the Campus Plan to change the use designation for Lot 51 (part of Site 75B) to commercial/investment use. The remainder of Site 75B, which will become Site 75B2, will remain designated for academic/administrative/medical use for the University.

21. The University concluded that the amount of administrative space previously forecast for Site 75B is lower than what was initially contemplated in the Campus Plan. The University's existing and future demand originally anticipated for Site 75B can be accommodated within existing and already-approved Foggy Bottom campus development or on other University campuses.

22. At the hearing, the University provided an explanation of its proposed strategy for relocating and accommodating existing university uses displaced from Rice Hall (Lot 51) as a result of the Project. (10/12/17 Transcript ["Tr."] at 14-16.)

Second-Stage PUD Approval

Overview of the Property

23. The Property (Site 75B1) consists of two parcels: Lots 50 and Lot 51, which are located in the Foggy Bottom neighborhood of Ward 2. The Property is located at the northern edge of the University's Foggy Bottom Campus. The Foggy Bottom-GWU Metrorail station is approximately two blocks to the west of the Subject Property.

24. The Property contains a total approximately of 50,780 square feet of land area. The Property is triangular in shape and slopes significantly (approximately 12 feet downward) from northeast to southwest. (Ex. 1, 2A1-2A6.)

25. Lot 50 is located at the east end of Square 75, and it is bounded by Pennsylvania Avenue, N.W. on the north, 21st Street, N.W. on the east, I Street, N.W. on the south, and Lot 51 on the west. Lot 50 consists of approximately 39,718 square feet of land area and is improved with an eight-story commercial office building occupied by multiple office tenants as well as ground-floor retail uses. (Ex. 1, 2A1-2A6.)

26. Lot 51 is located immediately west of Lot 50 along I Street, N.W. Lot 51 consists of approximately 11,062 square feet of land area and is improved with an eight-story office building for the University (Rice Hall). Rice Hall will be razed to make way for the construction of the proposed new building. (Ex. 1, 2A1-2A6.)

27. The Property is surrounded by multiple commercial and University-operated buildings. 2112 Pennsylvania Avenue, an 11-story office and retail building currently under construction on Development Site 75A, is located immediately to the west of the Property on Pennsylvania Avenue. Immediately to the west of the Property on I Street is a public alley that was widened and improved as part of the project on Site 75A. Also further to the west of the Property, along I Street, is the 90-foot tall President Condominium, the only non-University owned property within the Square. Further west from the Property, at the west end of the Square, are the 12-story H.B. Burns Memorial Building, a historic landmark, and the Ambulatory Care Center, both of which are operated by the GW Medical Faculty Associates, a medical affiliate of the University. (Ex. 1, 2A1-2A6.)

28. Surrounding property to the west, east, and north is located in a mix of zones that permit high-density commercial office development, including the MU-9 zone and the D-5 zone. Immediately to the west, Site 75A was rezoned to the C-4 Zone District (now the MU-30 zone) as a part of its PUD. Property to the south and west, within the Foggy Bottom Campus, includes property located in the RA-4 zone as well as sites rezoned to MU-9 in conjunction with the Campus Plan/PUD. (Ex. 1, 2A1-2A6.)

The Project

29. The proposed project will be an eleven-story commercial office building with a habitable penthouse, retail uses at the cellar and ground floors, three levels of below-grade parking, and at-grade loading ("Project").

30. The total gross floor area included in the Project will be approximately 452,799 square feet (equivalent to an 8.92 FAR), but the gross floor area may increase by up to two percent to accommodate certain infill spaces within the building. The Project will have a maximum height of approximately 130 feet, stepping down to approximately 110 feet along I Street, and a lot occupancy of approximately 98%. (Ex. 18F1-18F7, 25A1-25A4.)

31. The primary office entrance will be located at the intersection of Pennsylvania Avenue and 21st Street, where it will anchor this prominent corner with a three-story lobby that is appropriate given the scale of the intersection and open spaces created by Pennsylvania Avenue and the adjacent reservations. The primary retail entrances will be located on the southern portion of the Property, along I Street. Multiple slab breaks will be introduced to ensure that retail entrances are aligned with the adjacent sidewalk, and the change in grade will allow retail depth to fully extend within the building, underneath the office lobby.

32. The retail space, which will total approximately 30,000 square feet, will permit the Applicant to attract neighborhood-defining retail opportunities along I Street and Pennsylvania Avenue, which will enhance the intended I Street retail corridor contemplated in the Campus Plan. "Retail" uses in the Project will include the arts, design, and creation; daytime care; eating and drinking establishments; entertainment, assembly, and performing arts; retail; and general or financial service use categories,

except that financial services uses will not be located along the Project's I Street ground-floor frontage.

33. The office component of the Project will be organized around two separate wings, each of which will overlook a central atrium element at the center of the building that will bring natural light in through both the western wall of the façade and a skylight above the atrium. Some office-related uses will be located on the ground floor along Pennsylvania Avenue.

34. The massing, scale, and façade design of the Project are intended to take advantage of the prominent Pennsylvania Avenue location. The façade design will be enhanced through a series of simple, flowing projecting curves on the I Street, 21st Street, and Pennsylvania Avenue façades. The upper two floors of the Project will be set back along I Street, which will provide a transition in height from the higher density central business district into the core of the Foggy Bottom campus to the south.

35. Parking and loading access to the Project will be separate, but both will be served from I Street, N.W. The Project will contain approximately 334 vehicular parking spaces as well as secured, covered parking for at least 124 bicycles within the underground garage. The Project also will include an area for loading and service vehicles, accessed at grade from the public alley to the west of the Property. The Applicant has designed the Project's loading area so that it can accommodate front-in, front-out maneuvers for most of the Project's deliveries. However, a separate driveway is needed for the Project's vehicular parking to avoid overwhelming the public alley, which only has one ingress/egress point into the surrounding street network. The District's Public Space Committee has given concept approval to the proposed driveway.

36. The Project will incorporate a series of sustainable features that represent an improvement over the existing impervious building and will reduce the impact of the redevelopment. The Project will attain LEED-Gold certification under the v4 Core and Shell standard and will include at least 1,000 square feet of solar panels on the roof. (Ex. 1, 2A1-2A6, 18F1-18F7.)

37. The Applicant will construct streetscape improvements along the Pennsylvania Avenue, 21st Street, and I Street frontages of the Property consistent with the GW Foggy Bottom Streetscape Plan. (Ex. 18F1-18F7.)

38. The Applicant will implement mitigation measures to offset impacts on the surrounding transportation network. These mitigation measures will include a comprehensive transportation demand management ("TDM") program, a loading management plan, relocation of the Metrobus shelter near the intersection of Pennsylvania Avenue and 21st Street, relocation of the Capital Bikeshare station on I Street near 21st Street, signalization of the intersection of 21st and I Streets, and pedestrian improvements at the intersection of 22nd and I Streets, N.W. (Ex. 27.)

PUD Flexibility

39. The Applicant requested relief from Subtitle C § 1502.1(c)(5) for a non-conforming penthouse setback. The penthouse on the northern wing of the Project will not set back one-to-one from the western edge of the building roof. The upper stories of the northern wing will be set back from the western property line, thereby creating an open court from which the penthouse must be set back. The proposed "V" shape of the building, combined with the large central atrium and corresponding skylight, creates a challenge in accommodating the building's mechanical and operational needs on the available penthouse roof space. Each wing requires its own separate elevator and vertical circulation core, and these cores will be located near the junction of the "V" so that they are proximate to the building lobby on the ground floor. Accordingly, the only roof space that is wide enough and large enough to accommodate the Project's mechanical equipment is on the northern wing in the proposed location. This relief is necessary only because of the setback from the adjacent building to the west. However, as the Applicant demonstrated with illustrations and testimony, the penthouse will be visible from Pennsylvania Avenue in this location from very limited locations; thus, the relief will not have an adverse visual impact on surrounding properties and will not impair the intent of the Zoning Regulations. (Ex. 1, 2A1-2A6, 25A1-25A2; 10/12/17 Tr. at 34-35).

40. The Applicant requested relief from Subtitle C § 1501.3 for an architectural embellishment larger than 30% of the wall on which it is located. The Project's central atrium will be created by a glass curtainwall on the Project's western alley-facing façade and a skylight over the atrium. The skylight and western wall will constitute a vertical architectural embellishment of the western curtainwall above the building height limit. The skylight/embellishment will be located on the alley-facing, least visible façade of the Project, and it will step back approximately 30 feet from the property line to further minimize its visibility of the embellishment. The degree of relief is relatively minor, and the width of the embellishment is solely a function of the amount of open space between the northern and southern wings of the Project. Narrowing the embellishment would require either widening the north and south office wings or narrowing the entire atrium, which would effectively pull the building façade back from the street and run contrary to established urban design policies and goals regarding streetwall design. Accordingly, relief from the embellishment limitation will not run contrary to the intent and purposes of the Zoning Regulations and would not have an adverse impact. (Ex. 18, 18F1-18F7.)

41. The Applicant also requested flexibility with respect to the design of the Project, which is described in the conditions of approval below.

Project Amenities and Public Benefits

42. With the Project, the Applicant will provide specific benefits and amenities commensurate with and proportional to the additional approximately 130,932 square feet of gross floor area gained through the proposed modification of the first-stage PUD and Zoning Map amendment to incorporate and rezone Lot 50 (that is, the increase from the 6.5 FAR permitted as a matter of right in the C-3-C Zone District (MU-9 zone) to the

10.0 FAR permitted as a matter of right in the MU-30 zone sought in connection with the first-stage PUD modification and Zoning Map amendment).

43. As detailed in the Applicant's testimony and written submissions, the proposed Project will implement the following project amenities and public benefits:

a. Superior urban design and architecture, and landscaping, including use of high-quality materials, building articulation and modulation, and context-specific design features that distinguish this building from typical commercial office development. The Project will deliver a signature office building with active ground-floor retail uses at a key intersection on Pennsylvania Avenue;

b. Site planning, and efficient land utilization, through providing an appropriately-sized development that complements the height and mass of other buildings along Pennsylvania Avenue yet also respects other nearby uses. The Project not only will create street-activating ground-level entrances and uses around the perimeter of the site; it also will take advantage of the change in grade to create an expanded retail space within the Project that will attract the type of retail user that will enhance and sustain the vibrancy of the I Street retail corridor;

c. The Project will include streetscape and public realm improvements along all three street frontages (I Street, 21st Street, and Pennsylvania Avenue), consistent with the approved standards for the Foggy Bottom campus;

d. Social services through the inclusion of a daycare, which will serve both the Project's tenants and the general public;

e. Environmental benefits, including the attainment and certification of a minimum of Gold under the LEED v4 Core and Shell standard, which significantly exceeds both the minimum requirements of the first-stage PUD and other applicable regulations. Further, the Project will incorporate at least 1,000 square feet of solar panels to be located on the main roof of the building;

f. Mass transit improvements, through the contribution of $350,000 to WMATA to fund improvements to the existing Foggy Bottom Metrorail station;

g. Gardens and food production, through the $36,865 funding of an urban farm for the "FRESHFARM FoodPrints" program at the School Without Walls at Francis Stevens School;

h. Establishment of a construction tours and advice program for high school students. During construction of the Project, the Applicant will offer tours and informal guidance and career advice to students from Phelps ACE High School, IDEA Public Charter School, The School Without Walls, and Cardozo High School;

i. Ground-floor retail uses devoted to uses in the following categories: arts, design and creation; daytime care; eating and drinking establishments; entertainment, assembly, and performing arts; retail; and general or financial service use (provided, however, that financial service uses shall not be located along the Project's I Street ground-floor frontage); and

j. Uses of special value to the neighborhood, including:

i. 26th Street Park – Design and construct improvements to sidewalks, crosswalks, and ramps to improve access to the park, including landscaping and a public fountain/spigot for the park located in the 800 block of 26th Street, N.W.;

ii. Reservation 28 – Design and construct a minimum of $150,000 worth of improvements to the existing triangular park across 21st Street, N.W. from the Project, including new landscape, hardscape, and furnishings, and maintain such improvements for the life of the Project; and

iii. Duke Ellington Park – Contribute $30,000 to a non-profit entity to be established by representatives of the Foggy Bottom/West End neighborhood for artwork to be installed within the park at Reservation 140 located at the intersection of 21st Street, M Street, and New Hampshire Avenue, N.W.

44. The Applicant will contribute approximately $8.5 million to the Housing Production Trust Fund, tied to both the PUD and the habitable penthouse space. The housing linkage payment associated with the increase in office space resulting from the PUD is $8,030,550; this payment is based on the increase in permitted gross floor area for office use, which is calculated based on the increase over the total of the office density permitted as a matter of right on Lot 50 and the existing office density on Lot 51, using the assessed value for Lot 50 at the time that the Applications were filed. The contribution associated with the habitable penthouse space is $553,169; again using the assessed value for Lot 50 at the time the Applications were filed. Although these payments are required, they are a significant public benefit of Project. (Ex. 18D.)

Compliance with the Comprehensive Plan

45. The Project will be not inconsistent with the Comprehensive Plan ("Plan"), including the Future Land Use Map ("FLUM"), Generalized Policy Map ("GPM"), and multiple written policies as further described below.

46. The Commission previously found that the Campus Plan/PUD was consistent with the Comprehensive Plan and would further the objectives and policies of the Plan including the land use, urban design, and preservation elements of the Plan, as well as the Ward 2 elements. The proposed Project significantly advances these purposes by furthering the

social and economic development of the District through increased commercial office space and the continued improvement of the University. (Ex. 1.)

47. In its consideration of the Campus Plan/PUD, the Commission found that the uses, buildings, and zoning changes described in the first-stage PUD were compatible and consistent with the Institutional land use designation of the campus and the character of the surrounding neighborhood.

48. The majority of the Property (Lot 50 and a portion of Lot 51) is located in the High Density Commercial land use category on the FLUM, and a smaller portion (the remainder of Lot 51) is located in the Institutional land use category on the FLUM. (Ex. 1.)

49. The Property is located in the Institutional category on the GPM. The Property is also located approximately one block from the defined boundary of the Central Employment Area. (Ex. 1.)

50. The Project will advance the following Guiding Principles from the Framework Element of the Plan:

a. Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness; (217.1.)

b. The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income; (217.4.)

c. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs; (217.6.)

d. Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality; (217.7.)

e. Downtown should be strengthened as the region's major employment center, as its cultural center; as a center for government, tourism and international business; and as an exciting urban mixed-use neighborhood. Policies should strive to increase the number of jobs for District residents, enhance retail opportunities, promote access to Downtown from across the District and the region, and restore Downtown's prominence as the heart of the city; and (219.8.)

f. Washington's wide avenues are a lasting legacy of the 1791 L'Enfant Plan and are still one of the city's most distinctive features. The "great streets" of the city should be reinforced as an element of Washington's design through transportation, streetscape, and economic development programs. (220.3.)

51. The Project will advance the following policies of the Land Use element of the Plan:

a. Policy LU-1.1.1: Sustaining a Strong City Center - Provide for the continued vitality of Central Washington as a thriving business, government, retail, financial, hospitality, cultural, and residential center. Promote continued reinvestment in central city buildings, infrastructure, and public spaces; continued preservation and restoration of historic resources; and continued efforts to create safe, attractive, and pedestrian-friendly environments;

b. Policy LU-1.1.3: Central Employment Area - Continue the joint federal/District designation of a "Central Employment Area" (CEA) within the District of Columbia. The CEA shall include existing "core" federal facilities such as the US Capitol Building, the White House, and the Supreme Court, and most of the legislative, judicial, and executive administrative headquarters of the United States Government. Additionally, the CEA shall include the greatest concentration of the city's private office development, and higher density mixed land uses, including ccommercial/retail, hotel, residential, and entertainment uses. Given federally-imposed height limits, the scarcity of vacant land in the core of the city, and the importance of protecting historic resources, the CEA may include additional land necessary to support economic growth and federal expansion. The CEA may be used to guide the District's economic development initiatives, and may be incorporated in its planning and building standards (for example, parking requirements) to reinforce urban character. The CEA is also important because it is part of the "point system" used by the General Services Administration to establish federal leases;

c. Policy LU-1.3.1: Station Areas as Neighborhood Centers - Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area;

d. Policy LU-1.3.2: Development Around Metrorail Stations - Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas;

e. Policy LU-1.4.1: Infill Development - Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern;

f. Policy LU-2.4.6: Scale and Design of New Commercial Uses - Ensure that new uses within commercial districts are developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas;

g. Policy LU-2.4.10: Use of Public Space within Commercial Centers - Carefully manage the use of sidewalks and other public spaces within commercial districts to avoid pedestrian obstructions and to provide an attractive and accessible environment for shoppers. Where feasible, the development of outdoor sidewalks cafes, flower stands, and similar uses which "animate" the street should be encouraged. Conversely, the enclosure of outdoor sidewalk space with permanent structures should generally be discouraged;

h. Policy LU-3.2.1: Transportation Impacts of Institutional Uses - Support ongoing efforts by District institutions to mitigate their traffic and parking impacts by promoting ridesharing, carpooling, public transportation, shuttle service and bicycling; providing on-site parking; and undertaking other transportation demand management measures; and

i. Policy LU-3.2.2: Corporate Citizenship - Support continued "corporate citizenship" among the city's large institutions, including its colleges, universities, hospitals, private schools, and non-profits. Given the large land area occupied by these uses and their prominence in the community, the city's institutions (along with the District itself) should be encouraged to be role models for smaller employers in efforts to improve the city's physical environment. This should include a continued commitment to high quality architecture and design on local campuses, expanded use of "green building" methods and low impact development, and the adaptive reuse and preservation of historic buildings.

52. The Project will advance the following policies and actions of the Transportation Element of the Plan:

a. Policy T-2.2.1: Multi-Modal Connections - Create more direct connections between the various transit modes consistent with the federal requirement to plan and implement intermodal transportation systems;

b. Action T-2.2.B: Pedestrian Connections - Work in concert with WMATA to undertake pedestrian capacity and connection improvements at selected transit stations and stops and at major transfer facilities to enhance pedestrian flow, efficiency, and operations;

c. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning - Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks; and

d. Policy T-2.4.1: Pedestrian Network - Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city.

53. The Project will advance the following policies of the Environmental Protection Element:

a. Policy E-3.2.1: Support for Green Building - Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities;

b. Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces; and

c. Policy E-3.1.3: Green Engineering - Promote green engineering practices for water and wastewater systems. These practices include design techniques, operational methods, and technology to reduce environmental damage and the toxicity of waste generated.

54. The Project will advance the following policies of the Economic Development Element:

a. Policy ED-1.1.1: Core Industries - Continue to support and grow the District's core industries, particularly the federal government, professional and technical services, membership associations, education, hospitality, health care, and administrative support services;

b. Policy ED-2.1.1: Office Growth - Plan for an office sector that will continue to accommodate growth in government, government contractors, legal services,

international business, trade associations, and other service-sector office industries. The primary location for this growth should be in Central Washington and in the emerging office centers along South Capitol Street and the Anacostia Waterfront;

c. Policy ED-2.1.3: Signature Office Building - Emphasize opportunities for build-to-suit/signature office buildings in order to accommodate high-end tenants and users and corporate headquarters. Consider sites in secondary office centers such as NoMA and the Near Southeast for this type of development;

d. Policy ED-2.1.5: Infill and Renovation - Support the continued growth of the office sector through infill and renovation within established commercial districts to more efficiently use available space while providing additional opportunities for new space;

e. Policy ED-2.4.1: Institutional Growth - Support growth in the higher education and health care sectors. Recognize the potential of these industries to provide employment and income opportunities for District residents, and to enhance the District's array of cultural amenities and health care options; and

f. Policy ED-3.1.1: Neighborhood Commercial Vitality - Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents.

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

a. Policy UD-1.1.2: Reinforcing the L'Enfant and McMillan Plans - Respect and reinforce the L'Enfant and McMillan Plans to maintain the District's unique, historic and grand character. This policy should be achieved through a variety of urban design measures, including appropriate building placement, view protection, enhancement of L'Enfant Plan reservations (green spaces), limits on street and alley closings (see Figure 9.3), and the siting of new monuments and memorials in locations of visual prominence. Restore as appropriate and where possible, previously closed streets and alleys, and obstructed vistas or viewsheds;

b. Policy UD-1.4.1: Avenues/Boulevards and Urban Form - Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city; and

c. Policy UD-2.2.5: Creating Attractive Facades - Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street.

56. The Project will advance the following policies of the Educational Facilities Element:

a. Policy EDU-3.2.2: Corporate Citizenship - Support continued "corporate citizenship" among the city's large institutions, including its colleges, universities, hospitals, private schools, and non-profits. This should include a continued commitment to high quality architecture and design on local campuses, expanded use of "green building" methods and low impact development, and the adaptive reuse and preservation of historic buildings; and

b. Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs - Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District's character, culture, economy, and is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas.

57. The Project will advance the following policies of the Near Northwest Area Element:

a. Policy NNW-2.5.1: GWU/Foggy Bottom Coordination - Encourage continued efforts to improve communication and coordination between George Washington University (GWU) and the Foggy Bottom and West End communities. Campus Plans for the university must demonstrate how the campus can manage its academic mission within its current boundaries and enrollment. These efforts must ensure protection of the residential character of Foggy Bottom; and

b. Policy NNW-2.5.3: GWU Building Intensity - Consider in principle the concept of increasing density on the existing George Washington University campus for future space and facility needs (as measured by the enrollment, staff, and faculty limits set in the approved Campus Plan) provided that steps are taken to avoid sharp contrasts in height and bulk between the campus and the surrounding community, and to mitigate the effects of increased traffic, parking, and other impacts.

The process of planning the Project involved extensive communication between the Applicant and the ANC, WECA, FBA, and surrounding property owners, as the broad proffers of benefits and amenities reflect. Furthermore, the Project will protect the residential character of Foggy Bottom by not eliminating or reducing any housing and by incorporating design elements (such as the setback above 110 feet in height along I Street) to be sensitive to nearby residences, so the Project's height and density will be compatible with its surroundings. Finally, the many mitigation measures that the Applicant will implement will offset the impacts of the Project.

Agency Reports

58. By report dated October 2, 2017 and by testimony at the public hearing, OP recommended approval of the Campus Plan amendment, modification of first-stage PUD,

second-stage PUD, and related Zoning Map amendment with a recommendation for additional information and conditions. OP requested more information about a First Source or job training program, a commitment that the daycare not be located below ground, and a commitment to LEED-Gold certification. OP also recommended conditions that vertical mullions not project more than eight inches from the surface of the glass and that curved glass be used in identified locations: (Ex. 21.)

a. The Applicant agreed to OP's two proposed conditions regarding the mullions and the curved glass; and (10/12/17 Tr. at 19; Ex. 27, 27A).

b. The Applicant responded to OP's requests for more information on the job training program by proffering the high school construction tours and advice program, which will satisfy OP's goals for such a program. Also, the Applicant agreed to attain LEED-Gold certification (v4 Core and Shell standard). The Applicant did not agree to OP's condition that the daycare be prohibited from being located in the cellar. (Ex. 27; 10/12/17 Tr. at 21-22).

59. By its October 2, 2017 report and testimony at the public hearing, OP found the relief from the Zoning Regulations and design flexibility that the Applicant requested to be acceptable. OP concluded that the first-stage PUD, second-stage PUD, and Zoning Map amendment would be not inconsistent with the Comprehensive Plan, including the FLUM and GPM, and would further the objectives of the Guiding Principles, Land Use, Transportation, Environmental Protection, Economic Development, Urban Design, Educational Facilities, and Near Northwest elements. OP evaluated the modification of the first-stage PUD, second-stage PUD, and Zoning Map amendment under the standards set forth in Subtitle X, Chapter 3 of the Zoning Regulations and concluded that the Project satisfies the standards. OP found that the benefits and amenities proffered for the Project are commensurate with the amount of development and flexibility sought by the Project. OP also testified that the signage plan proposed by the Applicant was consistent with other PUDs and acceptable. In addition, OP evaluated the Campus Plan amendment under the standards set forth in Subtitle X § 101 of the Zoning Regulations and concluded that it satisfies the standards, including that the uses on the Property would not be objectionable because of noise or number of students. (Ex. 27.)

60. OP stated that it solicited review and comments on the Applications from the Department of Energy and the Environment ("DOEE"); Department of Housing and Community Development ("DHCD"); Department of Employment Services ("DOES"); Department of Parks and Recreation ("DPR"); Department of Public Works ("DPW"); DC Public Schools ("DCPS"); Office of the State Superintendent of Education ("OSSE"); Fire and Emergency Medical Services ("FEMS"); Metropolitan Police Department ("MPD"); DC Water; and WMATA. WMATA stated via email to OP that it did not object to the Applications, but suggested that the Applicant consult the WMATA Adjacent Construction Manual since the metro tunnel runs under I Street. Because the Project contains no residential use, DHCD stated in an email to OP that they had no objections to the proposal but appreciate the affordable housing trust fund contributions. OP also

noted that DOEE has participated in meetings with the Applicant and provided feedback about the sustainability of the Project. (Ex. 21.)

61. By report dated October 2, 2017 and testimony at the public hearing, DDOT found that the conclusions and analysis in the Applicant's Comprehensive Transportation Review ("CTR") were sound with respect to site design, travel assumption, and mitigations and stated that it did not object to the Applications, with conditions and recommendations for mitigation. DDOT concluded that the Project will generate more trips than existing conditions but is expected to have only minor impact on travel delay in the area and that transit service should have capacity to accommodate demand from the Project. DDOT supported the Applicant's proffer of a $350,000 contribution to WMATA for improvements to the Foggy Bottom Metrorail station. DDOT agreed with the Applicant's TDM plan to mitigate impacts, but stated that the TDM plan should be enhanced to mitigate impacts to 23rd and I Streets, trip generation, on-site vehicle parking, and nearby intersections to further encourage higher transit use. DDOT also recommended further coordination of the design for improvements in public space adjacent to the Project site to offset Project impacts, and to ensure that all public space improvements are constructed in accordance with DDOT standards. (Ex. 22.) The Applicant responded as follows:

    a. The Applicant agreed to all of DDOT's TDM enhancement recommendations regarding providing six electric car charging stations and scheduling deliveries of WB-40 trucks for off-peak times to sufficiently mitigate impacts. The Applicant also agreed to provide either two car sharing spaces or $25,000 worth of Bikeshare memberships for building tenants; and (Ex. 25A1-25A4, 27; 10/12/17 Tr. at 18-19).

    b. The Applicant agreed to DDOT's recommendation to fund and install pedestrian improvements at 22nd and I Streets and a new traffic signal at 21st and I Streets to sufficiently mitigate impacts from failing intersections. However, the Applicant did not agree to DDOT's recommendation for an additional $80,000 contribution to WMATA for the Foggy Bottom Metrorail station to offset the impacts at the intersection of 23rd and I Streets. (Ex. 27; 10/12/17 Tr. at 19.)

62. OP initially expressed concern that the daycare could be located below grade and recommended that the location of the daycare be limited to above grade within the Project. At the November 27th public meeting, OP withdrew its concern, explaining that it would defer to OSSE licensing requirements to determine the appropriateness of the daycare's location in the cellar. In addition, the Commission notes that Subtitle X § 305.5(i) specifically identifies a daycare facility as a public benefit with no limitation on location.

ANC 2A Report

63. By report dated September 29, 2017 and testimony at the public hearing, ANC 2A voted unanimously to adopt a resolution supporting the Applications. In particular, the ANC stated its appreciation for the Project's design and the retail spaces in the Project. In

addition, the ANC stated its strong support for the Project's proffered benefits and amenities. However, the ANC conditioned it support on an understanding from the University where the relocated uses in Rice Hall would be accommodated and that academic and that student life uses would not be displaced by the relocated uses. The ANC also noted its concern that the redesignation of the Rice Hall parcel to investment use not be precedent setting as far as encouraging additional redesignations to investment use from other functions more directly related to the University's core mission. Further, the ANC requested that the Applicant work to facilitate the relocation of the small business in the existing building be accommodated in similar spaces nearby. (Ex. 20.) The Applicant responded as follows:

a. The University provided testimony regarding its strategy and timeline for relocating the Rice Hall uses. The University testified that overall administrative space requirements have changed, and future space requirements for the relocated uses will be less. Affected departments/units will be relocated to all three of the University's campuses and will consolidate into existing buildings. The University also provided detailed information about affected buildings, identified relocation destinations, and affected departments/units as part of this process. The ANC stated that this explanation satisfied its concerns. In response to the ANC's concern about displaced student life uses, the University committed to a condition that uses being relocated from Rice Hall will not displace spaces assigned to student organizations on the 4th Floor of the Marvin Center; and (Ex. 27.)

b. Regarding the relocation of small business currently at the Property, the University testified that it has been in communication with these businesses and that it is trying to work with accommodating those business that are interested in relocating in the vicinity of the site.

NCPC Report

64. As noted earlier, the NCPC Executive Director, through a delegated action dated December 28, 2017, found that the proposed PUD would be inconsistent with the Comprehensive Plan for the National Capital and other federal interests. The delegated action noted that northwest wall of the mechanical penthouse faced the upper level open court adjacent to Pennsylvania Avenue and concluded that the setback is less than required by the Height Act when a penthouse faces an exterior wall. Although NCPC considers a court open to the street to be an exterior wall, the Zoning Administrator for the District of Columbia does not. Since the Height Act was adopted by Congress as a local District law, it may only be interpreted by a District official, which currently is the Zoning Administrator. Although the Commission could deny a PUD that clearly violates the Height Act, it must defer to the Zoning Administrator when an interpretation is needed.

Testimony in Support

65. Five George Washington University students, Robert Dickson, Anna Gallicchio, Colin O'Brien, Finley Wetmore, and Meredith Liu, testified in support of the Applications. They stated that the investment properties are important to supporting the students and the University, that the retail along I Street will be a significant benefit and enhancement to the neighborhood, that the sustainability of the Project are important to the University and a significant benefit, and that the improvements to public facilities will be an important benefit to the community. (10/12/17 Tr. at 90-96).

66. The Foggy Bottom Association ("FBA"), a party in opposition in the original Campus Plan/PUD, submitted a letter in support of the Applications. FBA stated its appreciation for the Project's design and retail space. FBA also stated that it supports the proffered benefits and amenities and believes them to be commensurate with the relief and flexibility proposed in the PUD. FBA also requested that the Applicant facilitate the relocation of small business currently on the Property, and seek a tenant mix that respects the neighborhood's unique retail needs while maintaining some of the services provided by the current tenants. (Ex. 24.)

Testimony in Opposition

67. WECA testified as a party in opposition to the Applications. First, WECA testified that the proffered $350,000 contribution for the improvements to the Foggy Bottom Metrorail station should be used for the addition of an elevator and should be the priority for those funds because of the necessity of a working elevator. (10/12/17 Tr. at 103-104.)

68. WECA testified that the relocated Capital Bikeshare station should not be located at Reservation 28, as the Applicant proposed. WECA stated that the preferred location for the station should be on site or elsewhere nearby but not on federal property. WECA opposed the use of federal parkland for a Capital Bikeshare station. (10/12/17 Tr. at 104.)

69. WECA testified that the Metrobus stop on Pennsylvania Avenue near 21st Street should not be moved because it is heavily used and is important to members of the community. WECA stated its preference is that the bus stop remain in its current location. (10/12/17 Tr. at 104-105.)

70. With respect to the design of the Project, WECA testified in opposition to the height above 110 feet along I Street because it would set a bad precedent for the neighborhood. WECA also testified that that commercial use in the penthouse is undesirable and sets a bad precedent as effectively allowing another floor. (10/12/17 Tr. at 105-107.)

Undeclared Testimony

71. Eugene Abravanel testified neither in support nor opposition to the Applications. He stated that I Street may be too crowded to allow more density. He also suggested that I

Street should be used more sustainably rather than adding a building. (10/12/17 Tr. at 111-115.)

Contested Issues

Traffic and Transportation

72. The Applicant's traffic expert submitted a detailed CTR that concluded that the Project would not generate an overall adverse traffic impact on the surrounding roadway network or cause objectionable impacts in the surrounding neighborhood due to traffic or parking impacts, provided that mitigation measures are adopted. The CTR identified two intersections – 21st and I Streets and 22nd and I Streets – that would be adversely affected and should be mitigated. The CTR concluded that the subject site is well served by an abundance of transportation facilities and services and that the Project is anticipated to generate 35 net new AM peak hour vehicle trips and 46 net new p.m. peak-hour vehicle trips. The CTR also concluded that loading can be accommodated in the alley but that parking access cannot, so the parking garage will be accessed by a separate curb cut on I Street. (Ex. 15A.)

73. In order to mitigate the impacts of the development, the Applicant proposed a TDM plan, a loading management plan, and improvements to the intersections of 21st and I Street and 22nd and I Streets. In addition, as described above, the Applicant agreed to increase its mitigation commitments as recommended by DDOT, except as explained below. (Ex. 15A.)

74. DDOT recommended that the Applicant contribute an additional $80,000 to WMATA on top of the $350,000 already proffered for improvements to the Foggy Bottom Metrorail station to further mitigate impacts from the Project. DDOT did not support the Applicant's proposed signal timing adjustments at the 22nd Street and I Street intersection and recommended the contribution. In response and as an equivalent alternative, the Applicant proposed to construct intersection improvements at the 22nd and I Street intersection at an estimated cost of at least $175,000. As the Applicant's transportation expert testified, these proposed intersection improvements will provide a tangible improvement to the pedestrian network that will promote pedestrian and transit use for the Project, and the Applicant agreed to undertake them more quickly.

75. DDOT's request for an additional $80,000 would be appropriate only if the Applicant had failed to adequately mitigate the potential transportation impacts of the Project. Since the Commission found that the Applicant has already adequately mitigated such impacts, the additional contribution serves no mitigation purpose. Further, DDOT has not explained how such a contribution could plausibly mitigate the impacts identified. Instead, WMATA may use the money to make such improvements to the Metro station as it considers to be needed. While such improvements may result in additional use of the station, that alone is not sufficient for the Commission to compel a contribution. Instead, the $350,000 contribution is a public benefit of the PUD, because it will result in "transportation infrastructure beyond that needed to mitigate any potential adverse impacts of the application." (11 DCMR § 305.5(o).)

76. DDOT identified potential impacts at a third intersection – 3rd and I Streets. The Applicant's transportation expert explained that the impact is limited to one approach to the intersection and only minimally increases the delay to that approach. Further, the impact of the Applicant's improvements to the intersection of 22nd and I Streets are enough to offset any adverse impact on the transportation network in the neighborhood. Thus, the overall intersection will not be adversely impacted by the Project. (10/12/17 Tr. at 122-123.)

77. The Project will not cause unacceptable impacts on vehicular or pedestrian traffic, as demonstrated by the testimony and reports provided by the Applicant's traffic expert as follows:

a. The Commission finds that the Project will not impose adverse or objectionable impacts on the surrounding transportation and pedestrian network. The Commission credits the findings of the Applicant's traffic expert that the Project will not create any adverse impacts when compared with future background conditions and when appropriately mitigated. The Commission finds that the scope and methodology of the transportation study, including the identified impacted intersections, was adequate; and

b. The Commission finds that the Applicant's proposed mitigation measures, including the TDM plan, loading plan, intersection improvements, and agreement to nearly all of DDOT's recommendations, should sufficiently offset the adverse impacts of the Project and do adequately address all of DDOT's concerns regarding the necessity of further mitigation. The Commission disagrees with DDOT and credits the testimony and evidence presented by the Applicant regarding the expected impact of its proposed mitigation measures and finds that an additional contribution of $80,000 to WMATA serves no mitigation purpose and therefore is not warranted.

Displaced Uses from Rice Hall

78. ANC 2A conditioned its support of the Applications on a commitment from the University that academic and student life uses in the Marvin Center would not be displaced by the relocated uses from Rice Hall. In addition to the Applicant's explanation of its strategy for relocation and changing needs for space, the Applicant committed to a condition that would specifically prevent the displacement of student organizations on the 4th floor of the Marvin Center. Accordingly, the Commission finds that the Applicant has adequately responded to the ANC's concern to prevent displacement. (10/12/17 Tr. at 81; Ex. 27.)

Allocation of WMATA Contribution

79. One of the public benefits proffered by the Applicant is to contribute $350,000 to WMATA to fund improvements to the existing Foggy Bottom Metrorail Station, with the final improvements to be selected by the WMATA. WECA testified that the $350,000 contribution should be dedicated to the addition of a new elevator or replacement of the

existing elevator, and that until WMATA was ready to proceed the funds should be escrowed. The Applicant would not agree to change the proffer arguing that it was premature to dedicate money for an elevator improvement not approved by WMATA.

80. WECA seemed to believe that the Commission could force the Applicant to change its mind, but that is not correct. The PUD regulations provide:

> The Zoning Commission may not compel an applicant to add to proffered public benefits, but shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment). Nevertheless, the Zoning Commission may at any time note the insufficiency of the public benefits and suggest how the benefits may be improved

(11 DCMR § 305.11.)

81. Therefore, even if WMATA General Manager was in favor of the escrow, which he was not[3], the Commission could no compel the applicant to revise its proffered benefit to include it.

82. The Applicant did agree to revise its proffer to include its agreement to encourage WMATA to consult with community stakeholders, including WECA, ANC 2A, and FBA, including consideration of an elevator, when deciding the improvements to the Foggy Bottom Metrorail station. (Ex. 27.) WECA requested that the Commission revise the condition to eliminate references to FBA and ANC 2A while leaving the reference to WECA, The Applicant has not consented to the revision.

83. The Commission finds that referencing specific community stakeholders in the condition language is unnecessary because the language already encourages WMATA to consult with community stakeholders, generally, and this would include WECA, FBA, and ANC 2A without mentioning any of them specifically. This does not represent a substantive change to the Applicant's proffer, but is less restrictive than originally proposed.

Relocation of Capital Bikeshare Station

84. WECA testified that the Capital Bikeshare station should not be relocated to federal Reservation 28. However, the Applicant testified and provided evidence that other federal parkland (namely the National Mall) contains Capital Bikeshare stations and that relocating there would require a review and approval process by the National Park Service. In response to WECA's concerns, the Applicant proposed a condition that input from ANC 2A would be part of the public space permitting process for relocating the

[3] Through an email dated December 19, 2017, WMATA's General Manager, Paul Wiedefeld, indicated that he would not support escrowing funds for a second elevator because WMATA has not performed a Development and Evaluation process to determine whether a second elevator at Foggy Bottom Station is a priority within Metro's overall capital budget; and a second elevator project at the station will cost much more than the $350,000 contribution and require an agreement with the University since WMATA owns very little property at the station. (Ex. 40A.)

station. Thus, the Commission disagrees with WECA and finds that Reservation 28 could be an appropriate location for the relocated Capital Bikeshare station and that the inclusion of community input in the decision process will adequately address WECA's concerns. (Ex. 27.)

Relocation of Bus Stop/Shelter

85. At the public hearing, WECA raised concerns about the relocation of the Metrobus station on Pennsylvania Avenue at 21st Street. The Applicant and DDOT explained that the stop would remain in the same general location at that intersection, but the location of the shelter would be adjusted to improve accessibility around the bus shelter, with the final location to be determined by WMATA. In response to WECA's concerns, the Applicant proposed a condition that input from ANC 2A would be part of the public space permitting process for relocating the shelter. Accordingly, the Commission finds that the shelter can be relocated to better accommodate accessibility requirements without significantly changing the location of the stop to the detriment of users and that the Applicant's proposed condition adequately responds to WECA's concerns. (Ex. 27.)

Building Design

86. At the public hearing, WECA raised concerns about the height of the building and the habitable penthouse space. The Applicant testified that 130 feet in height, with a step down to 110 feet along I Street, is appropriate for the proposed height because of the existing zone for most of the site already permits 130 feet, the FLUM supports high density on the site, and the setbacks on the building along I Street above 110 feet moderate the appearance of its height to be commensurate with surrounding buildings on I Street. Thus, the Commission credits the Applicant's testimony and finds that the Project's height along I Street is appropriate and justified

Compliance with Requirements of Z.C. Order No. 06-11/06-12

87. Pursuant to Condition P-14 of Z.C. Order No. 06-11/06-12, the Applicant demonstrated that the proposed second-stage PUD is consistent with the location, use, zoning, gross floor area, lot occupancy, and height set forth in the first-stage PUD, as modified by the Applications herein. (Ex. 1, 1H, 2A1-2A6, 18F1-18F7.)

88. Pursuant to Condition P-15 of Z.C. Order No. 06-11/06-12, the Applicant demonstrated that the Project met the special exception standards for a campus plan set forth in Subtitle X § 101 (formerly 11 DCMR §§ 210 and 3104). Subtitle X § 101 requires demonstrating that the proposed use will satisfy the specific conditions, including "that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable impacts." During its consideration of the Campus Plan in Z.C. Case No. 06-11/06-12, the Commission determined that the use of the Foggy Bottom Campus as a whole, including the number of students, faculty, and staff proposed and the related traffic and parking impacts associated with that use, would not become objectionable to neighboring property. For the reasons described below and elsewhere in this Order, the Commission finds that the Applicant has satisfied its burden of proof

under Subtitle X § 101 of the Zoning Regulations and that the proposed Project and Campus Plan amendment satisfy the specific criteria stated therein:

a. The Project shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions. The existing use of the Property consists of commercial office, university office, and retail uses. As a proposed commercial office/retail use, the Project will not generate objectionable noise, and it will be located far enough away from any residential property so that any noise will not be objectionable in any case. As described above, the Project will not generate objectionable traffic or parking impacts. The Project will include mitigation and other measures to ensure any adverse effects on traffic and parking are minimized. As a commercial building, the Project will not affect the number of students. Further, a commercial building is appropriate for this location given its placement among other similar building and uses, so it is not likely to cause other objectionable conditions. In addition, the relocation of the existing uses on Site 75A1 will be accommodated by the University without adverse impacts;

b. The proposed amendment to the Campus Plan to designate Lot 51 for commercial/investment use is not inconsistent with either the Comprehensive Plan, which designates the Property for Institutional and High-Density Commercial Use, or the Campus Plan, which specifically recognizes the importance of commercial uses as investment properties that help fund the University's academic mission. The Project will be located on Property that is primarily designated as High Density Commercial under the Future Land Use Map of the Comprehensive Plan, zoned for high-density commercial use, and designated for commercial/investment use under the Campus Plan. Also, as part of the Campus Plan/PUD, Lot 51 was rezoned to C-3-C (now MU-9). Furthermore, the incorporation of Lot 51 into the Project will help facilitate the I Street retail corridor, which is a key benefit of the Campus Plan/PUD;

c. Further processing approval in itself is not required for the Project since it does not contain University use in a residential zone. As described herein, the Project is generally consistent with and furthers the Campus Plan. The Campus Plan generally recognized the continued use of the Property for commercial/investment and office use, and the University will continue to be able to accommodate its forecasted needs within the remainder of the Campus. To the extent that the Campus Plan/PUD must be modified, the Applicant has sought the appropriate changes through these Applications. The Project is being approved through a second-stage PUD, consistent with the conditions of the approved Campus Plan/PUD and in satisfaction of the criteria in Subtitle X § 101.8;

d. With the construction of the Project, the FAR for the residentially-zoned portions of the Campus will be 3.12 FAR, and the FAR for the Campus as a whole will be 4.23 FAR, each of which is within the limit established by the Campus Plan/PUD, as modified by these Applications; and (Ex. 1H.)

e. As described above and throughout this Order, the Project will not adversely affect neighboring properties. As a high-density commercial building adjacent to the central business district, the Project will be in harmony with the purpose and intent of the Zoning Regulations and Maps and the surrounding context. (Ex. 1.)

89. Pursuant to Condition P-16 of Z.C. Order No. 06-11/06-12, the University provided the compliance, impact analysis and progress reports required for the second-stage PUD. (Ex. 1I-1N.)

90. Pursuant to Condition P-17 of the Z.C. Order No. 06-11/06-12, the University provided its most recently filed Foggy Bottom Campus Plan Compliance Report indicating substantial compliance with Z.C. Order No. 06-11/06-12. (Ex. 1I.)

91. The Commission finds that the University has satisfied the above conditions and requirements of Z.C. Order No. 06-11/06-12 for approval of a second-stage PUD.

CONCLUSIONS OF LAW

1. The Applicant requested approval, pursuant to Subtitle X § 101; Subtitle X, Chapter 3; Subtitle X, Chapter 5; and Subtitle Z, Chapter 3, of a modification of a first-stage PUD, a second-stage PUD, Zoning Map amendment, and a campus plan amendment. The Commission is authorized under the Zoning Act to approve a planned unit development and Zoning Map amendment consistent with the requirements set forth in Subtitle X §§ 304 and 500 of the Zoning Regulations. The Commission is authorized to approve a Campus Plan consistent with the requirements in Subtitle X § 101 of the Zoning Regulations.

2. Pursuant to Condition P-15 of the campus plan/PUD Order, the Applicant is required to demonstrate that each second-stage PUD satisfies the special exception standards of Subtitle X § 101 (formerly §§ 210 and 3104) of the Zoning Regulations. As described above in the Findings of Fact, the Applicant has met its burden of proof under the specific provisions of Subtitle X § 101. In particular, the Commission concludes that the proposed Project and Campus Plan amendment will not create objectionable noise, traffic, parking, or other impacts on the surrounding community.

3. The proposed PUD meets the minimum area requirements of 11-X DCMR § 301.1.

4. In evaluating a PUD application, the Commission must "judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects." During its consideration of the first-stage PUD in Z.C. Case No. 06-11/06-12, the Commission determined that the development incentives and related rezoning for the entire campus were justified by the benefits and amenities offered by the campus plan/PUD, and this decision was affirmed by the District of Columbia Court of Appeals.

5. Based on the above Findings of Fact above, the Commission concludes that the Applicant has satisfied the burden of proof for modification of the first-stage PUD and approval of

the second-stage PUD under the PUD evaluation standards in Subtitle X § 304 of the Zoning Regulations. Approval of this Project will provide a high-quality development that provides specific public benefits and project amenities, does not result in unacceptable impacts that are incapable of being mitigated and are acceptable given the quality of public benefits, and is not inconsistent with the Comprehensive Plan.

6. The Applicant has proposed a modification to the approved first-stage PUD and Zoning Map amendment that would rezone a portion of the Property (Lot 50) to the MU-30 zone and increase the total gross floor area of the PUD by an additional approximately 130,932 square feet over the matter-of-right limit. The Commission finds that additional development incentives, flexibility, and related rezoning are justified by the public benefits and project amenities proffered by the Applicant. The Commission credits the testimony of ANC 2A, which acknowledged the strength of the many benefits and amenities provided by the Project.

7. Under the PUD process and pursuant to Condition P-14 of Z.C. Order No. 06-11/06-12, the Commission has the authority to consider the proposed second-stage PUD. This second-stage review permits detailed design review of each project based on the conceptual height, density, and use parameters established in the first-stage PUD, as modified, and the benefits and amenities approved in exchange for that height, density, and design flexibility. The Commission concludes that the Project is consistent with the first-stage PUD as modified in these Applications, including the parameters regarding location, use, height, and bulk set forth for the Property in the first-stage PUD.

8. Based on the documentation included in the Applications and described above, the Commission concludes that the University has demonstrated compliance with the conditions of the first-stage PUD as detailed in Condition P-16 of Z.C. Order No. 06-11/06-12.

9. Based on the University's Foggy Bottom Campus Plan Compliance Report, the Commission concludes that the University is in compliance with Z.C. Order No. 06-11/06-12.

10. In approving the PUD, the Commission may grant flexibility from the matter-of-right development standards, pursuant to Subtitle X § 303.11 of the Zoning Regulations. Accordingly, the Commission concludes that the requested flexibility from the penthouse setback and architectural embellishment requirements can be granted without detriment to surrounding properties and without detriment to the Zone Plan or Map.

11. The development of this PUD will carry out the purposes stated in Subtitle X § 300 of the Zoning Regulations to encourage higher quality developments that will result in a project "superior to what would result from the matter-of-right standards," offering "a commendable number or quality of public benefits" and by protecting and advancing "the public health, safety, welfare, and convenience." The character, scale, mix of uses, and design of uses in the proposed PUD will satisfy these purposes, and the proposed development is compatible with the citywide and area plans of the District of Columbia. In addition, the Commission finds that the site plan and features of the Project, including

the use of the Property for commercial/investment use, streetscape improvements, and use of the public alley for loading access are consistent with the first-stage PUD.

12. The Commission concludes that the Project will provide specific project benefits and public amenities that will benefit the surrounding neighborhood and the public in general to a significantly greater extent than a matter-of-right development on the Property would provide. The Commission finds that the urban design, architecture, landscaping, site planning and economical land utilization, employment and training opportunities, social services, sustainable elements, streetscape plans, mass transit improvements, and uses of special value to the neighborhood all are significant public benefits. To this end, the Commission finds that the manner by which the Applicant proposes to implement the mass transit public benefit addresses the concerns of WECA.

13. The Commission finds that the Project will not result in unacceptable impacts on the surrounding area or on the operation of city services and facilities. In particular, for the reasons detailed in this Order, the Commission credits the testimony of the Applicant's transportation expert and finds that the traffic, parking, pedestrian, and other transportation impacts of the Project on the surrounding area are capable of being mitigated through the measures proposed by the Applicants and are acceptable given the quality of the public benefits of the PUD. The Commission credits the findings of the Applicant's transportation expert that the Applicant's proposed TDM plan, loading management plan, and intersection improvements are acceptable and will mitigate vehicular and pedestrian impacts from the Project. Given this finding, the Commission was not persuaded by DDOT that an additional contribution of $80,000 to WMATA for the Foggy Bottom Metrorail station was necessary. Further, the Commission finds that the manner by which the Applicant proposes to implement its mitigation measures will sufficiently address the concerns of WECA.

14. The Commission concludes that approval of the first-stage PUD modification and second-stage PUD is not inconsistent with the Comprehensive Plan. The Commission agrees with the determination of OP and finds that the Project is not inconsistent with the Property's High-Density Commercial designation on the Future Land Use Map and its Institutional designation on the Generalized Policy Map, and that it will further numerous goals and policies of the Comprehensive Plan, as described above. The Framework Element of the Plan provides guidelines for using the FLUM and GPM. This Element states that the FLUM should be interpreted "broadly" and that zoning for an area should be guided by the FLUM interpreted in conjunction with the text of the Plan. The Element also clearly provides that density and height gained through the PUD process as bonuses that may exceed the typical ranges cited for each land use category. The Element also states that, for institutional land, "change and infill can be expected on each campus consistent with campus plans," and changes in use should be "comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements or in an approved Campus Plan." (10 DCMR §§ 223.22, 226.1(h).) Accordingly, the proposed commercial office/retail building, with the proposed height and density, is not inconsistent with the FLUM and the GPM. Further, the Project is compatible with the nearby mix of commercial, institutional, and residential uses,

particularly given the Property's location near the Foggy Bottom-GWU Metrorail station and the CEA.

15. The Commission credits the determination of OP and concludes that the proposed PUD-related Zoning Map amendment for Lot 51 from the MU-9 to the MU-30 zone is not inconsistent with the Comprehensive Plan, including Lot 50's designation for High-Density Commercial use on the FLUM, and is appropriate given the superior features of the PUD, the benefits and amenities provided through the PUD, the goals and policies of the Comprehensive Plan, and other District of Columbia policies and objectives.

16. The Commission has judged, balanced, and reconciled the relative value of the Project amenities and public benefits offered, the degree of development incentives and flexibility requested, and any potential adverse effects, and concludes approval is warranted.

17. The Commission is required under D.C. Official Code § 6-623.04 to give great weight to OP recommendations. OP recommended approval, with certain conditions. As previously mentioned, initially OP conditioned its approval on the location of the daycare not being in the cellar of the building. However, ultimately OP deferred to OSSE's licensing requirements to determine the location of the daycare because the Zoning Regulations specifically describe a daycare facility as a public benefit with no limitation on location. Accordingly, the Commission concludes that the Applicant adequately agreed to or addressed OP's conditions.

18. In accordance with D.C. Official Code § 1-309.10(d), the Commission must give great weight to the written issues and concerns of the affected ANC. Although the ANC voted to support the applications, its support was conditioned upon the resolution of certain issues, as discussed in Finding of Fact 63. For the reasons stated in that finding, the Commission concludes that the Applicant has resolved those issues and concerns. Notice of the public hearing was provided in accordance with the Zoning Regulations.

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 Applications for a modification of a first-stage PUD, a second-stage PUD, a Zoning Map amendment, and a Campus Plan amendment. This approval is subject to the following guidelines, conditions, and standards of this Order:

A. Project Development

1. The Project shall be developed in accordance with the plans marked as Exhibits 18F1-18F7 of the record, as modified by the plans marked as Exhibit 27A of the Record, and as modified by guidelines, conditions, and standards herein (collectively, the "Plans").

2. The portion of the Property that is currently known as Lot 50 shall be rezoned from the MU-9 zone to the MU-30 zone. Pursuant to 11-X DCMR § 311.4, the change in zoning shall be effective upon the recordation of the covenant discussed in Condition No. D.1.

3. The Project shall include a mixed-use building including uses permitted in the MU-9 and MU-30 zones, provided:

   a. The Project shall reserve the areas marked as "Retail" on pages A103-A105 of the Plans for uses in the following categories: arts, design, and creation; daytime care; eating and drinking establishments; entertainment, assembly, and performing arts; retail; and general or financial service use (provided, however, that financial service uses shall not be located along the Project's I Street ground-floor frontage);

   b. The Applicant may adjust the location of the daycare facility within the Project over the life of the Project; and

   c. The Project shall include a parking garage with approximately 334 vehicular parking spaces, including compact spaces and tandem spaces, and approximately 124 bicycle parking spaces, as shown on the Plans.

4. The Project shall be constructed to a maximum height of 130 feet and a maximum density of approximately 8.92 FAR and shall have flexibility from the roof structure setback and architectural embellishment width requirements of the Zoning Regulations, as shown on the Plans.

5. The Applicant shall have flexibility with the design of the PUD in the following areas:

   a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;

   b. To vary the final selection of the colors of exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Plans;

   c. To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, courses, mullions, coping, railings, and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building uses or systems that do not significantly alter the exterior design as shown on the plans. Notwithstanding the foregoing:

i. The exterior of the Project shall include principal vertical mullions with a minimum depth of at least eight inches as shown on page A-400 of the Plans; and

ii. The exterior of the Project shall include curved glass where indicated on the drawings in Exhibit 27A in the record, except that the Applicant may adjust the exterior design of the Project as it meets the adjacent building in the location identified on the drawing in Exhibit 27A of the record in order to accommodate constructability needs for each building;

d. To vary the final landscaping materials of the Project based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, Department of Energy and Environment, Department of Consumer and Regulatory Affairs, or other applicable regulatory body;

e. To vary the location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy any permitting requirements;

f. To vary the final streetscape design and materials in the public right-of-way in response to direction received from District public space permitting authorities;

g. To vary the final design of the retail storefront and signage as shown on pages A-300 to A-310 and A-316 to A-319 of the Plans, including the number, size, design, and location of retail windows and entrances, signage, awnings, canopies, and similar features, to accommodate the needs of specific retail tenants and storefront design within the parameters set forth in the Storefront and Signage Plan included as Exhibit 18E in the record, and also including the ability to apply a film or frit to the glass surface along the ground-level elevation along the alley side of the Project as shown on Exhibit 27A of the record to accommodate retail tenant preferences in that location;

h. To vary other building tenant and identification signage as shown on pages A-300 to A-310 and A-316 to A-319 of the Plans consistent with the Storefront and Signage Plan included as Exhibit 18E in the record;

i. To vary the location and number of terrace and penthouse access doors to meet tenant needs and code requirements;

j. To vary the final number of parking spaces plus or minus five percent; and

k. To vary the final gross floor area of the Project plus or minus two percent in order to accommodate interior modifications such as mezzanine spaces, atrium infill, and connection opportunities;

B. Public Benefits

1. Mass transit improvements: Contribution to WMATA. **Prior to the issuance of a Certificate of Occupancy for the Project**, the Applicant will contribute $350,000 to fund improvements to the existing Foggy Bottom Metrorail Station, with the final improvements to be selected by the Washington Area Metropolitan Transit Authority. In addition:

   a. The Applicant shall strongly encourage WMATA to consider input and priorities of community stakeholders, including consideration of the use of the funds for elevator-related improvements at the existing station, in accordance with WMATA's established evaluation process; and

   b. Compliance with this condition shall be demonstrated through evidence submitted by the Applicant that (1) the Applicant has requested that WMATA consider community input as described above; (2) the Applicant has completed the contribution to WMATA; and (3) WMATA has identified the improvements to be funded by the contribution in its six-year capital improvements plan.

2. Employment and training opportunities: High School Construction Tours and Advice Program. **Prior to the issuance of a Certificate of Occupancy for the Project**, the Applicant shall demonstrate that it has developed and implemented the following employment guidance and mentoring program:

   a. During the construction of the Project, the Applicant shall offer regular tours to students interested in design and construction from each of the following schools: Phelps ACE High School, IDEA Public Charter School, The School Without Walls, and Cardozo High School. The tours shall be offered to each school no less than three times each year. The tours will focus on various activities being performed on the Project site, allowing students to connect with professionals and providing a hands-on education detailing how design evolves into construction;

   b. During the course of such tours, representatives of the Applicant will provide informal guidance and career advice to students. Additionally, the Applicant will ensure that representatives from the design team, general contractor, and subcontracting community are present to provide a direct connection and answer questions from students interested in pursuing specific career paths in the architecture, engineering, and construction fields; and

c. Compliance with this condition shall be demonstrated by documentation prepared by the Applicant that summarize the number of tours offered and provided, the approximate number of students attending each tour, and the name and title of representatives of the Applicant, design team, general contractor, and subcontracting community that participated in each tour.

3. Uses of special value: Park Improvements. **Prior to the issuance of a Certificate of Occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that it has completed the following:

a. 26th Street Park (located in the 900 block of 26th Street, N.W.): Design and construct improvements to sidewalks, crosswalks, and ramps to improve access to the park, including landscaping and a public fountain/spigot as shown on Exhibit 18A of the record. Final design and construction plans shall be subject to review and approval by District agencies during the permitting process;

b. Reservation 28 (bounded by Pennsylvania Avenue, I Street, and 21st Street, N.W.): Design and construct improvements to the existing triangular park, including new landscape, hardscape, and furnishings;

i. Final scope, design, and construction of such improvements shall be subject to approval by the National Park Service and other relevant federal agencies, and shall include a minimum of $150,000 in improvements; and

ii. In addition to the funding of the initial improvements, the Applicant shall maintain such improvements or fund such maintenance for the life of the Project;

c. Duke Ellington Park (aka Reservation 140 bounded by 21st Street, M Street, and New Hampshire Avenue, N.W.): Contribute $30,000 to a non-profit entity to be established by representatives of the Foggy Bottom/West End neighborhood toward artwork to be installed within the park. Final design and construction of the artwork shall be subject to selection, review, and approval by relevant District agencies; and

d. School Without Walls @ Francis-Stevens—Urban Farm: Contribute $36,865 for an urban farm for the "FRESHFARM FoodPrints" program at the School Without Walls @ Francis Stevens school consistent with scope included as Exhibit 27B in the record.

Compliance with the above conditions shall be demonstrated by letters to the Zoning Administrator evidencing that the improvements have been or are being provided and/or photographs of the completed improvements.

The Project shall reserve the areas marked as "Retail" on pages A103-A105 of the Plans for uses in the following categories: arts, design, and creation; daytime care; eating and drinking establishments; entertainment, assembly, and performing arts; retail; and general or financial service use (provided, however, that financial service uses shall not be located along the Project's I Street ground-floor frontage).

4. Environmental and sustainable benefits. **Prior to issuance of a Certificate of Occupancy**, the Applicant shall:

   a. Demonstrate to the Zoning Administrator that it has registered the Project with the USGBC to commence the LEED certification process;

   b. Furnish a copy of its LEED certification application submitted to the USGBC to the Zoning Administrator. The application shall indicate that the building has been designed to include at least the minimum number of points necessary to achieve LEED-Gold certification under the v4 Core and Shell standard; and

   c. Incorporate solar panels on a 1,000-square-foot area of the roof of the Project as shown on pages L-06 to L-07 of the Plans.

5. Streetscape and public realm improvements. **Prior to the issuance of a Certificate of Occupancy for the Project**, the Applicant shall:

   a. Construct the streetscape improvements as shown on pages L-01 to L-03 of the Plans. The final design of such improvements shall be subject to approval of the appropriate District public space officials;

   b. Adjust the location of the existing bus stop shelter on the south side of Pennsylvania Avenue at 21st Street with the final location to be determined by District public space permitting officials and WMATA, with input from ANC 2A through the public space permitting process; and

   c. Relocate the existing Capital Bikeshare station from the north side of I Street at 21st Street to either an on-site or off-site location, with the final location to be determined by District public space permitting officials and all other relevant agencies, with input from ANC 2A through the public space permitting process.

6. Social services and facilities. **For the life of the Project,** the Project shall include a daycare facility available to both the tenants and the general public, subject to the granted flexibility for its location within the Project.

7. Housing Linkage. **Prior to the issuance of Certificate of Occupancy for the Project**, the Applicant shall demonstrate to the Zoning Administrator that 100% of the PUD Housing Linkage and 100% of the Penthouse Housing Linkage

contributions have been made to the Housing Production Trust Fund based on the amounts and timeframes stated immediately below:

a. PUD Housing Linkage. The Applicant shall contribute to the Housing Production Trust Fund, established under § 3 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202, D.C. Official Code § 42-2802) or such other housing trust fund defined under § 2499.2 of the Zoning Regulations ("Housing Production Trust Fund") an amount equal to $8,030,550.44 ("PUD Linkage Contribution"), which is one-half of the assessed value of the increased commercial density associated with the Project as of the date of the PUD application, as set forth on Exhibit 18D of the record. Consistent with 11-X DCMR § 306.8, not less than one-half of the PUD Linkage Contribution shall be made prior to the issuance of a building permit, and the balance of the PUD Linkage Contribution shall be made prior to the issuance of a certificate of occupancy; and

b. Penthouse Housing Linkage. The Applicant shall contribute to the Housing Production Trust Fund an additional amount equal to $553,169 ("Penthouse Linkage Contribution"), which is one-half of the assessed value of the proposed penthouse habitable space associated with the Project as of the date of the PUD application, as set forth on Exhibit 18D of the record. Consistent with 11-C DCMR § 1505.16, not less than one-half of the Penthouse Linkage Contribution shall be made prior to the issuance of a building permit, and the balance of the Penthouse Linkage Contribution shall be made prior to the issuance of a certificate of occupancy.

C. Mitigation

1. **Prior to the issuance of Certificate of Occupancy for the Project**, the Applicant shall pay the costs of and construct the signalization of the intersection of 21st and I Streets, N.W. The timing of installation, traffic engineering, exact placement of the signal, and construction parameters shall be subject to final approval from DDOT.

2. **Prior to the issuance of a Certificate of Occupancy for the Project**, the Applicant shall complete the final design, approval, and construction of pedestrian improvements at the intersection of 22nd and I Streets, N.W., as described in Exhibits 15A and 25A1-25A4 in the record. Notwithstanding the foregoing, the Applicant shall commence final design of the improvements promptly upon the expiration of all appeals periods for this Order, and it shall endeavor to complete construction of the improvements within eight months after receipt of all required approvals from DDOT and other agencies.

3. **For the life of the Project**, the Applicant shall implement the Loading Management Plan and Transportation Demand Management Plan described on pages 44-45 and 50-51, respectively, in Exhibit 15A in the record, with the following additional provisions:

   a. If within one year after the issuance of the Certificate of Occupancy for the Project, a car sharing company has not been identified to use the two car-sharing spaces in the garage, then the Applicant shall provide a minimum of $25,000 in Capital Bikeshare memberships to building tenants;

   b. The Project shall include at least six electric vehicle charging stations;

   c. The Applicant shall schedule deliveries using WB-40 trucks for non-peak times; and

   d. Uses being relocated from Site 75B1 as a part of this Project shall not displace spaces currently assigned to student organizations on the 4th floor of the Marvin Center.

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 owners and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the owner of the Property and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Commission.

2. The Applications approved by this Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11-Z DCMR § 702.2. Construction must commence no later than three years after the effective date of this Order.

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, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity and expression, familial status, family

responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On November 27, 2017, upon the motion of Commissioner Shapiro, as seconded by Vice Chairman Miller, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the application for Z.C. Case No. 06-12O at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May to approve; Michael G. Turnbull, not present, not voting).

On February 12, 2018, upon the motion of Commissioner May, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to **APPROVE** the applications for Z.C. Case Nos. 06-11O and 06-12O at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May to approve; Michael G. Turnbull abstained).

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 July 27, 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. 08-24C/04-25
Z.C. Case No. 08-24C/04-25
Monroe Street Block E Residential, LLC
(Modification of Consequence of Consolidated PUD @ Square 3654)
March 26, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on March 26, 2018. At that meeting, the Commission approved the request of Monroe Street Block E Residential, LLC ("Applicant") for a Modification of Consequence of the Consolidated PUD application approved by Z.C. Order No. 08-24/04-25 ("Initial Order"). The property (Lot 20 in Square 3654) that is the subject of this application is located along Monroe Street, N.E. between 7th and 8th Streets, N.E. ("Property") and is known as Block E of the Monroe Street Market project. The modification request was made pursuant to § 703 of the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations ("DCMR").

FINDINGS OF FACT

BACKGROUND INFORMATION

1. In late 2009, the Commission approved a PUD which consisted of a mixed-use project on five parcels of land, known as Blocks A-E. These properties were generally bound by Michigan Avenue, N.E. on the north, the WMATA/CSX train tracks on the east, Lawrence Street, N.E. on the south, and the intersection of Monroe Street, N.E. and Michigan Avenue, N.E. on the west. These properties were formally part of the South Campus of The Catholic University of America ("CUA"). As part of the PUD approval, the Commission also re-zoned these properties to the C-2-B and R-5-B Zone Districts (the R-5-B Zone District was for the townhouses built on Block A2).

2. The development approved in the Initial Order became known as the Monroe Street Market project. The Commission's approval of the Monroe Street Market project envisioned 725-825 residential units and 75,000–85,000 square feet of ground-floor retail, restaurant, and artist work space. The buildings approved for Blocks A1, A2, B, C, and D have been constructed and occupied. This has resulted in the creation of 607 residential units (562 multi-family units and 45 townhouses) in Blocks A1, A2, B, and C. Similarly, the Applicant has constructed approximately 56,915 square feet of retail, restaurant, and artist spaces in Blocks A1, B, and C. Block D is the Arts Flex Space building, which is used by CUA, community groups, and arts groups for performance, exhibit, and meeting space.

3. On Block E, the Commission approved a six-story building with ground-floor retail uses along Monroe Street and residential uses above. The approved building steps down to four stories as it moves south along 7th Street to Lawrence Street and nearby lower-scale residential structures. The approved building on Block E was to include approximately 162,270 square feet of residential uses with approximately 156 residential units, and approximately 23,000 square feet of ground-floor retail use. The approved plans for Block E included approximately 171 parking spaces on two-below grade parking levels for the residential units in the building.

4. On December 22, 2017, the Applicant filed the instant request for a modification of consequence.

5. The Commission, at its January 29, 2018 public meeting, determined that the application was a modification of consequence and that no public hearing was necessary. At the January 29, 2018 public meeting, the Commission allowed ANC 5E until March 26, 2018 to file a response regarding this application.

CURRENT APPLICATION

6. The Applicant stated that the architectural modifications proposed in this application are related to the redesign and relocation of architectural elements of the building based on a detailed refinement of the building's interior space requirements, the need to coordinate those interior spaces with the exterior appearance of the building, the desire to reduce the size and scale of the penthouse structure, and the desire to further enhance the ground-floor courtyard space. (Exhibit ["Ex."] 1.)

7. The specific modifications, as shown in the floor plans/sections/elevations/bay studies provided by the Applicant, include:

- The removal of the G2 parking garage level;
- Relocation of the below-grade transformers from the building's frontage along Monroe Street to 8th Street to enhance the retail experience along Monroe Street;
- The inclusion of a retail elevator and stair from the G1 parking level to the ground-floor level;
- Inclusion of a second residential lobby along Monroe Street;
- Refinements of the courtyard space resulting in an expanded landscape buffer with the adjacent property along Lawrence Street;
- Reduction in the size of the garage ramp which leads to increased green space on the Property;
- Removal of the stair tower on the lower, fourth floor, roof of the building;
- Decrease of the footprint of the main elevator penthouse, increase of the main elevator penthouse set-back from the courtyard façade[1], and reduction in the height of the circulation spaces of the penthouse structure to 12 feet;

[1] The building still requires the roof structure set-back flexibility that was granted in the initial Order. However, the amount of the set-back provided has been increased to 11 feet (it was previously set back 10 feet from the courtyard).

- Increase of the secondary elevator penthouse set-back from the courtyard wall from 0 feet to six feet;

- Refinements of the exterior walls, roof and mansard articulation; and

- Modifications to window sizes, removal and reconfiguration of some dormers, inclusion of clerestory windows, and refinements to decorative railings and balconies. (Ex.1, 2C1, 2C2.)

8. The Applicant is also seeking to remove one level of below-grade parking from Block E. The approved plans included two levels of below-grade parking for a total of 171 parking spaces. Based on parking utilization data from the three other multi-family buildings, the Applicant determined that the demand for parking spaces does not justify the construction of the second level of parking. The Applicant noted that Block A1 currently has 154 unleased parking spaces and there are currently a total of 285 unleased parking spaces in the entire Monroe Street Market project. Therefore, the Applicant is proposing to construct one level of parking with approximately 99 parking spaces in Block E. In addition, the Initial Order anticipated that all retail parking for the Monroe Street Market project will be located in the parking garage in Block A1. However, based on feedback from prospective retail tenants in Block E, the Applicant is now proposing that 39 of the 99 parking spaces be reserved for the retail uses in Block E. (Ex. 1.)

9. Gorove Slade Associates, the Applicant's Transportation Engineer, prepared a Transportation Statement which addressed the proposed modifications to the approved plans. The Transportation Statement analyzed the traffic, parking and loading impacts of the modified plans and makes the following conclusions:

- The amended development program for Block E is consistent with the consolidated PUD, resulting in a slight decrease to the project trip generation;

- The proposed parking supply has been reduced from 171 spaces (approved during the consolidated PUD) to 99 parking spaces. This amount of parking is more consistent with current District standards and goals. This parking supply, while lower than the residential parking utilization in the overall development, is expected to sufficiently accommodate parking needs while not encouraging vehicular transportation as a primary mode of travel, as there are additional unleased parking spaces throughout the remainder of the development; and

- The proposed loading facilities in coordination with the proposed Loading Management Plan will sufficiently meet the loading demands of the site. (Ex. 2D, 5A.)

10. During the original hearing, the District Department of Transportation ("DDOT") submitted a report which noted its general support for the project. However, DDOT's report stated "DDOT firmly recommends the Applicant reduce the overall number of parking spaces to ensure that parking is not overbuilt and that the development takes advantage of its prime location to the Brookland/CUA Washington Metropolitan Area

Transit Authority ("WMATA") rail station located at 801 Michigan Avenue, N.E. DDOT strongly believes that this development project should heavily rely on the use of mass transit." In conclusion, DDOT's report stated "DDOT believes the Zoning Commission should require a meaningful reduction in the number of parking spaces for the project". Currently, the buildings on Blocks A1, B, C, and D include 652 parking spaces. Approval of the proposed reduction of parking spaces in the building on Block E, will result in a total of 751 parking spaces in the Monroe Street Market project. The Applicant stated that the proposed reduction of parking spaces requested in this modification of consequence application is entirely consistent with DDOT's previous request asking for a "meaningful reduction" in the number of parking spaces provided in the Monroe Street Market project. In addition, the Applicant noted that the amount of parking spaces provided in Block E is sufficient to meet the expected parking demand for the uses in Block E as noted in the Transportation Statement. (Ex. 1, 2D, 2E.)

11. The Applicant is also proposing minor modifications to the locations and dimensions of the curb cuts along 8th Street, N.E., which were previously approved by the Commission and the DDOT's Public Space Committee. The Applicant proposed a Loading Management Plan which will guide loading operations for the building on Block E and an updated Transportation Demand Management ("TDM") plan. The Applicant requested that the TDM plan that was outlined in Condition No. 4 of the Initial Order be replaced with the updated TDM plan. Otherwise, the Applicant will continue to abide by all of the conditions of approval of the Initial Order (Conditions No. 1-3, and 5-17) and the development of Block E will result in the satisfaction of all of the conditions of the Initial Order, as construction of this building will complete the Monroe Street Market project. (Ex. 1, 2D.)

12. The only party in Z.C. Case No. 08-24/04-25 was ANC 5C. When the original case was filed, processed, and decided in 2009, the property was located within the boundaries of ANC 5C. Since 2009, the ANC boundaries were modified and the property is now located within the boundaries of ANC 5E. The Applicant made a presentation to ANC 5E at their regularly scheduled public meeting on January 16, 2018. In addition, while the Block E building is not located on a street that abuts an adjacent ANC boundary, the Monroe Street Market project does include properties that abut Michigan Avenue, N.E. Michigan Avenue, N.E. is the boundary line between ANC 5A and ANC 5E. In satisfaction of § 703.13 of Subtitle Z, the Applicant provided a Certificate of Service which noted that ANC 5E and ANC 5A were served with this application. (Ex. 1.)

13. ANC 5E did not submit a response to this application.

14. ANC 5A did not participate in this application.

15. CUA submitted a letter, dated March 5, 2018, into the record of this case in support of the application. (Ex. 10.)

16. The Office of Planning ("OP") submitted a report on January 19, 2018. The OP report stated that OP finds that this application is appropriately considered a modification of consequence, and that the changes proposed are consistent with the original approval and

the intent of the C-2-B Zone District. The OP report concluded that, "The Office of Planning has no objection to the proposed changes. They would be in keeping with the design intent of the original approval and the Zoning Regulations, and would improve the pedestrian experience on Monroe Street, and reduce the massing of the rooftop penthouses. The Office of Planning, therefore, recommends that the Commission approve the application as a modification of consequence." (Ex. 7.)

17. DDOT submitted a report on January 19, 2018. The DDOT report noted that it had no objection to the application on the condition that the Applicant implements the proposed Loading Management Plan with the following revision: "In addition to the presence of a dock manager, a flagger will be present whenever a vehicle is entering/exiting the loading dock. This flagger will alert pedestrians/bicyclists/other vehicles to trucks that may be entering or exiting the loading facilities." The DDOT report also noted that the proposed changes to the building will result in significantly improved residential parking ratios in line with what DDOT would expect at a metro accessible location and the proposed modification is expected to decrease the a.m. trip generation by one vehicle and decrease the p.m. trip generation by four vehicles. (Ex. 8.)

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make "modifications of consequence" to final orders and plans without a public hearing. A modification of consequence means "A modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance." (11-Z DCMR § 703.3.) Examples of modifications of consequence "include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." (11-Z DCMR § 703.4.)

The Commission concludes that the modifications depicted in the plans included in the record, and as described in the above findings of fact, are modifications of consequence, and therefore can be granted without a public hearing.

The Commission finds that the proposed modifications are consistent with the Commission's previous approval of the PUD project and the building on Block E. The use of this building has not changed and the proposed redesign and relocation of architectural elements of the building do not diminish or detract from the Commission's original approval of the PUD project and the building on Block E. In regard to the removal of the second level of below-grade parking spaces, the Commission agrees with the conclusions of the Applicant's transportation engineer and DDOT that the reduction in parking spaces is appropriate and a lower number of parking spaces will be sufficient to accommodate the parking needs of the building on Block E.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give "great weight" to the written issues and concerns of the affected ANCs. As is reflected in the Findings of Fact, ANC 5E and ANC 5A did not submit written reports into the record regarding this application; therefore, there is nothing for the Commission to give great weight to. The Commission is required give great weight to the recommendations of OP (See D.C. Official

Code § 6-623.04 (2012 Repl.).) The Commission concurs with OP's recommendation to approve this modification of consequence application. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the Consolidated PUD project approved in Z.C. Case No. 08-24/04-25. The conditions in Z.C. Order No. 08-24/04-25 remain unchanged except as follows. The following conditions replace Condition Nos. 1 and 4 of Z.C. Order No. 08-24/04-25:

1. The PUD project shall be developed in accordance with the plans marked as Exhibit 71 of Z.C. Case No. 08-24/04-25, as modified by the plans included in Exhibit 2C1 and 2C2 of Z.C. Case No. 08-24C/04-25, and as further modified by the guidelines, conditions, and standards herein.

4. For the development of Block E, the Applicant shall be subject to the requirements of the transportation demand management plan and the loading management plan detailed in Exhibit 2D of Z.C. Case No. 08-24C/04-25.

On March 26, 2018, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on July 27, 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. 11-15G
Z.C. Case No. 11-15G
Howard University
(Modification of Consequence to Approved Campus Plan @ Square 3065)
January 29, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on January 29, 2018. At that meeting, the Commission approved the application ("Application") of Howard University ("Howard" or "Applicant"), for a modification of consequence to add "dormitory/residential" use to the mix of uses designated in the Campus Plan for the Howard Center located at 2225 Georgia Avenue N.W. (Square 3065, Lot 36) ("Howard Center," "Property," or "Building"). The Commission considered the Application pursuant to Subtitle Z § 703 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("Zoning Regulations").

HEARING DATE: **January 29, 2018**
DECISION DATE: **January 29, 2018**

FINDINGS OF FACT

1. On November 20, 2017, Howard filed its Application with the Commission seeking an amendment to its Campus Plan to add "dormitory/residential" to the designated uses for the Howard Center. The Campus Plan, which was previously approved by the Commission in Z.C. Case No. 11-15 dated June 29, 2011 designated the Property for "academic space, support facilities, public safety and ground level retail use."

2. The Applicant is planning a renovation of the Property which is substantially vacant due to unhealthy environmental conditions as a result of years of deferred maintenance. The Property was originally constructed as a hotel and the original hotel room configurations from that use remain intact. While the Campus Plan previously contemplated the demolition and redevelopment of the Property, the University has decided to pursue a more economic and expeditious renovation of the Building utilizing the original hotel room configurations for new dormitory/residential uses. The Property will feature a mix of retail uses on the first two floors, support facilities including conference and hospitality uses on the third and fourth floors and residential/dormitory uses on levels five through nine.

3. The Applicant's objective with respect to the proposed Campus Plan amendment is to facilitate the renovation and adaptive reuse of the Building by adding dormitory/residential use to the planned uses for the Property in the Campus Plan. This will enable the University to timely proceed with the renovation and avoid a potentially extended vacancy along Georgia Avenue.

4. With its Application, the Applicant submitted a log of community meeting where the University presented its plans and modification case. (Exhibit ["Ex."] 1A.)

5. The Applicant served a copy of the Application on Advisory Neighborhood Commission ("ANC") IB, which is the only party to the case. ANC 1B submitted a report dated December 8, 2017, supporting the Application to enable the University "to be able to renovate and convert 2225 Georgia Ave. NW." The ANC report acknowledged the support of the Pleasant Plains Civic Association, Le Droit Park Civic Association and the Georgia Avenue Community Development Task Force. (Ex.6)

6. The Commission received a letter in support from the Pleasant Plains Civic Association. (Ex.1D.)

7. By report dated December 1, 2017, the Office of Planning ("OP") recommended approval of the Application to allow the addition of dormitory/residential use for the Property. OP indicated that the Property is located within the PDR-3 zone and therefore does not require review via the further processing process but the uses on the Property need to be consistent with the Campus Plan. OP further stated that the modification would allow the partially vacant building to be occupied and would facilitate the revitalization that has begun in the lower Georgia Avenue area including ground-floor retail, active uses, and residential uses. (Ex.4.)

8. The Commission, at its January 29, 2018 public meeting, determined that the Application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3-703.4 and that no public hearing was necessary pursuant to Subtitle Z § 703.1. The Commission was therefore required pursuant to Subtitle Z § 1703.17(2) to establish a timeframe for any parties in the original proceeding to file a response to the Application and for the Applicant to respond thereto. Although ANC 1B already provided its report, the Commission wanted to ensure that ANC 5B, which has historically been recognized as having standing in Howard Campus Plan cases, to respond. The Commission scheduled January 5, 2018 as the date for responses and January 29, 2018 as the date for further Commission deliberations.

9. On January 3, 2018, Howard provided a letter to the Commission outlining the notice and outreach to ANC 5C, and on January 24, 2018, submitted an email from Horacio Sierra, Ph.D, ANC Single Member District 5E08 Commissioner, that expressed his support.

10. The Commission approved the modification at its public meeting of January 29, 2018.

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make "modifications of consequence" to final orders and plans without a public hearing. A modification of consequence means "a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance." (11-Z DCMR § 703.3.) Examples of modifications of consequence "include, but are not limited to, a proposed

change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." (11-Z DCMR § 703.4.)

The Commission concludes that the modification as described in the above findings of fact, are modifications of consequence, and therefore can be and granted without a public hearing.

The Commission finds that the proposed modification is entirely consistent with the previous Campus Plan, as well as the recent Campus Plan amendment in Z.C. Case No. 11-15F, which place a high priority on the revitalization of Georgia Avenue and the need to leverage the current real estate market to further University redevelopment initiatives. The proposed modification is minor in nature seeking only to expand the range of uses permitted in on the Property for expedited re-occupancy following an unplanned vacancy. Further, the proposed dormitory/residential use is not inconsistent with the Comprehensive Plan.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl) to give "great weight" to the issues and concerns of contained in the written report of an affected ANC. As is reflected in the Findings of Fact, ANC 1B voted to support the Application and expressed no issues or concerns. The Commission is also required give great weight to the recommendations of OP (See D.C. Official Code § 6-623.04 (2012 Repl.)). The Commission concurs with OP's recommendation to approve this modification of consequence Application. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the Campus Plan approved in Z.C. Case No. 11-15 and as subsequently amended. The conditions in Z.C. Order No. 11-15 and subsequent amendments remain unchanged but the future land use designation for the Property included in the Campus Plan, including in the Campus Development Plan included therein, are amended to include dormitory/residential use as a future use for the Property.

On January 29, 2018, upon the motion of Vice Chairman Miller, and seconded by Commissioner Turnbull, 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, this Order shall become final and effective upon publication in the *DC Register*; that is on July 27, 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

Monthly Meeting Dates for September – December 2018

The Zoning Commission for the District of Columbia, hereby gives notice that it has adjusted its monthly meeting schedule for September through December 2018 as indicated below. (Deletions are shown in ~~strikethrough~~ text and additions are shown in **bold** and underlined text.) Meetings are held in the Jerrily R. Kress Memorial Hearing Room, Suite 220 South of 441 4th Street, N.W., #1 Judiciary Square, beginning at 6:30 p.m.

September 2018
Mon. 09/17/18 (6:30 PM)
October 2018
~~Mon. 10/15/18 (6:30 PM)~~
~~Mon. 10/29/18 (6:30 PM)~~
Mon. 10/22/18 (6:30 PM)
November 2018
Mon. 11/19/18 (6:30 PM)
December 2018
~~Mon. 12/10/18 (6:30 PM)~~
Mon. 12/17/18 (6:30 PM)

The proposed agenda for each meeting is posted in the office of the Commission and available to the public at least four days prior to the meeting.

For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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