

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 22-913, Tipped Wage Workers Fairness Amendment Act of 2018
- Department of Energy and Environment updates provisions to allow special swimming events in the Potomac or Anacostia River
- Department of Energy and Environment proposes regulations to establish a schedule of civil infractions for violations of the District’s prohibition on food service products that are not recyclable or compostable
- Department of Health (DC Health) amends funding availability for the Preterm Birth Reduction Pilot Program
- Department of Health (DC Health) amends funding availability for the Senior Dental Services Program
- Department of Small and Local Business Development announces funding availability for the DC Main Streets Program

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-426

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 26, 2018

To amend, on an emergency basis, the Rental Housing Act of 1985 to prohibit the execution of residential evictions during precipitation, to establish eviction procedure and requirements that a housing provider shall meet before, during, and immediately after a residential eviction, and to establish standards for the handling of an evicted tenant's personal property; and to clarify, in an eviction not subject to the Rental Housing Act of 1985, 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 Procedure 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 "tenant on any day when the National Weather Service predicts at 8:00 a.m. 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 "tenant:" in its place.

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

"(1) On any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will fall below 32 degrees Fahrenheit or 0 degrees centigrade; or

"(2) When precipitation is falling at the location of the rental unit.".

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

"Sec. 501a. Storage and disposal of tenants' personal property upon eviction.

"(a) A housing provider shall not remove an evicted tenant's personal property from a rental unit except as provided in this section.

"(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 fewer than 14 days before the date of eviction by using the following methods:

"(A) Telephone or electronic communication, including by email or

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mobile text message;

“(B) First-class mail to the address of the rental unit; and

“(C) Conspicuous posting at the tenant’s rental unit in a manner reasonably calculated to provide notice.

“(2) The notice shall:

“(A) State the tenant’s name, and the address of the rental unit;

“(B) Specify the date on which the eviction is scheduled to be executed;

“(C) State that the eviction will be executed on that date unless the tenant vacates the rental unit and returns control of the rental unit to the housing provider;

“(D) Prominently warn the tenant that any personal property left in the rental unit will be deemed abandoned 7 days after the time of eviction, excluding Sundays and federal holidays;

“(E) Include the phone numbers of the U.S. Marshals Service, Office of the Chief Tenant Advocate, and the District of Columbia Landlord Tenant Court; and

“(F) State that it is the final notice from the housing provider before the time of eviction, even if the eviction date is postponed by the court or Marshals.

“(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.

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

“(d)(1) At the time of eviction, the housing provider shall send by first-class mail to the address of an emergency contact, if provided, and conspicuously post in a manner reasonably calculated to provide notice to the evicted tenant a notice containing the following information:

“(A) The name and phone number of at least one housing provider representative whom the tenant may contact and who can grant access to the rental unit on the housing provider’s behalf pursuant to this subsection;

“(B) The phone number of the Office of the Chief Tenant Advocate;

“(C) The phone number of the United States Marshals Service;

“(D) The phone number of the District of Columbia Landlord Tenant Court; and

“(E) The text of this subsection attached to, or made a part of, the notice.

“(2) Any personal property of the evicted tenant present in the rental unit at the time of eviction shall remain in the rental unit for 7 days after the time of eviction, excluding Sundays and federal holidays, unless removed by the evicted tenant pursuant to this subsection.

“(3) The housing provider shall maintain and exercise reasonable care in the storage of the personal property of the evicted tenant during the period that the property remains in the rental unit pursuant to this subsection.

“(4)(A) The housing provider shall grant the evicted tenant access to the rental unit to remove his or her personal property during the period that the property remains in the rental unit pursuant to this subsection. Access shall be for no fewer than 8 continuous hours at times agreed to by the parties, without requiring payment of rent or service fees.

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“(B) If the housing provider fails to grant access to the evicted tenant to remove his or her personal property as provided in this paragraph, the evicted tenant shall have a right to injunctive relief, including requiring the housing provider to grant access to the evicted tenant at certain dates and times to retrieve his or her personal property and extending the period during which the housing provider must store the evicted tenant’s personal property.

“(5) Any of the evicted tenant’s personal property remaining in the rental unit upon expiration of the period that the property remains in the rental unit pursuant to this subsection shall be deemed abandoned property.

“(6) The housing provider shall remove, or dispose of, any abandoned property in the rental unit upon the expiration of the period that the property remains in the rental unit pursuant to this subsection without any further notice or any other obligation to the evicted tenant.

“(7)(A) The housing provider shall dispose of any abandoned property in any manner not prohibited by paragraph (8) of this subsection or otherwise expressly prohibited by law.

“(B) If the housing provider receives any funds from any sale of such abandoned property, the housing provider shall pay such funds to the account of the evicted tenant and apply any amounts due the housing provider by the evicted tenant, including the actual costs incurred by the housing provider in the eviction process described in this section.

“(C) If any funds are remaining after application, the remaining funds shall be treated as a security deposit under applicable law.

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

“(9) An evicted tenant is prohibited from disposing of or causing the disposal of personal property in an outdoor space other than a lawful disposal receptacle; provided, that an evicted tenant may place personal property or cause personal property to be placed in an outdoor private or public space while in the process of transporting the property from the premises.

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

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

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

Sec. 3. Other evictions.

(a) At the time of an eviction not subject to the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), the landlord shall change the locks on the leased premises in the presence of the United States Marshals Service

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(“Marshals”), at the landlord’s expense, and take legal possession of the leased premises by receipt of a document from the Marshals.

(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 property.

(d)(1) The landlord shall dispose of any abandoned property in any manner not prohibited by subsection (e) of this section or otherwise expressly prohibited by law.

(2) If the landlord receives any funds from any sale of such abandoned property, the landlord shall pay such funds to the account of the evicted tenant and apply any amounts due the landlord by the evicted tenant, including the actual costs incurred by the landlord in the eviction process described in this section.

(3) If any funds are remaining after application, the remaining funds shall be treated as a security deposit under applicable law.

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

Sec. 4. Repealer.

The Eviction Reform Emergency Amendment Act of 2018, passed on emergency basis on June 26, 2018 (Enrolled version of Bill 22-864), is repealed.

Sec. 5. Applicability.

This act shall apply as of July 9, 2018.

Sec. 6. 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. 7. Effective date.

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

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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 25, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-427

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2018

To amend, on an emergency basis, the Historic Landmark and Historic District Protection Act of 1978 to provide that grants available to assist homeowners with the rehabilitation of historic property under the Targeted Homeowner Grant Program may be used to rehabilitate a structure that contributes to the character of the Emerald Street Historic District, bounded by F Street, N.E., 13th Street, N.E., E Street, N.E., and 14th Street, N.E., in Ward 6; the Kingman Park Historic District, bounded by East Capitol Street, N.E., 19th Street, N.E., Maryland Avenue, N.E., M Street, N.E., and the Anacostia River, in Ward 7; and the Wardman Flats Historic Landmark, located within Square 519, bounded by 3rd Street, N.W., R Street, N.W., 4th Street, N.W., and Florida Avenue N.W., in Ward 5.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Targeted Historic Preservation Assistance Emergency Amendment Act of 2018”.

Sec. 2. Section 11b(b) of the Historic Landmark and Historic District Protection Act of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02(b)), is amended as follows:

(a) The lead-in language is amended by striking the phrase “one of the following historic districts” and inserting the phrase “one of the following historic districts or historic landmarks” in its place.

(b) Paragraph (11) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(c) Paragraph (12) is amended by striking the period and inserting a semicolon in its place.

(d) New paragraphs (13), (14), and (15) are added to read as follows:

“(13) Emerald Street Historic District;

“(14) Kingman Park Historic District; or

“(15) Wardman Flats Historic Landmark.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Targeted Historic Preservation Assistance Amendment Act of 2018, passed on 1st reading on July 10, 2018 (Engrossed version of Bill 22-434), as the fiscal impact statement required by section 4a of the

ENROLLED ORIGINAL

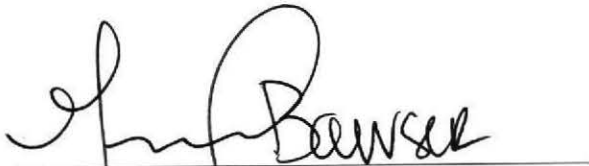
General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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 25, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 25, 2018

To amend, on an emergency basis, 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 as of October 25, 2016, continue at that existing level of service, or the level recommended by the Department of Health’s risk-based assessment, whichever is greater, for school year 2018-2019.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public School Nurse Assignment Emergency Amendment Act of 2018”.

Sec. 2. Section 2 of 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), is amended as follows:

(a) Subsection (c) is repealed.

(b) A new subsection (c-1) is added to read as follows:

“(c-1) Any school that, on October 25, 2016, received school nursing services pursuant to this section that exceeded the hours per week prescribed by subsection (b) of this section shall continue the level of service existing on that date, or the level recommended by the Department of Health’s risk-based assessment, whichever is greater, for school year 2018-2019.”.

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.

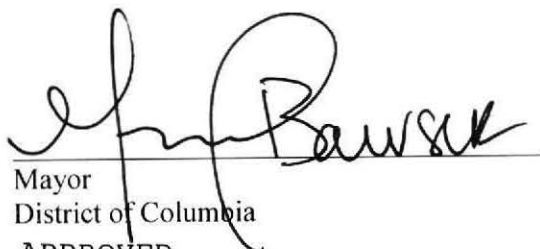
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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 25, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 20, 2018

To symbolically designate, on an emergency basis, the 1200 block of U Street, N.W., in Ward 1, as Ben’s Chili Bowl Way, in honor of the establishment’s 60th anniversary.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ben’s Chili Bowl Way Designation Emergency Act of 2018”.

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 1200 block of U Street, N.W., in Ward 1, as “Ben’s Chili Bowl Way”.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 20, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-430

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 31, 2018

To require, on an emergency basis, that demolition at the current D.C. General Family Shelter site meet all applicable environmental, health, and safety standards and that current D.C. General Family Shelter residents be relocated into safe, appropriate housing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “D.C. General Resident Relocation Emergency Act of 2018”.

Sec. 2. (a) The abatement, deconstruction, or demolition of any existing structure at the D.C. General Family Shelter site shall meet all applicable environmental, health, and safety standards.

(b) Beginning on July 27, 2018 and weekly thereafter until there are no shelter residents remaining at the D.C. General Family Shelter, the Mayor shall report to the Council the number of samples taken at the D.C. General Family Shelter site for lead or asbestos testing and whether any of those samples exceeds permissible Environmental Protection Agency and Occupational Safety and Health Administration exposure limits for lead or asbestos.

(c)(1) Relocation of shelter residents from the D.C. General Family Shelter shall be to appropriate permanent housing as defined by section 2(4) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(4)), to the facilities constructed to provide temporary shelter pursuant to the Homeless Shelter Replacement Act of 2016, effective July 29, 2016 (D.C. Law 21-141; 63 DCR 8453), or to any units under contract by the District specifically for the purpose of housing D.C. General Family Shelter residents.

(2) The Mayor shall provide a report to the Council, beginning on July 27, 2018 and weekly thereafter, indicating the current number of families continuing to reside at the D.C. General Family Shelter, the number of exits detailed by program, and the number of families confronting significant barriers to lease-up.

(3) Upon closure of the D.C. General Family Shelter, the Mayor shall provide a report to the Council indicating the number of families that remained at closure that necessitated a swift exit and the status of those families.

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Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 25, 2018

ENROLLED ORIGINAL

A RESOLUTION

22-565

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-2018-435-A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc. to provide emergency department services to the United Medical Center, to authorize payment in the amount of \$4,407,762 for the services received and to be received under the contract, and to repeal CA 22-408, the Council approval of Contract No. NFPHC-2018-435.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHC-2018-435-A Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHC-435-A (“Revised Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and George Washington University Medical Faculty Associates, Inc. (“GW MFA”), to provide emergency department services to the United Medical Center, to authorize payment in the amount of \$4,407,762 for the services received and to be received under the Revised Contract, and to repeal CA 22-408, the Council approval of Contract No. NFPHC-2018-435 (“Original Contract”).

(b) The base year of the Original Contract, in the amount of \$4,309,164, was deemed approved by Council on March 2, 2018.

(c) On March 16, 2018, however, GW MFA notified the Hospital that the base year price for the Original Contract was incorrect. After discussing the matter, the parties to the Original Contract realized that an error had been made during negotiations: instead of an arrangement pursuant to which the Hospital would pay GW MFA, monthly, for the cost of emergency department services (“GW MFA ED Services Cost”), and the Hospital would, in return, receive the net revenue earned by GW MFA up to the cost of services (“ED Net Revenue”), the parties inadvertently used the ED Net Revenue as the GW MFA ED Services Cost. This error was only discovered after the Original Contract had undergone the Council contract approval process and the new Hospital operators, Mazars, began its engagement as the Hospital’s operator.

(d) To avoid disruption to Hospital operations and the critical patient care provided by GW MFA, and meet the Council’s requirements, the parties agreed to request Council repeal of

ENROLLED ORIGINAL

its approval of the Original Contract and submit a new contract package that would supersede all prior versions.

(e) The Revised Contract for emergency department services is for the 6-month period from April 1, 2018, through September 30, 2018, in the amount of \$4,407,762. The parties agreed to address the Fiscal Year 2019 portion of the base year prior to the expiration of the Revised Contract. If the parties are unable to reach agreement within 60 calendar days of the expiration of the Revised Contract, both parties have the right to terminate the Revised Contract.

(f) As the aggregate value of the Revised Contract is in excess of \$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).

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, GW MFA cannot be paid for the goods and services provided in excess of \$1 million for the contract period.

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. NFPHC-2018-435-A 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

22-566

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to approve Contract No. NFPHC-2018-436-A between the Not-for-Profit Hospital Corporation and George Washington University Medical Faculty Associates, Inc. to provide inpatient hospitalist services to the United Medical Center, to authorize payment in the amount of \$1,614,227 for the services received and to be received under the contract, and to repeal CA 22-407, the Council approval of Contract No. NFPHC-2018-436.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Contract No. NFPHC-2018-436-A Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to approve Contract No. NFPHC-436-A (“Revised Contract”) between the Not-for-Profit Hospital Corporation (“Hospital”) and George Washington University Medical Faculty Associates, Inc. (“GW MFA”), to provide inpatient hospitalists services to the United Medical Center, to authorize payment in the amount of \$1,614,227 for the services received and to be received under the Revised Contract, and to repeal CA 22-407, the Council approval of Contract No. NFPHC-2018-436 (“Original Contract”).

(b) The base year of the Original Contract, in the amount of \$3,141,226, was deemed approved by Council on March 2, 2018.

(c) On March 16, 2018, however, GW MFA notified the Hospital that the base year price for the Original Contract was incorrect. After discussing the matter, the parties to the Original Contract realized that an error had been made during negotiations: instead of an arrangement pursuant to which the Hospital would pay GW MFA, monthly, for the cost of inpatient hospitalist services (“GW MFA Hospitalist Services Cost”), and the Hospital, would, in return, receive the net revenue earned by GW MFA up to the cost of services (“Hospitalist Net Revenue”), the parties inadvertently used the Hospitalist Net Revenue as the GW MFA Hospitalists Services Cost. This error was only discovered after the Original Contract had undergone the Council contract approval process, and the new Hospital operator, Mazars, began its engagement as the Hospital’s operator.

(d) To avoid disruption to Hospital operations and the critical patient care provided by GW MFA, and meet the Council’s requirements, the parties agreed to request Council repeal of

ENROLLED ORIGINAL

its approval of the Original Contract and submit a new contract package that would supersede all prior versions.

(e) The Revised Contract for inpatient hospitalist services is for the 3-month period from July 1, 2018 through September 30, 2018, in the amount of \$1,614,227. The parties agreed to address the Fiscal Year 2019 portion of the base year prior to the expiration of the Revised Contract. If the parties are unable to reach agreement within 60 calendar days of the expiration of the Revised Contract, both parties have the right to terminate the Revised Contract.

(f) As the aggregate value of the Revised Contract is in excess of \$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).

(g) Approval is necessary to allow the continuation of these vital services. Without this approval, GW MFA cannot be paid for the goods and services provided in excess of \$1 million for the contract period.

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. NFPHC-2018-436-A 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

22-567

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-01A with Capitol Vista Community Partners LLC for LRSP units at Capitol Vista Apartments, located at 810 New Jersey Avenue, N.W.

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-01A 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, 6 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 Capitol Vista Community Partners LLC under the LRSP in order to provide long-term affordable housing units for extremely low-income households for units located at 810 New Jersey Avenue, N.W.

ENROLLED ORIGINAL

(d) The legislation to approve the contract will authorize an ALTSC between the District of Columbia Housing Authority and Capitol Vista Community Partners LLC with respect to the payment of a rental subsidy and allow the owner to lease the rehabilitated units at Capitol Vista 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 Capitol Vista Community Partners LLC to provide an operating subsidy to support 21 affordable housing units in an initial amount not to exceed \$650,400 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

22-569

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to approve Change Order Nos. 01 through 04 to Contract No. GF-2015-C-0035 with Motir Services, Inc., for janitorial services for the University of the District of Columbia and to authorize payment in the aggregate amount of \$2,882,464.06 for the goods and services received and to be received under the change orders.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Change Orders to Contract No. GF-2015-C-0035 Approval and Payment Authorization Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists a need to approve Change Order Nos. 01 through 04 to Contract No. GF-2015-C-0035 with Motir Services, Inc. for janitorial services for the University of the District of Columbia and to authorize payment for the goods and services received and to be received under the change orders.

(b) By Change Order Nos. 01 through 04 to Contract No. GF-2015-C-0035, the University of the District of Columbia has exercised option year one of Contract No. GF-2015-C-0035 for the period from November 14, 2017 through November 13, 2017, in the not-to-exceed amount of \$2,882,464.06.

(c) 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 change orders increase the contract value by more than \$1 million during a 12-month period.

(d) Council approval is necessary to allow the continuation of these vital services. Without this approval, Motir, Inc. cannot be paid for the goods and services received and to be received in excess of \$1 million for the period from November 14, 2017 to November 13, 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 Change Orders to Contract No. GF-2015-C-0035 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

22-570

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To authorize the Committee of the Whole to hold certain hearings and roundtables during the Council's summer 2018 recess and to amend the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22, Resolution of 2017 to authorize the University of the District of Columbia to submit grant budget modifications during the Council's summer 2018 recess.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Council Period 22 Recess Rules Amendment Resolution of 2018".

Sec. 2. In accordance with Council Rules 306 and 501, the Committee of the Whole is authorized to hold a hearing or roundtable, including a joint hearing or roundtable, during the period from July 15 through September 15, 2018, on a contract, reprogramming, budget modification, measure, or proposed action by the Mayor.

Sec. 3. The Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 22, Resolution of 2017, effective January 2, 2017 (Res. 22-1; 64 DCR 188), is amended as follows:

(a) Section 306(b) is amended by adding a new paragraph (5) to read as follows;

“(5) A request for a budget modification from the University of the District of Columbia for Fiscal Year 2018 grant funds may be transmitted to the Secretary from July 15 through September 15, 2018.”.

(b) Section 711 is amended as follows:

(1) The existing text is designated as subsection (a).

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

“(b) Notwithstanding subsection (a) of this section, a request for a budget modification from the University of the District of Columbia for Fiscal Year 2018 grant funds may be submitted, and the time period for the request may be counted, from July 15 through September 15, 2018.”.

Sec. 4. This resolution shall expire on September 16, 2018.

Sec. 5. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-571

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to approve measures that are necessary to support action taken on the District's Fiscal Year 2019 Budget and Financial Plan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Fiscal Year 2019 Budget Support Emergency Declaration Resolution of 2018".

Sec. 2. (a) The Fiscal Year 2019 Budget Support Act of 2018 contains various measures necessary to support the Fiscal Year 2019 Budget and Financial Plan.

(b) There are several time-sensitive provisions contained in the Fiscal Year 2019 Budget Support Act of 2018 that need to be in place in advance of October 1, 2018.

(c) Other provisions in the emergency bill will retain the October 1, 2018 applicability date as provided in the permanent legislation, but should be enacted before October 1, 2018, to allow agencies and stakeholders to prepare for implementation.

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 Fiscal Year 2019 Budget Support Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-572

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to authorize salary increases negotiated pursuant to the memorandum of agreement extending the terms of the current compensation collective bargaining agreement for individuals employed by the Not-for-Profit Hospital Corporation - United Medical Center who are represented by the 1199 SEIU United Healthcare Workers East.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Memorandum of Agreement between the Not-for-Profit Hospital Corporation - United Medical Center and the 1199 SEIU United Healthcare Workers East Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The Not-for-Profit Hospital Corporation - United Medical Center (“Corporation”) has agreed to a memorandum of agreement (“MOA”) with the 1199 SEIU United Healthcare Workers East (“SEIU”) extending the term of the current compensation collective bargaining agreement between the parties through September 20, 2018. The MOA provides a wage increase of 2.5%, effective as of the first full pay period beginning on or after October 1, 2017.

(b) To comply with section 1717(f)(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(f)(1)), which requires negotiations to be completed prior to the submission of a budget for the years covered by the MOA, this MOA must be acted on by the Council immediately.

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 Memorandum of Agreement between the Not-for-Profit Hospital Corporation - United Medical Center and the 1199 SEIU United Healthcare Workers East Emergency Approval Resolution of 2018 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-573

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To approve, on an emergency basis, the memorandum of agreement extending the terms of the current compensation collective bargaining agreement for individuals employed by the Not-for-Profit Hospital Corporation - United Medical Center and represented by the 1199 SEIU United Healthcare Workers East.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Memorandum of Agreement between the Not-for-Profit Hospital Corporation - United Medical Center and the 1199 SEIU United Healthcare Workers East Emergency Approval Resolution of 2018”.

Sec. 2. Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(j)), the Council of the District of Columbia approves the memorandum of agreement negotiated between the Not-for-Profit Hospital Corporation - United Medical Center and the 1199 SEIU United Healthcare Workers East, which was transmitted to the Council by the Not-for-Profit Hospital Corporation - United Medical Center on June 19, 2018.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Not-for-Profit Hospital Corporation - United Medical Center and the 1199 SEIU United Healthcare Workers East.

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

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-574

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to symbolically designate the 1200 block of U Street, N.W., in Ward 1, as Ben’s Chili Bowl Way, in honor of the establishment’s 60th anniversary.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Ben’s Chili Bowl Way Designation Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to symbolically designate the 1200 block of U Street, N.W., in Ward 1, as Ben’s Chili Bowl Way.

(b) Ben’s Chili Bowl will be celebrating its 60th anniversary in August 2018.

(c) The establishment’s milestone celebration will include the unveiling of signage symbolically designating the block that fronts the restaurant located at 1213 U Street, N.W. as “Ben’s Chili Bowl Way.”

(d) The symbolic designation will honor Ben’s Chili Bowl’s historic community presence and its commitment to serving District residents and visitors for 6 decades.

(e) Permanent legislation making the symbolic designation, the Ben’s Chili Bowl Way Designation Act of 2018, as introduced on April 20, 2018 (Bill 22-793), is currently under review by the Council. However, to ensure that the signage will be installed before the establishment’s 60th anniversary celebration in August 2018, it is necessary to symbolically designate the 1200 block of U Street, N.W., pursuant to emergency legislation.

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 Ben’s Chili Bowl Way Designation Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-575

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 Historic Landmark and Historic District Protection Act of 1978 to provide that grants available to assist homeowners with the rehabilitation of historic property under the Targeted Homeowner Grant Program may be used to rehabilitate a structure that contributes to the character of the Emerald Street Historic District, bounded by F Street, N.E., 13th Street, N.E., E Street, N.E., and 14th Street, N.E., in Ward 6, the Kingman Park Historic District, bounded by East Capitol Street, N.E., 19th Street, N.E., Maryland Avenue, N.E., M Street, N.E., and the Anacostia River, in Ward 7; and the Wardman Flats Historic Landmark, located within Square 519, bounded by 3rd Street, N.W., R Street, N.W., 4th Street, N.W., and Florida Avenue, N.W., in Ward 5.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Targeted Historic Preservation Assistance Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to amend the Historic Landmark and Historic District Protection Act of 1978 to provide that grants available to assist homeowners with the rehabilitation of historic property under the Targeted Homeowner Grant Program may be used to rehabilitate a structure that contributes to the character of the Emerald Street Historic District, bounded by F Street, N.E., 13th Street, N.E., E Street, N.E., and 14th Street, N.E., in Ward 6; the Kingman Park Historic District, bounded by East Capitol Street, N.E., 19th Street, N.E., Maryland Avenue, N.E., M Street, N.E., and the Anacostia River, in Ward 7; and the Wardman Flats Historic Landmark, located within Square 519, bounded by 3rd Street, N.W., R Street, N.W., 4th Street, N.W., and Florida Avenue N.W., in Ward 5.

(b) The Targeted Homeowner Grant Program, administered by the Office of Planning, helps preserve the affordability of housing for low- and moderate-income homeowners who reside in the city’s historic districts by making non-taxable grants available for home repairs.

(c) The Office of Planning will be accepting applications for the Fiscal Year 2019 Targeted Homeowner Grant Program through July 2018.

(e) Permanent legislation that would provide for such grants, the Targeted Historic Preservation Assistance Amendment Act of 2018, passed on 1st reading on July 10, 2018 (Engrossed version of Bill 22-434), is currently under review by the Council. However, passing

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similar legislation on an emergency basis would allow eligible low- and moderate-income homeowners who reside in the recently designated Emerald Street Historic District, Kingman Park Historic District, and Wardman Flats Historic Landmark to be eligible to apply for grants in time for the July 2018 deadline.

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 Targeted Historic Preservation Assistance Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-576

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 Procurement Practices Reform Act of 2010 and the Public-Private Partnership Act of 2014 to allow the Office of Public-Private Partnerships to delegate its contracting authority for public-private partnership agreements to the Office of Contracting and Procurement, and to require any employee of the Office of Contracting and Procurement exercising such delegated authority to comply with provisions of the Public-Private Partnership Act of 2014 and any regulations promulgated to effectuate it.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of Public-Private Partnerships Delegation of Authority Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The Office of Public-Private Partnerships (“OP3”), located within the Office of the City Administrator, was established to facilitate public-private partnership projects in the District independent of the authority of the Chief Procurement Officer (“CPO”) and the Procurement Practices Reform Act of 2010 (“PPRA”).

(b) OP3 has worked with the CPO to leverage the Office of Contracting and Procurement’s (“OCP”) considerable expertise in all aspects of contracting and procurement, including development of requests for proposals through a Memorandum of Understanding.

(c) The PPRA gives the CPO authority to conduct procurements and award contracts on behalf of an independent agency, such as OP3, so long as the CPO follows the requirements of the PPRA. However, the OP3 enabling statute specifically exempts OP3 procurements from the PPRA.

(d) To ensure that the existing partnership between OCP and OP3 can continue, the Office of Public-Private Partnerships Delegation of Authority Emergency Amendment Act of 2018 must be approved on an emergency basis to make explicit the authority of OCP to conduct procurements on behalf of OP3 through an amendment to the PPRA and the OP3 enabling statute.

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 Office of Public-Private Partnerships Delegation of Authority Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-577

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect the need to amend the Rental Housing Act of 1985 to prohibit the execution of residential evictions during precipitation, to establish eviction procedure and requirements that a housing provider shall meet before, during, and immediately after a residential eviction, and to establish standards for the handling of an evicted tenant’s personal property; and to clarify, in an eviction not subject to the Rental Housing Act of 1985, 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 Procedure Reform Emergency Declaration Resolution of 2018”.

Sec. 2. (a) The Eviction Procedure Reform Emergency Amendment Act (“Act”) will repeal and replace the Eviction Reform Emergency Amendment Act of 2018, passed on emergency basis on June 26, 2018 (Enrolled version of Bill 22-864).

(b) The Act will prohibit the eviction of a tenant when precipitation is falling at the location of the rental unit and the placement of the personal property of the evicted tenant outdoors.

(c) Rather than require the housing provider to deliver notice of eviction simply by telephone, electronic communication, or first-class mail, the Act will add the requirement of a conspicuous posting.

(d) Rather than require the housing provider to store an evicted tenant’s personal property for 30 days, the housing provider will be required to give the evicted tenant 7 days to remove his or her personal property from the rental unit.

(e) Rather than require the housing provider to photograph, package, and transport the evicted tenant’s personal property to a storage facility within a 10-mile radius of the unit, the Act will require the housing provider to hold an evicted tenant’s personal property in the rental unit and give the evicted tenant reasonable access to remove the personal property.

(f) Rather than require a storage facility to dispose of abandoned property, the Act will authorize the housing provider to dispose of abandoned property in a lawful manner, to include sale. If the housing provider receives funds from the sale of the evicted tenant’s abandoned

ENROLLED ORIGINAL

property, the housing provider will be required to apply such funds to the account of the evicted tenant.

(g) Finally, the housing provider will not be liable to the evicted tenant for civil damages for loss or damage to the evicted tenant's abandoned personal property and the District of Columbia Housing Authority will be exempted from these eviction requirements.

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 Procedure Reform Emergency Amendment Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

22-578

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To declare the existence of an emergency with respect to the need to require that demolition at the current D.C. General Family Shelter site meet all applicable environmental, health, and safety standards and that current D.C. General Family Shelter residents be relocated into safe, appropriate housing.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “D.C. General Resident Relocation Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There is a concern regarding the health and safety of families at the D.C. General Family Shelter given that demolition and abatement activity is scheduled to take place in close proximity to the shelter while families are on-site. A significant number of children residing at the shelter are asthmatic, meaning that they are at an elevated risk for lead poisoning.

(b) It is not clear at this time that the ward-based replacement shelters will be completed at the time of the closure of the D.C. General Family Shelter. As such, there is a concern regarding the placement of current residents into safe, appropriate housing.

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 D.C. General Resident Relocation Emergency Act of 2018 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-913, Tipped Wage Workers Fairness Amendment Act of 2018

on

**Monday, September 17, 2018
11:00 a.m., Council Chambers, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 22-913, the “Tipped Wage Workers Fairness Amendment Act of 2018.” The hearing will be held at 11:00 a.m. on Monday, September 17, 2018 in Hearing Room 500, the Council Chambers, of the John A. Wilson Building.

The stated purpose of Bill 22-913 is to repeal Initiative 77, the “Minimum Wage Amendment Act of 2018.” On June 19, 2018, Initiative 77 was approved through a ballot initiative and certified by the DC Board of Elections on June 29, 2018. Initiative 77 purports to increase the minimum wage in the District to \$15.00 hourly by 2020, which is already required pursuant to DC Law 21-144, the “Fair Shot Minimum Wage Amendment Act of 2016.” Additionally, the Initiative increases the “tipped minimum wage” for tipped employees to \$15.00 per hour by 2026. Currently, employers of tipped workers must pay their tipped workers a “tipped minimum wage” below the standard minimum wage, and tipped workers can earn tips that make their hourly wage well above the standard minimum wage. Under current law if a “tipped worker” does not make enough tips to bring his or her hourly wage equal to or above the current standard minimum wage, their employer must pay their tipped workers the difference. Under Initiative 77, the “tipped minimum wage” would be eliminated by 2026, and employers will have to pay their tipped employees \$15.00 an hour regardless of whether their employees make tips.

Witnesses must limit their testimony to three minutes. Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Christina Setlow, Deputy Committee Director at (202) 724-4865, and to provide your name, address, telephone number, organizational affiliation and title (if any) by **5:00 p.m. on Thursday, September 13, 2018**. Persons wishing to testify are encouraged, but not required, to submit 20 copies of written testimony. If submitted by the close of business on September 13, 2018 the testimony will be distributed to Councilmembers before the hearing. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on October 1, 2018.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018
Protest Hearing Date: November 28, 2018

License No.: ABRA-109955
Licensee: MHG Navy Yard, LLC
Trade Name: Circa at Navy Yard/El Bebe
License Class: Retailer’s Class “C” Restaurant
Address: 99 M Street, S.E.
Contact: Nicole Barta: (703) 434-9394

WARD 6 ANC 6D02 SMD 6D02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on October 1, 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

A new restaurant serving American cuisine. Seating capacity of 337 inside. Total Occupancy Load of 392. Sidewalk Café with 100 seats. License will include an Entertainment Endorsement indoors only.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE OF THE PREMISES AND FOR THE SIDEWALK CAFE

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

HOURS OF LIVE ENTERTAINMENT INSIDE OF THE PREMISES ONLY

Sunday through Thursday 6pm – 2am, Friday and Saturday 6pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018

License No.: ABRA-099065
Licensee: El Sol, LLC
Trade Name: El Sol Restaurant & Tequileria
License Class: Retailer’s Class “C” Restaurant
Address: 1227 11th Street, N.W.
Contact: Jeff Jackson, Esq.: (202) 251-1566

WARD 2

ANC 2F

SMD 2F07

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 1, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to expand premises to the second floor, adding 32 additional seats. Total Occupancy Load of the premises will increase from 30 to 62.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES

Sunday – Thursday 8am – 1am

Friday – Saturday 8am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018

License No.: ABRA-098205
Licensee: Only Paradise Restaurant, Inc.
Trade Name: Golden Paradise Restaurant
License Class: Retailer’s Class “C” Restaurant
Address: 3903 & 3905 14th Street, N.W.
Contact: Ana De Leon: (202) 246-7601

WARD 4 ANC 4C SMD 4C05

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 1, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Request to add a Sidewalk Café Endorsement with 26 seats.

CURRENT HOURS OF OPERATION (INSIDE PREMISES)

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

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION (INSIDE PREMISES)

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

CURRENT HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)

Sunday – Thursday 6pm – 11:59pm
Friday and Saturday 6pm – 1am

PROPOSED HOURS OF OPERATION (SIDEWALK CAFÉ)

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

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION (SIDEWALK CAFÉ)

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018
Protest Hearing Date: November 28, 2018

License No.: ABRA-110767
Licensee: Malfam, LLC
Trade Name: Hill Spirits Unlimited
License Class: Retailer’s Class “A” Liquor Store
Address: 1015 Half Street, S.E.
Contact: Aishya Malhotra: (202) 834-0758

WARD 6 ANC 6D SMD 6D02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on October 1, 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 Retail Class “A” store selling beer, wine and spirits. Licensee is requesting a Tasting Permit.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, AND TASTING

Sunday 11am – 7pm
Monday – Thursday 11am – 9pm
Friday – Saturday 10am – 9:30pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018
Protest Hearing Date: November 28, 2018

License No.: ABRA-110690
Licensee: Pax Liquor, Inc.
Trade Name: Pax Spirits
License Class: Retailer’s Class “A” Liquor Store
Address: 4944 South Dakota Avenue, N.E.
Contact: Kevin Lee, Esq.: (703) 941-3133

WARD 5

ANC 5A

SMD 5A03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on October 1, 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

A new Retailer’s Class A license. The licensee is requesting a Tasting Endorsement.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES, AND TASTING

Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018
Protest Hearing Date: November 28, 2018

License No.: ABRA-110450
Licensee: 2120 P Street Associates LLC
Trade Name: Residence Inn Dupont Circle
License Class: Retailer’s Class “B” 25 Percent
Address: 2120 P Street, N.W.
Contact: Stephen O’Brien: (202) 625-7700

WARD 2 ANC 2B SMD 2B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on October 1, 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 25% Class B store located within a hotel without direct access to the street.

HOURS OF OPERATION

Sunday through Saturday 12am – 12am (24 hour operations)

HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018
Protest Hearing Date: November 28, 2018

License No.: ABRA-110834
Licensee: 7R, LLC
Trade Name: Seven Reasons
License Class: Retailer's Class "C" Restaurant
Address: 2208 14th Street, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 1

ANC 1B

SMD 1B04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 1, 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

A restaurant that will serve high-end modern cuisine. The restaurant is requesting a Summer Garden with seating for 40 patrons. Interior seating for 95, with a Total Occupancy Load of 135.

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday through Thursday 11am – 12am, Friday and Saturday 11am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018

License No.: ABRA-109420
Licensee: Whale Ventures, LLC
Trade Name: Sign of the Whale
License Class: Retailer’s Class “C” Tavern
Address: 1825 M Street, N.W.
Contact: Andrew Kline, Esq.: (202) 686-7600

WARD 2 ANC 2B SMD 2B06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 1, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests an expansion to increase the Total Occupancy Load of the establishment from 74 to 212.

CURRENT HOURS OF OPERATION

Sunday 10am – 2 am, Monday through Thursday 11am – 2am, Friday 11am – 5:30am
Saturday 10am – 5:30am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday 10am – 2 am, Monday through Thursday 11am – 2am, Friday 11am – 3am
Saturday 10am – 3am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 10pm – 2am, Friday and Saturday 10pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018
Protest Hearing Date: November 28, 2018

License No.: ABRA-110630
Licensee: Italiani, LLC
Trade Name: Stellina Pizzeria
License Class: Retailer’s Class “C” Restaurant
Address: 399 Morse Street, N.E.
Contact: Valentino Sole: (201) 240-8695

WARD 5

ANC 5D

SMD 5D01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on October 1, 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 C Restaurant serving Italian cuisine. Seating Capacity of 40, Total Occupancy Load of 60. Sidewalk Cafe with 20 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE OF THE PREMISES AND FOR THE SIDEWALK CAFE

Sunday through Wednesday 11am – 11:30pm, Thursday through Saturday 11am – 12:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: August 3, 2018
Protest Petition Deadline: September 17, 2018
Roll Call Hearing Date: October 1, 2018
Protest Hearing Date: November 28, 2018

License No.: ABRA-110702
Licensee: Empire LLC
Trade Name: TBD
License Class: Retailer's Class "C" Tavern
Address: 1909 9th Street, N.W., Unit 2A
Contact: Adanech Gebremeskel: (240) 491-1145

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on October 1, 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 Tavern offering quick-service Ethiopian foods. Requesting an Entertainment Endorsement to provide live entertainment. Total Occupancy Load of 125 with seating for 125.

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

Sunday through Thursday 10am – 2am, Friday and Saturday 10am – 3am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm – 2am, and Friday and Saturday 6pm – 3am

GOVERNMENT OF THE DISTRICT OF COLUMBIA

DEPARTMENT ON DISABILITY SERVICES

NOTICE OF PUBLIC HEARING

Proposed Policies

Wednesday, August 15, 2018, 10:00 am to 12:00 pm

D.C. Department on Disability Services

250 E Street, SW

Joy Evans Conference Room, First Floor

Washington, DC 20024

Pursuant to the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act, and its implementing federal regulations, the D.C. Department on Disability Services (DDS), Rehabilitation Services Administration (RSA), will hold a public hearing on **Wednesday, August 15, 2018**, to obtain input on the following proposed RSA policies:

- **Transportation**
- **Individualized Plan for Employment**
- **Employment Support Professionals Training**
- **Supported Employment**
- **Due Process**
- **Pre-Employment Transition Services**

During this public hearing, DDS will also seek input on the following proposed policy, which applies across all DDS administrations:

- **Employment Support Professionals Training**

The public will have **30 calendar days** to submit comments on the proposed policies. The policies are available for review in accessible format on the Agency's website at **www.dds.dc.gov**.

The purpose of the hearing is to ensure that recommendations are received from consumers, service providers, advocacy organizations, and other interested individuals on how the agency can better achieve the following:

- Address changes resulting from the implementation of the Workforce Innovation and Opportunity Act;
- Provide information related to transportation as a vocational rehabilitation service;
- Provide information related to Due Process; and
- Provide information on training requirements for employment support professionals.

Additionally, the purpose of the hearing is to ensure that consumers, service providers, advocacy organizations, and other interested individuals have an opportunity to comment on a substantive change the Pre-Employment Transition Services Policy eliminating language stating that Pre-Employment Transition Services are exempt from cost participation.

Persons who wish to testify should contact Ms. Martina Kraemer, not later than 4:45 pm on **August 8, 2018**, and provide the following: name; address; telephone number; organizational affiliation(s); accommodation need(s), if any; and two (2) copies of the proposed testimony. Ms. Kraemer can be reached via email at martina.kraemer@dc.gov or via telephone at (202) 730-1572 or 711 Relay. Testimony shall be no more than ten (10) minutes, depending on the number of persons who wish to testify.

Persons who wish to submit written comments may do so by U.S. Postal Service or by email to:

Martina Kraemer
D.C. Department on Disability Services
Rehabilitation Services Administration
250 E Street, SW, 6th Floor
Washington, DC 20024
DDS.publiccomments@dc.gov

Comments sent via email must be received by 4:45 pm on **September 3, 2018**, and mailed documents must be postmarked by the same date. All questions should be directed to Martina Kraemer at 202-730-1572 or 711 Relay, Monday through Friday, 8:30 am – 4:30 pm or sent to martina.kraemer@dc.gov.

Persons who require accommodations to participate in the public hearing should contact Martina Kraemer **not later than August 8, 2018**. **Requests can be submitted either via email or mail to:**

Martina Kraemer
D.C. Department on Disability Services
Rehabilitation Services Administration
250 E Street, SW, 6th Floor
Washington, DC 20024
martina.kraemer@dc.gov

DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of IDEA Public Charter School's (IDEA PCS) request to adopt the most recent Performance Management Framework as its measure for goals and academic achievement and amend its business rules to include NWEA MAP growth data as part of its accountability measures.

A public hearing will be held on **September 17, 2018** at 6:30 p.m.; a vote will be held on October 15, 2018 at 6:30 p.m. The public is encouraged to comment on this proposal. Comments must be submitted on or before 4 p.m. on September 14, 2018.

How to Submit Public Comment:

1. Submit written comment one of the following ways:
 - a. E-mail: public.comment@dcpsb.org
 - b. Postal mail: Attn: Public Comment, *DC Public Charter School Board, 3333 14th ST. NW., Suite 210, Washington, DC 20010
 - c. Hand Delivery/Courier*: Same as postal address above
2. Sign up to testify in-person at the public hearing on September 17, 2018 to public.comment@dcpsb.org no later than 4 p.m. on September 14, 2018. Each person testifying is given two minutes to present testimony.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, SEPTEMBER 19, 2018
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD SIX

19550
ANC 6C **Appeal of ANC 6C**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on March 31, 2017 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B17006219, to permit the renovation of a one-family dwelling to two separate one-family dwelling units in the RF-1 Zone at premises 1125 7th Street N.E. (Square 886, Lot 35).

WARD SIX

19813
ANC 6C **Appeal of ANC 6C**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on March 27, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1806410, to repair the front stairs and porch and to rebuild the rear stairs of an existing three-unit apartment house in the RF-3 Zone at premises 310 E Street N.E. (Square 779, Lot 54).

WARD FOUR

19804
ANC 4C **Application of 716 Upshur LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion provisions of Subtitle U § 320.2, to construct a three-story rear addition and convert the existing principal dwelling unit to a three-unit apartment house in the RF-1 Zone at premises 716 Upshur Street N.W. (Square 3135, Lot 91).

WARD FOUR

19811
ANC 4C **Application of Columbia Heights Partners LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the density requirements of Subtitle E § 201.4, to permit an existing 17-unit apartment house in the RF-1 Zone at premises 4526 13th Street N.W. (Square 2817, Lot 36).

BZA PUBLIC HEARING NOTICE
SEPTEMBER 19, 2018
PAGE NO. 2

WARD SIX

19817 **Application of Judith LaValle**, pursuant to 11 DCMR Subtitle X, Chapter 9, for
ANC 6B a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition
 requirements of Subtitle E § 205.4, to construct a two-story rear addition to an
 existing principal dwelling unit in the RF-1 Zone at premises 1515 E Street S.E.
 (Square 1076, Lot 17).

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

ለመከተሉ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም መሳተርጎም)

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

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡበት በነጻ ነው።

BZA PUBLIC HEARING NOTICE
SEPTEMBER 19, 2018
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Chinese

您需要有人帮助参加活动吗？

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

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Korean

참여하시는데 도움이 필요하세요?

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Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
LORNA L. JOHN, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, SEPTEMBER 26, 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 ONE

19712 **Application of Newton Park Apartments Condominium Unit Owners**, as
ANC 1A amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception
under the residential conversion regulations of Subtitle U § 320.2, and pursuant to
Subtitle X, Chapter 10, for a variance from the residential conversion
requirements of U § 320.2(d), to allow a three-unit apartment house in the RF-1
Zone at premises 452 Newton Place, N.W. (Square 3036, Lot 89).

WARD ONE

19731 **Application of 1766 Lanier NW, LLC**, pursuant to 11 DCMR Subtitle X,
ANC 1C Chapter 9, for a special exception under Subtitle U § 320.2, to construct a rear
three-story addition and convert an existing residential building into a three-unit
apartment house in the RF-1 Zone at premises 1766 Lanier Place N.W. (Square
2580, Lot 481).

WARD THREE

19751 **Application of MED Developers, LLC**, pursuant to 11 DCMR Subtitle X,
ANC 3C Chapter 9, for special exceptions under the use provisions of Subtitle U §
203.1(f), and under Subtitle C § 703.2 from the minimum parking requirements of
Subtitle C § 701.5, to construct a new continuing care retirement community in
the R-1-B Zone at premises 2619-2623 Wisconsin Avenue N.W. (Square 1935,
Lots 44 and 812).

WARD ONE

19770 **Application of 3554 10th Street LLC**, pursuant to 11 DCMR Subtitle X,
ANC 1A Chapter 9, for a special exception under the residential conversion requirements
of Subtitle U § 320.2, to construct a three-story rear addition to the existing
principal dwelling unit and convert it to a three-unit apartment house in the RF-1
Zone at premises 3554 10th Street N.W. (Square 2832, Lot 52).

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SEPTEMBER 26, 2018

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WARD THREE

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

WARD FIVE

19818
ANC 5D **Appeal of Stephen Cobb**, pursuant to 11 DCMR Subtitle Y § 302, from the decision made on May 18, 2018 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue building permit B1804093, to construct a third floor and a three-story rear addition and convert the existing principal dwelling unit to a flat in the RF-1 Zone at premises 1267 Penn Street N.E. (Square 4060, Lot 233).

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.

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BZA PUBLIC HEARING NOTICE
SEPTEMBER 26, 2018
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Do you need assistance to participate?

Amharic

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FREDERICK L. HILL, CHAIRPERSON

BZA PUBLIC HEARING NOTICE
SEPTEMBER 26, 2018
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**LESYLLEÉ M. WHITE, MEMBER
LORNA L. JOHN, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

TIME AND PLACE: **Thursday, September 27, 2018 @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, NW, Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 18-03 (Dancing Crab Properties, LLC – Consolidated PUD and Related Map Amendment @ Square 1769)

THIS CASE IS OF INTEREST TO ANC 3E

On March 27, 2018, the Office of Zoning received an application from Dancing Crab Properties, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and a Zoning Map amendment from the MU-4 Zone District to the MU-5-B Zone District for the above-referenced property. The subject property consists of approximately 6,955 square feet of land area and is located at 4611-4615 41st Street, NW (Square 1769, Lots 1-2) (the “Property”).

The Office of Planning submitted its report to the Office of Zoning on June 1, 2018, and the application was set down for a public hearing by the Zoning Commission on June 11, 2018. The Applicant filed its prehearing submission with the Commission on July 3, 2018.

The Applicant proposes to redevelop the Property with a mixed-use building containing approximately 34,535 square feet of gross floor area, with a density of 5.04 floor area ratio (“FAR”) and a maximum building height of 80 feet. The project would include 41 residential units, a neighborhood-serving restaurant/bar on the ground floor and in the penthouse, and nine parking spaces. The project will dedicate 12% of the residential gross floor area to Inclusionary Zoning (“IZ”) units, which results in two two-bedroom units that will be reserved for households earning up to 60% of the median family income (“MFI”) and the penthouse habitable space, which results in one one-bedroom unit for a household earning up to 50% of the MFI.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

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

How to participate as a party.

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

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

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

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

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

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

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

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

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

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FINAL RULEMAKING

Anacostia River Special Swimming Events

The Director of the Department of Energy and Environment (DOEE), pursuant to the authority set forth in the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl. & 2017 Supp.)), the Water Pollution Control Act of 1984, effective March 16, 1985 (D.C. Law 5-188; D.C. Official Code §§ 8-103.01 *et seq.* (2013 Repl.)), and Mayor’s Order 2006-61, dated June 14, 2006, hereby gives notice of the adoption of an amendment to Chapter 11 (Water Quality Standards) of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to allow for exceptions to the prohibition of swimming in the District’s portion of the Anacostia River. If granted, exceptions would authorize qualifying swimming events for limited amounts of time if monitoring data demonstrates that the water quality does not pose a threat to human health. The District had previously created this exception for the Potomac River. DOEE is adopting this rulemaking in anticipation of water quality improvements that are expected upon completion of the DC Water’s deep tunnel and sewer diversion facilities that will capture combined sewer overflows and deliver them to DC Water’s Blue Plains Advanced Wastewater Treatment Plant.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 6, 2018 at 65 DCR 3687. DOEE received one comment in support of the rulemaking. No changes have been made from the proposed rulemaking.

These rules were adopted as final on May 14, 2018 and shall become effective on the date of publication of this notice in the *DC Register*.

Chapter 11, WATER QUALITY STANDARDS, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 1108, RIVERS, is amended as follows:

Subsections 1108.2 and 1108.7 are amended by substituting the following:

- 1108.2 The Director may issue a decision that allows a special swimming event in the Potomac or Anacostia River, if:
 - (a) A study conducted by the special swimming event organizer shows that the numeric criteria for Class A listed in § 1104.8 are being attained; and
 - (b) The other provisions of this section have been satisfied.

...

1108.7 The Director shall deny permission to swim in the Potomac or Anacostia River if the results of the study or the Director's independent investigation indicate:

- (a) The water quality standards are not being attained;
- (b) An emergency health hazard caused by a hazardous pollutant or condition has occurred; or
- (c) There may be a health risk from a known pollution source, including:
 - (1) Combined sewer overflow;
 - (2) Failing sewer infrastructure;
 - (3) Chemical release; or
 - (4) Wastewater treatment discharge.

DEPARTMENT OF ENERGY & ENVIRONMENT

NOTICE OF PROPOSED RULEMAKING

Food Service Ware Infractions

The Director of the Department of Energy and Environment (DOEE), in accordance with the authority set forth in the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.04 (2012 Repl.)); the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code §§ 8-151.01 *et seq.* (2013 Repl.)); the Sustainable D.C. Omnibus Amendment Act of 2014, effective December 11, 2014 (D.C. Law 20-385; D.C. Official Code §§ 8-1531 *et seq.* (2015 Supp.)); Mayor’s Order 2006-61, Section 29, dated June 14, 2006; and Mayor’s Order 2015-069, dated February 4, 2015, hereby gives notice of the intent to adopt the proposed amendments to Chapter 40 (Department of the Environment (DDOE) Infractions), of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking establishes a schedule of civil infractions for violation of the District’s prohibition on food service products that are not recyclable or compostable. *See* 21 DCMR § 2302.

The proposed rules will be submitted to the Council of the District of Columbia for review and approval, in accordance with D.C. Official Code § 2-1801.04. The rules will become final after Council approval, or thirty (30) days after submission, if the Council has not earlier disapproved the proposed rules, and following publication of the final rules in the *D.C. Register*.

Chapter 40, DEPARTMENT OF THE ENVIRONMENT (DDOE) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Section 4011, FOOD SERVICE WARE INFRACTIONS, is amended to read as follows:

4011 FOOD SERVICE WARE INFRACTIONS

4011.1 [RESERVED]

4011.2 [RESERVED]

4011.3 [RESERVED]

4011.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 21 DCMR § 2301.1 (selling or providing food or beverage in expanded polystyrene food service products).

- (b) 21 DCMR § 2302.1 (selling or providing food or beverage in products which are not recyclable or compostable).

All persons desiring to comment on the proposed regulations should file comments in writing no later than thirty (30) days after the publication of this notice in the *D.C. Register*. Comments should identify the commenter and be clearly marked “DOEE Recyclable-Compostable Proposed SOF Comments.” Comments may be (1) mailed or hand-delivered to DOEE, 1200 First Street N.E., 5th Floor., Washington, D.C. 20002, Attention: DOEE Recyclable-Compostable SOF Regulations, or (2) sent by e-mail to DOEE.FoamRegulations@dc.gov, with the subject indicated as “DOEE Recyclable-Compostable Proposed SOF Comments.” Questions may be directed to the contact information above.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**Z.C. Case No. 08-06P****(Text Amendment – 11 DCMR)****Minor Modification to Z.C. Order 08-06A to Clarify Language, Make Language Consistent Within Existing Text and Between Subtitles and Chapters, and Correct Typographical Errors and Number Citations**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2012 Rep1.)), hereby gives notice of its intent to amend Subtitle C (General Rules), Subtitle J (Production, Distribution, and Repair (PDR) Zones), Subtitle K (Special Purpose Zones), Subtitle U (Use Permissions), Subtitle X (General Procedures) and Subtitle Y (Board of Zoning Adjustment Rules of Practice and Procedure) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR), to make minor modifications to amendments made by Z.C. Order No. 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that became effective on September 6, 2016.

Generally, the proposed minor modifications would clarify language, make language consistent within existing text and between subtitles and chapters, correct spelling and typographical errors, and correct number citations to make references consistent throughout the regulations. The only proposed minor modification of a more substantive nature is the proposed clarification language for Subtitle X § 303.2. The current text of that provision could be read as permitting the aggregation of floor are ratio (FAR) within a PUD site only if multiple zones were included. The proposed language aligns with the corresponding provision in the Zoning Regulations of 1958, which allowed FAR to be aggregated across a PUD site, but indicated how to compute the FAR if more than one zone was included.

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

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

Chapter 7, VEHICLE PARKING, of Title 11-C DCMR, GENERAL RULES, is amended as follows:

Paragraph (b)(1) of § 710.2 of § 710, LOCATION RESTRICTIONS, is amended as follows:

710.2 Vehicle parking spaces shall be located:
 ...¹

(b) On an open area of the lot, except:

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

(1) Between a building restriction and a front lot ~~line~~ line;

...

Chapter 4, SPECIAL EXCEPTION, of Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended as follows:

Subsection 400.1 of § 400, GENERAL PROVISIONS, is amended as follows:

400.1 Exceptions to the development standards of this ~~chapter~~ subtitle shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9.

Subtitle K, SPECIAL PURPOSE ZONES, is amended as follows:

Chapter 3, UNION STATION NORTH ZONE - USN, is amended as follows:

Subsection 305.2 of § 305, HEIGHT (USN), is amended as follows:

305.2 The measurement of building height shall be taken from the elevation of the sidewalk on H Street at the middle of the front of the building, to the highest point of the roof or parapet rather than from grade as would otherwise be required by Subtitle ~~CB~~, Chapter ~~53~~.

Chapter 5, CAPITOL GATEWAY ZONES - CG-1 THROUGH CG-7, is amended as follows:

Subsection 505.10 of § 505, DEVELOPMENT STANDARDS (CG-5), is amended as follows:

505.10 In the case of an alteration affecting the amount of light and ventilation required in an existing building in an R, RF, or RA zone by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in Subtitle K § 505.~~89~~.

Paragraph (c) of § 509.1 of § 509, USE REQUIREMENTS FOR DESIGNATED STREETS (CG), is amended as follows:

509.1 Preferred use requirements shall apply only to the following designated streets:

...

(c) First Street, ~~S-W~~ S.E.

Paragraph (b) of § 510.1 of § 510, DESIGN REQUIREMENTS FOR DESIGNATED STREETS (CG), is amended as follows:

510.1 The following design requirements shall apply to the portion of a building or structure with frontage on designated streets as noted:

...

(b) South Capitol Street:

(1) Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than fifteen feet (15 ft.), with the exception of a:

(A) Buildings within Squares ~~649 and~~ 651; and

(B) Replacement of an existing row dwelling; or

(C) Vertical addition to an existing row dwelling, not extending out into the South Capitol Street right-of-way and not exceeding fifty percent (50%) of the gross floor area of the original row dwelling;

(2) A minimum of sixty percent (60%) of the street-wall shall be constructed on the setback line, with the exception of:

(A) Buildings within Squares ~~649 and~~ 651 where a minimum of sixty percent (60%) of the street-wall shall be constructed to the South Capitol Street property line; and

...

Paragraph (d) of § 512.3 of § 512, ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES (CG), is amended as follows:

512.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle X and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the proposed building or structure, including the sitting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

...

(d) Help achieve the objectives of the Capitol Gateway defined in Subtitle K § 500.1,

...

Subtitle U, USE PERMISSIONS, is amended as follows:

Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Subsection 251.6 of § 251, HOME OCCUPATION USES (R), is amended as follows:

251.6 A home occupation that is ~~not~~**neither** permitted ~~or~~ is **nor** prohibited in this chapter may be permitted as a special exception by the Board of Zoning Adjustment under Subtitle X, subject to the following conditions:

...

Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, is amended as follows:

Subsection 320.2 of § 320, SPECIAL EXCEPTION USES (RF), is amended as follows:

320.2 Conversion of an existing residential building existing **on the lot** prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:

...

Chapter 7, USE PERMISSIONS MIXED-USE UPTOWN ARTS (ARTS) AND DOWNTOWN (D) ZONES, is amended as follows:

Subsection 700.2 of § 700, MATTER-OF-RIGHT USES (ARTS AND D), is amended as follows:

700.2 In the ARTS-1 and ARTS-2 zones, **the** arts uses of this chapter shall be permitted as a matter of right in addition to the MU-Use Group E standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.

Subtitle X, GENERAL PROCEDURES, is amended as follows:

Chapter 1, CAMPUS PLANS, SCHOOL PLANS, AND MEDICAL CAMPUS PLANS, is amended as follows:

Subsection 101.1 of § 101, CAMPUS PLANS, is amended as follows:

101.1 Education use by a college or university shall be permitted as a special exception subject to review and approval by the Zoning Commission **under Subtitle X, Chapter 9** after its determination that the use meets the applicable standards and conditions of this chapter.

Chapter 3, PLANNED UNIT DEVELOPMENTS, is amended as follows:

Subsection 303.2 of § 303, PLANNED UNIT DEVELOPMENT FLEXIBILITY, is amended as follows:

303.2 ~~If the PUD includes more than one (1) zone district, †~~ The FAR of all buildings shall not exceed the aggregate of the FARs as permitted in the several zone **or zones** districts included within the PUD **boundary, as that may be increased by X § 303.3** area.

Paragraph (i) of § 305.5 of § 305, PLANNED UNIT DEVELOPMENT PUBLIC BENEFITS, is amended as follows:

305.5 Public benefits of the proposed PUD may be exhibited and documented in any of the following or additional categories:
...
(i) Social services and facilities for the duration of the PUD, including, but not limited to, space dedicated for a day care or elderly care facility, ~~for the duration of the PUD.~~ The day care must be available to the general public and open during normal business hours at least five (5) days each week and fifty (50) weeks each calendar year. The space for each child shall be based on the requirement outlined in the Child Development Facilities Regulations;
...

Chapter 6, DESIGN REVIEW, is amended as follows:

Subsections 601.1 and 601.2 of § 601, APPLICABILITY, are amended as follows:

601.1 ~~In certain zones, some or all development may require design review. The zone reference table for the subtitle will reference any conditions under which design review is required.~~ Except for Subtitle I, this chapter applies to any instance when the Zoning Regulations require Zoning Commission review of any building, structure, or use other than a campus plan. Such a review shall hereinafter be referred to as a “Non-Voluntary Design Review.”

601.2 As to all zones, this chapter also applies when ~~Where not required, a property owner may apply voluntarily for~~ voluntarily seeks design review development, which shall hereinafter be referred to as a “Voluntary Design Review.”

Subsection 604.1 of § 604, DESIGN REVIEW STANDARDS, is amended as follows:

604.1 The Zoning Commission will evaluate and approve or disapprove a design review application subject to this chapter according to the standards of this section and ~~if applicable to the zone, standards set forth in Subtitle K~~ for Non-Voluntary Design Reviews subject to this chapter according to the standards stated in the provisions that require Zoning Commission review.

Chapter 10, VARIANCES, is amended as follows:

Paragraph (f) of § 1001.3 of § 1001, VARIANCE TYPES, is amended as follows:

1001.3 Examples of area variances are requests to deviate from:

...

- (f) Preconditions to the establishment of a matter-of-right use including, but not limited to, the minimum land area requirement of Subtitle ~~E-§ 600.3~~ § 301.2(c) applicable to the conversion of a building to an apartment house as permitted by Subtitle ~~E-§ 600.1~~ § 301.2; provided, that the waiver would not cause the proposed use to meet the definition of a more intense use.

Chapter 3, APPLICATION REQUIREMENTS, of Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended as follows:

Section 301, CHANCERY APPLICATION REQUIREMENTS, is amended as follows:

Paragraph (c) of § 301.6 is amended as follows:

301.6 If the application is for a location in a low- to medium-density residence zone, a written statement by the applicant attesting to:

...

- (c) A copy of each certificate of occupancy referenced in Subtitle ~~X-§ 204.6(b)~~ Y § 301.6(b).

Subsection 301.10 is amended as follows:

301.10 Except as provided in Subtitle ~~X-§ 204.12~~ Y § 301.13, all statements, information, briefs, reports (including reports and statements of experts and other witnesses), plans, photographs, or other exhibits that the applicant may wish to offer in evidence at the public hearing shall be filed at the time of filing the application.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than fourteen (14) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to zcsubmissions@dc.gov; or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by email at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The State Superintendent of Education, pursuant to the authority set forth in Section 113 of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code §§ 38-2661.31 *et seq.*) (“Athletics Act”); and Mayor’s Order 2017-293, dated November 8, 2017, hereby gives notice of her adoption, on an emergency basis, of a new Chapter 27 (Interscholastic Athletics) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (“DCMR”), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this emergency and proposed rulemaking is to align the District’s interscholastic athletics regulations with the governance structure recently established in the Athletics Act.

This emergency rulemaking is necessary to ensure the health, safety and welfare of District students before the new school year and athletic seasons begin. The District of Columbia State Athletic Commission reviewed and approved these emergency and proposed rules on June 18, 2018.

This emergency rulemaking was adopted on June 1, 2018 and became effective on that date. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on October 1, 2018, or upon earlier amendment or repeal by the State Superintendent of Education or publication of a final rulemaking in the *D.C. Register*, whichever occurs first.

The State Superintendent of Education also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 27, INTERSCHOLASTIC ATHLETICS, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended in its entirety to read as follows:

CHAPTER 27 INTERSCHOLASTIC ATHLETICS**2700 GENERAL PROVISIONS****2701 STATE ATHLETIC ASSOCIATION: DUTIES****2702 MEMBER SCHOOLS****2703 MEMBER SCHOOL: CERTIFICATION OF ELIGIBILITY****2704 STUDENT ELIGIBILITY TO PARTICIPATE****2705 STUDENT ELIGIBILITY TO PARTICIPATE: INTERNATIONAL STUDENT****2706 STUDENT ELIGIBILITY TO PARTICIPATE: DESIRED SPORT AT OTHER SCHOOL****2707 STUDENT ELIGIBILITY TO PARTICIPATE: TRANSFERS**

- 2708 STUDENT INELIGIBILITY TO PARTICIPATE**
- 2709 WAIVER OF STUDENT ELIGIBILITY REQUIREMENTS**
- 2710 COMPLAINTS OR CHALLENGES PROCEDURES**
- 2711 STATE ATHLETIC COMMISSION: ATHLETICS APPEALS PANEL**
- 2712 ALL-STAR CONTESTS**
- 2713 MEMBER SCHOOL AND LEA REGULATIONS**
- 2799 DEFINITIONS**

2700 GENERAL PROVISIONS

- 2700.1 The purpose of this chapter is to establish standards, procedures and requirements for the following:
 - (a) The operation and governance of the District of Columbia State Athletic Commission (DCSAC);
 - (b) The operation of the District of Columbia State Athletic Association (DCSAA); and
 - (c) Student eligibility and participation in interscholastic athletic programs and competitions.

2701 STATE ATHLETIC ASSOCIATION: DUTIES

- 2701.1 The DCSAA shall interpret to enforce and implement the provisions set forth in the Act, this chapter and the DCSAA Handbook.
- 2701.2 The DCSAA shall update and publish the DCSAA Handbook annually, including an update of all sanctioned sports and/or activities.
- 2701.3 DCSAA shall establish policies addressing probationary actions based on determinations of ineligibility in accordance with this chapter. The member school shall provide copies of their athletic policies and guidelines to DCSAA no later than August 1 of each school year.
- 2701.4 DCSAA may challenge the member’s schools eligibility determination in accordance with § 2702.
- 2701.5 DCSAA may request any documentation maintained by a member school and/or Local Education Agency (LEA) to verify a member school’s compliance with the Act, this chapter and the DCSAA Handbook.

2702 MEMBER SCHOOLS

- 2702.1 Each District of Columbia Public School with an interscholastic athletics program serving grades 9 to 12 shall be a member of the DCSAA.

- 2702.2 Any secondary school located within the boundaries of the District of Columbia containing grades 9 through 12, or any grouping of such grade levels including nonpublic, private, public and public charter schools may voluntarily become a member school of the DCSAA.
- 2702.3 Each member school shall:
- (a) Be subject to the DCSAA membership standards as set forth in this chapter or in the DCSAA Handbook;
 - (b) Ensure that students with disabilities consistently have appropriate opportunities to participate in extracurricular athletic activities;
 - (c) Annually publish their schedules for interscholastic competition;
 - (d) Provide additional football accident insurance to enrolled students participating on football team;
 - (e) Prior to the first official contest of each sport, establish and maintain a record of a student's eligibility for each school year of a student's participation on a junior varsity or varsity team for the duration of the student's enrollment in the school, unless otherwise provided for in federal or local law; and
 - (f) By June 1 of each year preceding the next school year, submit a membership application and declaration form, in the manner provided by DCSAA, that includes:
 - (1) Affirmation of the obligations of membership;
 - (2) Demonstrated compliance with the Act, this chapter and the Handbook; and
 - (3) Declaration of the sports in which they will compete for any District of Columbia State Championships.
- 2702.4 Each member school shall ensure all coaches, officials and other personnel, including volunteers engaged with students participating in interscholastic athletic programs at a member school biannually obtain a required background check and demonstrate expertise with regard to a respective sport, applicable rules, safety and first aid standards. Officials shall submit background clearances direct to DCSAA and Coaches shall submit background clearances to their member school.
- 2702.5 All high school coaches coaching interscholastic athletics at a DCSAA member school shall meet the coaching certification requirements set forth in the DCSAA

handbook and all high school officials officiating interscholastic athletic contests at a DCSAA member school shall meet the certification requirements set forth in the DCSAA handbook. Certifications are good for two (2) years from the date of issuance and shall be submitted to the member school.

- 2702.6 A member school shall not exclude a student from participation in interscholastic athletics, deny the benefits of, treat differently from other students, or otherwise unlawfully discriminate against based on, 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, status as a victim of an intra-family offense, or place of residence or business.
- 2702.7 A member school shall limit a high school varsity team to eligible students enrolled in that member school in grades nine (9), ten (10), eleven (11), and twelve (12), except as provided in § 2706.
- 2702.8 A member school shall limit a high school junior varsity team to eligible students enrolled in that high school in grades nine (9), ten (10), and eleven (11), except as provided in § 2706.
- 2702.9 Notwithstanding § 2702.6, a member school may operate a separate sports team for members of each sex, provided that the selection for such team is based upon competitive skill or the activity involved is a contact sport, as described in the DCSAA Handbook.
- 2702.10 Notwithstanding § 2702.6, a member school may operate a sports team for members of a single sex, so long as the member school operates a sports team for an underrepresented sex when there is sufficient interest to maintain a team. In the event there is insufficient interest, the member shall allow members of the underrepresented sex to try out for existing teams and qualify based on appropriate skill level, safety, and other standards for participation on such team.
- 2702.11 LEAs' or member schools that receive federal funding and maintain athletic programs in the District shall designate at least one (1) employee for purposes of athletics to coordinate with the LEAs' or member schools Title IX (20 USC §§ 1681 – 1688) coordinator, to ensure that the requirements of Title IX are met regarding athletics.
- 2702.12 Representatives of member schools shall not engage in any activity seeking to influence a student to transfer from one (1) member school to another for the purpose of participating in interscholastic athletics.

2703 MEMBER SCHOOL: CERTIFICATION OF ELIGIBILITY

- 2703.1 A member school shall make the initial determination of a student's eligibility to participate in interscholastic athletics and certify eligibility status for all enrolled and participating students as set forth in this section.
- 2703.2 Before the first official contest for each team sport:
- (a) The member school's principal shall determine the eligibility of the students participating in interscholastic athletics in accordance with this chapter and submit a master eligibility roster by sport to the LEA and/or school athletic director at least fourteen (14) days before the date of the first official contest for each team; and
 - (b) The LEA and/or school athletic director shall submit each eligibility roster to the DCSAA at least seven (7) days before the date of the first official contest for each team.
- 2703.3 After the first official contest for each team sport:
- (a) The member school's principal may submit a supplemental eligibility list to the LEA and/or school athletic director up to fourteen (14) days after the first official contest;
 - (b) The LEA and/or school athletic director shall submit each supplemental eligibility list to the DCSAA within seven (7) days of receipt; and
 - (c) Students on a supplemental eligibility roster may not participate in an official contest without prior written approval of the member school's principal and athletic director.
- 2703.4 An eligibility roster shall contain the following information:
- (a) Full name of Eligible Athlete (Last, First, MI);
 - (b) Address of Residence (Street, City, State);
 - (c) Age and Date of Birth;
 - (d) Date of First Entry Into Ninth (9th) Grade (Month and Year);
 - (e) Name of School Where Student First Entered Ninth (9th) Grade; and
 - (f) Identify if the student is a transfer student.

- 2703.5 The information provided on an eligibility roster shall be considered “directory information” in accordance with 34 CFR § 99.31(a)(11). The member school shall provide this information to the DCSAA unless the parent(s) and the adult student has opted out of allowing directory information disclosure and refuses to sign a consent authorizing disclosure for this specific purpose.
- 2703.6 If a member school is not authorized to disclose the above information on the eligibility roster, the applicable student shall not be certified as eligible to participate in a DCSAA-sanctioned sport or activity.
- 2703.7 The DCSAA shall review the certified eligibility rosters to ensure compliance with the Act, this chapter, the DCSAA Handbook and membership standards.
- 2703.8 The DCSAA may request the member school provide supporting documentation to verify the certification if the DCSAA reasonably concludes that additional information is needed.
- 2703.9 The DCSAA may refer the member school’s certification of a student’s eligibility to the DCSAC AAP if the member school or LEA fails to provide the results or the requested supporting documentation used to make an eligibility determination.

2704 STUDENT ELIGIBILITY TO PARTICIPATE

- 2704.1 Requirements for students to be eligible to participate in interscholastic athletics at a member school shall be applied uniformly to all member schools and amongst all students participating or seeking to participate in interscholastic athletics at a member school.
- 2704.2 Any information in regard to any aspect of student eligibility that is provided by the student, the parent(s), or the member school shall be accurate and complete.
- 2704.3 In order to establish eligibility to participate in interscholastic athletics at a member school, a student shall:
- (a) Be enrolled within the first twenty (20) calendar days of a semester in the school where he or she wishes to participate in interscholastic athletics, unless the student-athlete is a transfer student-athlete;
 - (b) Meet the requirements set forth in this subsection regarding:
 - (1) Age, semester and grade level;
 - (2) Residency;
 - (3) Academics;

(4) Health and fitness; and

(5) Attendance;

(c) Provide written authorization to participate for each team that he or she wishes to participate on, and the authorization shall contain the signature of the parent(s) or adult student; and

(d) Comply with any other eligibility requirements set forth in this chapter.

2704.4

In order to be eligible to participate in a DCSAA sanctioned sport and/or activity, a student shall meet the following age, semester and grade level requirements:

(a) A student who turns nineteen (19) years old on or before August 1 shall not be eligible to participate in interscholastic athletics in the upcoming school year;

(b) A student shall be eligible to participate in regular season, playoff, or championship interscholastic athletic contests for no more than eight (8) semesters following initial enrollment in the ninth grade. Completion of a summer school program shall not be counted as a semester of attendance; and

(c) The student shall not have graduated from high school, provided that an eligible student whose graduation exercises are held before the end of the school year may continue to participate in interscholastic athletics until the end of that school year; and

(d) A student who needs fewer than two (2) credits to graduate from twelfth (12th) grade and who transferred to a high school within the preceding twelve (12) months is prohibited from participation in any interscholastic athletic activity for the duration of the student's enrollment at that school.

2704.5

In order to be eligible to participate in interscholastic athletics at a member school, a student shall meet the following residency requirements:

(a) If the student is attending a District of Columbia public school or District of Columbia public charter school, or other school or educational program with funding provided by the District of Columbia, free of charge, the student shall establish *bona fide* residency in the District of Columbia pursuant to the requirements set forth in Chapter 50 of Subtitle 5-A in the DCMR (5-A DCMR §§ 5000 *et seq.*) unless the student is a valid non-resident; or

(b) If the student is a non-resident, the non-resident student is either:

- (1) Validly enrolled in a District of Columbia public school, District of Columbia public charter school, or other school or educational program with funding provided by the District of Columbia consistent with the requirements set forth in Chapter 50 of Subtitle 5-A in the DCMR (5-A DCMR §§ 5000 *et seq.*) and has paid or is current in payment of his or her nonresident tuition fee; or
- (2) Enrolled in a private, independent or parochial member school.

2704.6 In order to be eligible to participate in a DCSAA sanctioned sport and/or activity, a student shall meet the following academic requirements:

- (a) A student shall maintain a 2.0 grade point average (GPA) per marking period as officially calculated by the member school in order to retain athletic eligibility;
- (b) For those member schools which do not calculate a GPA, the principal and/or head of such member school shall submit a certification stating that the school does not calculate GPAs and that all students participating in a DCSAA sanctioned sport have a minimum equivalence of a 2.0 GPA and are in good academic standing as consistent with § 2704.6(a); and
- (c) A student who needs fewer than two (2) credits to graduate from twelfth (12th) grade and who transferred to a high school within the preceding twelve (12) months is prohibited from participation in any interscholastic athletic activity for the duration of the student's enrollment at that school.

2704.7 In order to be eligible to participate in a DCSAA sanctioned sport and/or activity, a student shall meet the following requirements regarding health and fitness:

- (a) A student shall provide a medical certification confirming that the student has been examined and is physically fit for the sport in which the student seeks to participate;
- (b) A student shall be covered by appropriate accident insurance, obtained either by his member school or his or her parent, and approved by his or her member school, during each season the student participates within the time specified by the member school;
- (c) Appropriate notice of the coverage and cost of the accident insurance obtained by his or her member school shall be provided annually to the parent or adult student;

2704.8 In order to be eligible to participate in a DCSAA sanctioned sport and/or activity, a student shall meet the following attendance requirements:

- (a) A student shall be present in school the day of to participate in any tryout, practice, game or match, unless they have an excused absence; and
- (b) A student shall maintain compliance with state attendance regulations and shall maintain eighty-five percent (85%) attendance per marking period in order to maintain eligibility.

2704.9 In order to maintain eligibility to participate in interscholastic athletics at a member school, a student shall maintain compliance with the requirements set forth in § 2704.3 to establish eligibility and:

- (a) Participate only under the name by which he or she is registered in the school he or she is enrolled;
- (b) Represent only one (1) school in the same sport during a school year;
- (c) Not participate in in junior varsity competition if the student participated in varsity competition in the same sport during the same school year;
- (d) Not participate in the same individual or team sport outside of school, or with a team, an organized league, tournament meet, match or contest between the first (1st) and last scheduled contest of the school team during the season of the sport; provided, that a student who is selected to represent the United States in international amateur competition shall not become ineligible in school competitions for participating in qualifying trials. The following sports shall be exempted from the restrictions of this requirement: Baseball; Bowling; Competitive Cheer; Crew; Cross Country; Field Hockey; Golf; Gymnastics; Lacrosse; Rugby; Soccer; Softball; Squash; Swimming; Tennis; Track & Field; Ultimate Frisbee; Volleyball; and Wrestling
- (e) Preserve amateur standing by engaging in sports only for the physical, educational, and social benefits derived from sports and by not accepting, directly or indirectly, a remuneration, gift, or donation based on his or her participation in a sport other than those approved or waived by the DCSAA.

2704.10 Notwithstanding the provisions in §§ 2704.3 to 2704.9, a student that is granted a hardship waiver by the DCSAA shall be eligible to eligible to participate in interscholastic athletics at a member school.

2705 STUDENT ELIGIBILITY TO PARTICIPATE: INTERNATIONAL STUDENT

- 2705.1 An international student participating in a foreign exchange program shall be considered immediately eligible for a maximum period of one (1) calendar school year if the student:
- (a) Has not completed the country of origin's secondary school program;
 - (b) Meets all other eligibility requirements of this section;
 - (c) Has been randomly assigned to his or her host parents and school and neither the school the student attends nor any person associated with the school has had input in the selection of the student and no member of the school's coaching staff, paid or voluntary, serves as the resident family of the student;
 - (d) Possesses a current J-1 visa issued by the U.S. State Department; and
 - (e) Is attending school under a foreign exchange program on the current Advisory List of International Educational Travel and Exchange Programs published by the Council on Standards for International Education Travel and such program assigns students to schools by a method which ensures that no student, school, or other interested party may influence the assignment
- 2705.2 An international student not participating in a foreign exchange program shall be treated as all other students who transfer schools;

2706 STUDENT ELIGIBILITY TO PARTICIPATE: DESIRED SPORT AT OTHER SCHOOL

- 2706.1 Students in grade nine (9), ten (10), eleven (11), or twelve (12) attending a member school in which a desired sport is not offered, may request authorization to participate from the athletic director at any member school offering the desired sport.
- 2706.2 Under this section, the student's selected school will serve as their school of choice for athletic participation in the specified sport, which is not offered at their school of enrollment. If the student seeks to participate in the specified sport at a different member school, they will be bound by the transfer provisions set forth in § 2707.
- 2706.3 Students who are not enrolled in a member school but home schooled pursuant to 5-A DCMR §§ 5200 *et seq.* may participate in interscholastic athletics at a member school if:

- (a) The principal and the athletic director of the member school provides the student with written authorization to participate in the desired sport; and
- (b) The student requests and is granted a waiver of student eligibility requirements as set forth in this chapter.

2706.4 Students under this section seeking to participate at another school may only participate if it is allowed in the written policy of the member school in which the student seeks to participate, and the student meets the eligibility requirements of the DCSAA and/or member school. A member school may require actual costs associated with a student's participation and the sending school may be required to provide funding for the costs.

2707 STUDENT ELIGIBILITY TO PARTICIPATE: TRANSFERS

2707.1 A student who transfers enrollment from any school, including a member school, to any member school in grades nine (9), ten (10), eleven (11), or twelve (12) is ineligible to participate in interscholastic athletics unless he or she meets one (1) of the following exceptions:

- (a) A student in grade nine (9) may transfer one (1) time during that school year without loss of eligibility. They shall be eligible immediately upon registration provided they meet all other DCSAA eligibility requirements. However a student shall not participate in a contest at the varsity level for two different schools in the same sport during the same school year. A student is considered a ninth (9th) grader until the first day of school of their tenth (10th) grade year;
- (b) A student attending a member school has a valid change of address, as defined in this chapter;
- (c) The transfer is caused by court action, court action being an order from a court of law affecting legally committed students. In the case of a transfer of guardianship or custody, the transfer shall be the result of a court order signed by a judge, commissioner, or master of a court of competent jurisdiction. A petition for the transfer of guardianship or custody, an affidavit, or a notarized statement signed by the affected parties shall not be sufficient to render the student eligible to participate in interscholastic athletics. For purposes of eligibility, a child placed within CFSA custody is eligible to participate in interscholastic athletics immediately at the school they attend;
- (d) A student who registers on the basis of a petition for the transfer of guardianship is not eligible to compete until the custodial legal guardian has provided the aforementioned required documentation or has received a

signed court order designating them as the student’s custodial legal guardian.

- (e) If the student is in their second, third or fourth year of eligibility and the transfer is a result of a seat opening in the receiving school if the student had previously applied to the school and had been rejected due to a lack of capacity or a result of admission via the DC school based lottery. For this exception to apply, the receiving school shall have appropriate documentation including: a dated and school stamped student application from a previous school year; a letter in response to the application notifying the student that they were not accepted; and a letter dated after the start of the school year offering the student a seat in the receiving school or a notification of admission from the lottery school.
- (f) Transfer because of promotion or administrative assignment to the ninth (9th) grade from a school whose terminal point is the eighth (8th) grade, or to the tenth (10th) grade from a junior high school whose terminal point is the ninth (9th) grade, shall not constitute a transfer. Students so promoted or administratively assigned shall be eligible.
- (g) The sending school dropping their entire athletic program. Dropping their athletic program is defined as the school discontinuing all of their interscholastic athletics sports programs;
- (h) The closure of the sending school;
- (i) The sending school discontinuing a single sport at the varsity level;
- (j) The student has special needs, as identified by the Individualized Education Program (IEP) or Section 504 Plan, and is transferred to another public school for the delivery of a free appropriate public education;
- (k) A transfer is the result of the student’s being homeless as defined by OSSE, except if the student’s homeless status is shown to have been created by the student or his/her family for the primary reason of eligibility in interscholastic athletics;
- (l) The transfer is a result of a student exercising transfer options (*i.e.*, persistently dangerous schools (5-E DCMR § 3805) or victim of a violent crime (5-E DCMR § 3809)) mandated by D.C. law.
- (m) The student is a qualified foreign exchange student under § 2701.5 or an international student residing in the District with his or her parent(s).

2707.2

A student who has not previously participated in the sport for which they are interested in competing; who is released by a proper school authority from a

sending school; and has completed the registration process at the receiving school shall be eligible forty-five (45) days after the date on the signed enrollment forms, provided they meet all other DCSAA eligibility requirements. The receiving school shall submit, to DCSAA, an electronic or signed statement from the athletic director of the sending school that states the student did not participate in the specific sport the preceding year in which they wish to participate.

- 2707.3 The student-athlete may submit a Student-Athlete Transfer release form which shall be signed by the parent, the athletic director and principal of the sending school and the athletic director and principal of the receiving school stating that the transfer is for non-athletic purposes in support of their transfer request.

2708 STUDENT INELIGIBILITY TO PARTICIPATE

- 2708.1 A student who is ineligible to participate in interscholastic athletics is prohibited from playing with a DCSAA member school team during the period of such ineligibility.
- 2708.2 A student who participates in interscholastic athletics and is found ineligible to participate is prohibited for one (1) calendar year from the date of the finding of ineligibility. Additionally, in order to be considered for eligibility when the calendar year has passed, the student shall show that all of the eligibility requirements are satisfied.
- 2708.3 The period of ineligibility for students that transfer absent an exception shall be one (1) calendar year commencing with the first (1st) day of official attendance in the receiving school.
- 2708.4 A student who is ineligible to participate in interscholastic athletics at the time of transfer from one (1) school to another, for any reason other than failing to meet the requirements of this chapter, shall not be considered for eligibility at the receiving school until one (1) full calendar year has passed from the date it was determined that the student was ineligible.
- 2708.5 Any member school carrying an ineligible student as a member of the team shall forfeit each contest played by such student.
- 2708.6 If any forfeiture creates a tie among teams participating in a DCSAA tournament and/or championship contest, a coin toss as mutually agreed by the member school ADs shall determine the requisite order.
- 2708.7 A member school including, without limitation, a coach, trainer, or volunteer assisting in athletics, who knows, or should have known, that an ineligible student is participating or has participated in an interscholastic athletic program or contest, shall be subject to probation, suspension or disqualification from participating in any DCSAA sanctioned sport or activity.

2708.8 If a member school, LEA or the DCSAA takes any action pursuant to § 2708.7. The member school or LEA shall electronically submit the action to the DCSAC for review by the DCSAC AAP no later than five (5) calendar days after the date of such action. The DCSAC AAP within five (5) calendar days will conduct a review and determine if the violation merits any additional probation, suspension or disqualification from any DCSAA sanctioned sport or activity. Any additional action taken by the DCSAC AAP will be issued via a written decision.

2709 WAIVER OF STUDENT ELIGIBILITY REQUIREMENTS

2709.1 The DCSAA may grant a student a waiver of any of the student eligibility requirements set forth in this chapter, subject to the following:

- (a) A request for a waiver of the age requirement in § 2704.4 shall only be considered for participation in non-contact or non-collision sports; and
- (b) A request for a waiver is due to hardship, as defined in this chapter, the parent(s) shall provide supporting documentation to DCSAA.

2709.2 Waiver requests should be filed promptly when it becomes apparent to the student-athlete, principal, and head of school or other affected party that a waiver will be required.

2709.3 In order to request a waiver, the student or a member school and/or LEA on behalf of the student, shall submit a request that includes the following:

- (a) A member school signed statement of support or nonsupport by the principal/head of school;
- (b) Signature of the member school and/or LEA athletic director and parent(s);
- (c) Any necessary supporting documentation.

2709.4 Once the request is submitted to DCSAA and the DCSAA has confirmed receipt, the DCSAA shall issue a written decision to grant or deny a request for a waiver within five (5) school days.

2709.5 The DCSAA may request further supporting documentation necessary to make a determination to grant or deny the waiver request.

2709.6 Failure to provide all required and signed documentation to the DCSAA may render a waiver request as being incomplete and subject to immediate denial.

2709.7 The decision to grant or deny a request for a waiver may be appealed to the DCSAC AAP in the manner set forth in § 2711.

2709.8 If a decision is not appealed to the DCSAC AAP within five (5) business days, the decision to deny or grant a request for a waiver shall be final. If a student's circumstances have altered, the student shall submit a new waiver request.

2710 COMPLAINTS OR CHALLENGES PROCEDURES

2710.1 The DCSAA shall hear and decide complaints or challenges:

- (a) Related to its membership standards;
- (b) Arising under the DCSAA handbook; or
- (c) Related to participant eligibility arising between a DCPS and non-DCPS member school participating in a DCSAA-sanctioned competition or arising between a member school and non-member school participating in a DCSAA-sanctioned competition.

2710.2 Any complaints or challenges shall be submitted to the DCSAA in writing as follows:

- (a) A challenge of a student's eligibility shall be presented in writing and signed by the submitting party, addressed to the appropriate school and/or LEA authority where the student is enrolled and hand delivered or sent electronically to the appropriate member school and/or LEA and to the DCSAA; and
- (b) Any other complaint or challenge shall include any necessary supporting documentation.

2710.3 Once the written complaint or challenge is submitted to DCSAA and the DCSAA has confirmed receipt, the member school and/or LEA shall provide a written report with supporting documentation of its decision to the DCSAA and to the party submitting the challenge within five (5) school days.

2710.4 The DCSAA may request further supporting documentation necessary to make findings or issue a decision regarding a complaint or challenge. Parties shall comply with DCSAA requests for information related to the allegations in the complaint or challenge.

2710.5 Failure to provide all required and signed documentation to the DCSAA may render a complaint or challenge as being incomplete and subject to immediate denial or unfavorable decision.

- 2710.6 The DCSAA shall issue a written findings and/or a decision regarding the complaint or challenge within ten (10) school days of the DCSAA receiving the report described in § 2710.3.
- 2710.7 If an eligibility question arises that requires a review of a student’s eligibility files, DCSAA, at its discretion, may request to review a student’s eligibility files. DCSAA will request, through a member school and/or LEA, from a parent(s) or the adult student, to sign a consent form, for release of information authorizing the release of eligibility files. Such DCSAA requests will include the reasons supporting the request and will specify the record or records needed for review. Failure to provide consent upon written request from the DCSAA will result in the student whose eligibility is being questioned to be deemed ineligible to participate in any official contest of a sanctioned DCSAA sport or activity.
- 2710.8 The DCSAA’s decision may be appealed to the DCSAC AAP in the manner set forth in § 2711. If a decision is not appealed to the DCSAC AAP within five (5) business days, the decision shall be final.
- 2711 STATE ATHLETIC COMMISSION: ATHLETICS APPEALS PANEL**
- 2711.1 The DCSAC shall establish Athletics Appeals Panels (AAP) to hear appeals of:
- (a) LEA decisions related to student eligibility; and
 - (b) Final written decisions of the DCSAA.
- 2711.2 The Chairperson of the DCSAC shall appoint a separate AAP for each matter brought before the DCSAC.
- 2711.3 The Chairperson of the DCSAC shall maintain the integrity of the appeal process.
- 2711.4 Any Commissioner of the DCSAC who may be directly affected or whose school or LEA may be directly affected by a potential decision related to an appeal shall disclose the conflict of interest, recuse himself or herself from consideration of the matter and shall not be appointed to an appeals panel for that matter.
- 2711.5 In order to request an appeal of the decision of an LEA or the DCSAA, a party shall submit written notice of appeal to the Chairperson.
- 2711.6 Within five (5) school days of receiving the written notice of appeal, the Chairperson shall appoint the three voting members AAP and the assigned AAP shall schedule an in-person, when feasible, review where all parties shall be provided with the opportunity to present facts and all relevant arguments.
- 2711.7 The DCSAC AAP shall issue a written decision within five (5) school days of the review affirming or denying the decision of an LEA or the DCSAA.

- 2711.8 An athletic appeals panel shall hear all issues relating to an appeal *de novo*, except that the evidence before the panel shall be limited to the record made before the LEA or the DCSAA unless a party seeks to introduce relevant evidence that, in the exercise of reasonable diligence, it could not have produced during the initial hearing on the complaint or that was improperly excluded from the initial hearing on the complaint.
- 2711.9 The decision of the Commission shall be final.
- 2711.10 For the protection of their team’s won/loss record, the student whose eligibility is in question may not play in any school sponsored interscholastic athletic competition until the DCSAC AAP has issued its final eligibility determination pursuant to its review.
- 2711.11 In the event a member requires forfeiture of a contest already played, the AAP shall review the decision affirming or denying the forfeiture and shall provide the results of its findings and recommendations to the member school not later than five (5) school days after the date the matter is initially reported to the DCSAA.

2712 ALL-STAR CONTESTS

- 2712.1 A student who participates in a team sport may participate in an “all-star” competition for the sport that occurs outside the interscholastic season of the sport without jeopardy to his or her eligibility if:
- (a) The all-star competition is an activity sanctioned by the DCSAA or another National Federation of State High School Association (“NFHS”) member;
 - (b) All participants in the all-star competition are graduating seniors or students completing their athletic eligibility at the end of the school year or they have received a waiver from DCSAA to participate;
 - (c) The student has played in no more than one (1) other all-star competition in his or her sport; or
 - (d) The all-star competition occurs after the student has participated in his or her final contest for his or her school.
- 2712.2 A senior who fails to comply with § 2712.1 may be subject to a penalty that may result in the loss of athletic eligibility for the balance of the school year. For all other students, the penalty may result in loss of eligibility for the next season in the sport in which the student participated in the all-star competition. The DCSAC may review any penalty decisions.

2713 MEMBER SCHOOL AND LEA REGULATIONS

- 2713.1 Consistent with this chapter, each member school and/or LEA may develop interscholastic athletic standards including, without limitation, safety and first aid, eligibility, satisfactory progress toward graduation, practice, equipment, training, probationary actions, and grievance procedures for participants.
- 2713.2 Member school and/or LEA standards shall not be in conflict with this chapter or the DCSAA handbook. Member school and/or LEA standards shall meet the state minimum requirements and can be more stringent if so desired.
- 2713.3 All member schools, leagues or LEA rules of member schools, policies, and procedures related to interscholastic athletics shall be comply with the provisions of this chapter.
- 2713.4 Upon request, member schools, leagues or LEAs of member schools shall provide the DCSAA with copies of their respective rules, policies, and procedures.

2799 DEFINITIONS

- 2799.1 When used in this chapter, the following terms shall have the meanings ascribed:

Adult Student - A student who is eighteen (18) years of age or older, or who has been emancipated from parental control by marriage, operation of statute, or the order of a court of competent jurisdiction.

Athletic Appeals Panel (AAP) - A review panel composed of three (3) voting members of the District of Columbia State Athletics Commission.

Athletic Director (“AD”) – A person who holds the position of athletic director or a person or entity that performs the functions of an athletic director.

Athletic League – Includes the District of Columbia Interscholastic Athletic Association or its successor, the Public Charter School Athletic Association or its successor, and any other collaborative of LEA’s or schools for the purpose of which is to organize interscholastic athletic competitions against other members of the collaborative.

Commission – the District of Columbia State Athletics Commission (DCSAC).

Day – One (1) calendar day, unless otherwise stated.

DCPS - means the District of Columbia Public Schools.

DCSAA - means the District of Columbia State Athletic Association.

DCSAA-sanctioned sport or activity - a sport in which DCSAA hosts a state championship and/or is governed by the National Federation of State High School Association rules.

DCSAA Handbook –an annual publication containing playing rules, codes of conduct, sanctions and guidelines for each DCSAA-sanctioned sport, consistent with this chapter, the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; D.C. Official Code §§ 38-2661.01 *et seq.*), and the National Federation of State High School Associations’ Rules Books.

DCSAA-sanctioned competition - an interscholastic athletic event or program governed by DCSAA membership standards.

Enroll and Enrollment -- A process through which a student obtains admission to a public or public charter school that includes, at a minimum the following stages:

- (a) Application by student to attend the school;
- (b) Acceptance and notification of an available slot to the student by the school;
- (c) Acceptance of the offered slot by the student (signified by completion of enrollment forms and parent signature on a “letter of enrollment agreement form”);
- (d) Registration of the student in the Student Information System (SIS) by school upon receipt of required enrollment forms and letter of enrollment agreement; and
- (e) Receipt of educational services, which are deemed to begin on the first official school day.

First year of eligibility – The school year a student first enters ninth (9th) grade for the first (1st) time.

Hardship - A hardship is defined as an unforeseeable, unavoidable, and uncorrectable act, condition or event, which causes the imposition of a severe and non-athletic burden upon the student or his/her family.

Interscholastic Athletics Program - all athletic activities or sports offered within a school, the purpose of which is to provide opportunities for students to compete with other students on like teams in other schools.

Local Education Agency or LEA – the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

Member School - a public, public charter, parochial, or private school in the District that is a member of the DCSAA.

Ninth Grade - A student is considered to be in grade nine (9) upon the student's promotion from the eighth (8th) grade to the ninth (9th) grade on the last school day of the student's eighth (8th) grade (8th) grade academic year. The ninth (9th) grade year is considered to be completed on the last day of summer vacation prior to the first day of the new academic (tenth (10th) grade) year.

OSSE – The District of Columbia's Office of the Superintendent of State Education.

Parent – Consistent with the terms as defined in 5-A DCMR § 5099, the natural parent, stepparent, or parent by adoption who has custody or control of a student, including joint custody; a person who has been appointed legal guardian of a student by a court of competent jurisdiction; or other primary caregiver as verified pursuant to 5-A DCMR § 5005.

Participate – Inclusion on the tryout roster or team roster as a member of a recognized school team to tryout or play in practices, contests, and competitions, or otherwise engaging in other activities as part of the team.

Previous participation – Prior participation in interscholastic athletics in grades nine (9) through twelve (12).

Receiving school - The school a student enrolls in, after leaving his or her previous school.

Sending School – A school that a student withdraws from, in order to attend a different school.

Title IX - Title IX is a portion of the Education Amendments of 1972, approved June 23, 1972 (Pub. L. No. 92318, 86 Stat. 235; 20 USC §§ 1681 1688).

Transfer - The student has withdrawn from a sending school and has enrolled in a receiving school.

Valid Change of Residence – when a student moves from the residence where the enrolling parent(s) lived with the student, and that has been vacated by the entire family for use as its residence, to a new residence with the enrolling parent(s).

Week – Seven (7) calendar days, unless otherwise stated.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in

the *D.C. Register* via email addressed to: ossecomments.proposedregulations@dc.gov; or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Tiffany Oates re: Interscholastic Athletics, 810 First Street, N.E. 9th Floor, Washington, D.C. 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2018-055
August 1, 2018

SUBJECT: Delegation of Authority to the Director of the Department of General Services regarding the purchase, lease, transfer or use of former school property


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.), and section 2209 of the District of Columbia School Reform Act of 1995, approved April 26, 1996, 110 Stat. 1321; D.C. Code Official Code § 38-1802.09 (2012 Repl. and 2017 Supp.) ("**School Reform Act**"), it is hereby **ORDERED** that:

1. The Director of the Department of General Services ("**DGS**"), or his or her delegee, is delegated the Mayor's authority to negotiate the terms of and execute agreements relating to the purchase, lease, transfer or use of former or current school property pursuant to a right of first offer made in accordance with section 2209(b)(1)(A) of the School Reform Act (D.C. Official Code § 38-1802.09).
2. This Order supersedes and replaces Section 1d. of Mayor's Order 2008-162 to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

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

DC MAYOR’S OFFICE ON AFRICAN AFFAIRS**COMMISSION ON AFRICAN AFFAIRS****Notice of Commissioners Meeting**

The Commission of African Affairs will be holding a meeting on Wednesday, August 1st, 2018 from 6pm to 8pm.

The meeting will be held at Franklin D. Reeves Center of Municipal Affairs, 2000 14th Street, NW, 6th floor, Washington, DC 20001.

The Location is closest to the U Street / African –American Civil war Memorial / Cardozo Metro station on the green and yellow line of the Metro.

All Commission meetings are open to the public.

Below is a draft agenda for this meeting. A final agenda will be posted on The Office of African Affairs website at oaa.dc.gov.

If you have any questions about the commission or its meetings, please contact oaa@dc.gov.
Phone: (202) 727-5634

DRAFT AGENDA

- I. Opening – Call to Order
- II. MOAA Updates and Announcements
- III. Chair Announcements
- IV. Public Comments
- V. Adjournment (8:00pm).

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, AUGUST 8, 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-AUD-00027; 3566 14th Street, LLC, t/a La Dulce Noche, 3566 14th Street NW, License #92426, Retailer CR, ANC 1A
Failed to Meet Food Sales Requirements
- Show Cause Hearing (Status) 9:30 AM**
Case # 18-251-00021; Kabin Group, LLC, t/a Kabin, 1337 Connecticut Ave NW, License #91276, Retailer CT, ANC 2B
Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Failed to Follow Security Plan (Two Counts)
- Show Cause Hearing (Status) 9:30 AM**
Case # 18-251-00069; New York Avenue Beach Bar, LLC, t/a Halftime Sports Bar, 1427 H Street NE, License #94107, Retailer CT, ANC 6A
Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Failed to Follow Security Pain (Two Counts)
- Show Cause Hearing (Status) 9:30 AM**
Case # 18-CMP-00093; Justin's Café, LLC, t/a Justin's Café, 1025 First Street SE, License #83690, Retailer CR, ANC 6D
Failed to Comply with Hours of Operation, Violation of Settlement Agreement
- Show Cause Hearing (Status) 9:30 AM**
Case # 18-CMP-00089; Neighborhood Restaurant Group XXIV, LLC, t/a Red Apron at Union Market, 1309 5th Street NE, License #91030, Retailer CR, ANC 6E
No ABC Manager on Duty

Board's Calendar

August 8, 2018

Show Cause Hearing (Status) 9:30 AM

Case # 18-AUD-00033; Thirteenth Step, LLC, t/a Kitty O'Shea's DC, 4624

Wisconsin Ave NW, License #90464, Retailer CR, ANC 3E

Failed to File Quarterly Statement

Fact Finding Hearing* 10:30 AM

Tyler F. Handy

Manager's Application

Show Cause Hearing* 11:00 AM

Case # 17-CC-00117; Li, LLC t/a Mason Inn, 2408 Wisconsin Ave NW

License #104588, Retailer CT, ANC 3B

Sale to Minor Violation

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Show Cause Hearing* 1:30 PM

Case # 18-CMP-00034; Yohannes A. Woldemichael, t/a Capitol Fine Wine and
Spirits, 415 H Street NE, License #82981, Retailer A;, ANC 6C

No ABC Manager on Duty

Fact Finding Hearing* 2:30 PM

Case # 18-251-00103; Solloso, Inc., t/a El Rincon, 1826 Columbia Road NW
License #60003, Retailer CR, ANC 1C

**Threat to Kidnap, Failed to Follow Security Plan, Violation of Settlement
Agreement, Sale to Minor Violation, Provided Misleading Facts**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA

WEDNESDAY, AUGUST 8, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

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

ABRA-097478 – **Burger Tap & Shake** – Retail – C – Restaurant – 4445 Wisconsin Avenue
NW

[Licensee is Out of Business.]

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, AUGUST 8, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, August 8, 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-00172, Options Caterer’s, 15710 Pissaro Terrace, North Potomac, Maryland, Retailer C Caterer, License # ABRA-091720

2. Case# 18-CMP-00170, Lee’s Liquor, 2339 Pennsylvania Avenue S.E., Retailer A, License # ABRA-095751

3. Case# 18- CC-00071, Busboy’s & Poets, 1390 V Street N.W., Retailer CR, License # ABRA-071220

4. Case# 18-CC-00073, Capitol Hill Market, 241 Massachusetts Avenue N.E., Retailer B, License # ABRA-078727

5. Case# 18-CC-00077, Fabulous Market, 2424 Pennsylvania Avenue N.W., Retailer B, License # ABRA-107228

6. Case# 18-CMP-00167, Maketto, 1351 H Street N.E., Retailer CR, License # ABRA-090445

7. Case# 18-CC-00080, Reyna Market and Deli, 4201 Massachusetts Avenue N.W., Retailer A, License # ABRA-093799

8. Case# 18-CC-00078, Tenley Wine \$ Liquors, 4525 Wisconsin Avenue N.W., Retailer A,
License # ABRA-078014

9. Case# 18-CC-00079, Wagshals Liquor \$ Deli, 4855 Massachusetts Avenue N.W., Retailer A,
License # ABRA-015699

10. Case# 18-CC-00081, Hi Market, 2655 15th Street N.W., Retailer B, License # ABRA-105727

11. Case# 18-CC-00082, Desperados Pizza, 1342 U Street N.W., Retailer CT, License # ABRA-
084731

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, AUGUST 8, 2018 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Class Change from Retailer C Restaurant to Retailer C Tavern. ANC 6B. SMD 6B04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Orchid*, 520 8th Street SE, Retailer CR, License No. 107079.

2. Review Request for Change of Hours of operation to open earlier. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday-Thursday 11:30am to 2am, Friday-Saturday 11:30am to 2:30am. *Approved Hours of Live Entertainment*: Sunday-Thursday 4pm to 2am, Friday-Saturday 4pm to 2:30am. *Proposed Hours of Operation*: Sunday-Thursday 6:30am to 2am, Friday-Saturday 6:30am to 2:30am. ANC 6C. SMD 6C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *The State Room*, 201 D Street NE, Retailer CT, License No. 060457.

3. Review Request to remove Entertainment Endorsement from License. ANC 1A. SMD 1A06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Maple*, 3418 11th Street NW, Retailer CT, License No. 082211.

***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.**

BASIS DC PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Janitorial Services**

BASIS DC, A Public Charter School is advertising the opportunity to bid on janitorial services for children enrolled at the school for the 2018-2019 school year with a possible extension of (4) one year renewals. All supplies must be environmentally safe to use around children and service animals.

Proposals will be accepted at 410 8th street NW, Washington, DC 20004 on **August 30, 2018**, no later than **3:00 p.m.**

All bids not received by 3pm on posted date will not be considered.

CAPITAL CITY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Professional Development and School Design
Translation and Interpretation Services
Special Education Testing Services
Special Education and Therapeutic Services
Special Education Assessment and Textbooks
Math Consultant
Planning Guides, Curriculum Resources, Quiz Tools, etc. Services
Payroll Services
Budgeting, accounting, financial and grant reporting, audit report, and analyses
Financial and Retirement Audit
School Supplies
Office Supplies
Recruitment of Teachers and Resident Fellows
Temporary Staffing
Transportation Services
General Contracting Services
Janitorial Services
HVAC Services
Landscaping Services
Pest Control
Trash and Recycling Collection Services
Information Technology Equipment and Services
Computers
IT Supplies
Printer and Copier Services

Capital City Public Charter School invites all interested and qualified vendors to submit proposals for the above services. Proposals are due no later than 5 PM, August 10, 2018. An RFP with bidding requirements and supporting documentation can be obtained by contacting Jonathan Weinstein at jweinstein@ccpcs.org.

CENTER CITY PUBLIC CHARTER SCHOOLS

NOTICE OF INTENT TO AWARD A SOLE SOURCE CONTRACT

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

Center City PCS intends to award a sole source contract to Great Minds for the purposes of providing Eureka Math and Wit & Wisdom curriculum and professional development.

To obtain copies of full Notice of Intent, please visit our website:

<http://www.centercitypcs.org/contact/requests-for-proposal>

Contact Person:

Kate Merrill

kmerrill@centercitypcs.org

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Janitorial and Custodial Services

City Arts + Prep PCS solicits proposals for the following:

- **Janitorial and Custodial Services**

Proposals and requests for the full RFP should be emailed to bids@cityartspcs.org no later than 5:00 P.M., Tuesday, August 13, 2018.

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING
COMMISSION ON OUT OF SCHOOL TIME GRANTS AND YOUTH
OUTCOMES

The Commission on Out of School Time Grants and Youth Outcomes will hold a public meeting on Thursday, August 16, 2018 from 6:00 pm to 7:30 pm at One Judiciary Square, 441 4th Street NW, Room 1107 South. The OST Commission will vote to adopt the bylaws for the OST Commission and discuss the strategic plan. In addition, the Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 481-3932 or by email at learn24@dc.gov. Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and if available, submit one electronic copy of their testimony by the close of business on Monday, June 25th at 5:00 pm.

Below is the draft agenda for the meeting.

- I. Call to Order
- II. Public Comment
- III. Announcement of a Quorum
- IV. Approval of the Agenda
- V. Adoption of Bylaws (Roll Call Vote)
- VI. Updates: Office of Out of School Time Grants and Youth Outcomes
- VII. Strategic Plan Discussion
- VIII. Adjournment

The Office of Out of School Time Grants and Youth Outcomes (OST Office) and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission's purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school time programs and funding.

Date: August 16, 2018
Time: 6:00 p.m. – 7:30 p.m.
Location: One Judiciary Square
Room 1107 South
441 4th Street, NW
Washington, DC 20001
Contact: Debra Eichenbaum
Grants Management Specialist
Office of Out of School Time Grants and Youth Outcomes
Office of the Deputy Mayor for Education
(202) 478-5913
Debra.Eichenbaum@dc.gov

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue permits (Nos. 7198 through 7206) to American University to construct and operate nine (9) 6.0 MMBtu/hr Aerco BMK 6000 natural gas-fired condensing boilers to be located at the Asbury Hall central steam plant, 4400 Massachusetts Avenue NW, Washington DC. The contact person for the facility is Mark A. Freedman, Manager, Energy Utilities Operations, at (202) 885-2378.

The following boilers are to be permitted:

Equipment Location	Emission Unit ID	Model Number	Natural Gas Rating (MMBTU/hr)	Permit Number
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR001	Aerco BMK 6000	6.0	7198
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR002	Aerco BMK 6000	6.0	7199
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR003	Aerco BMK 6000	6.0	7200
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR004	Aerco BMK 6000	6.0	7201
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR005	Aerco BMK 6000	6.0	7202
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR006	Aerco BMK 6000	6.0	7203
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR007	Aerco BMK 6000	6.0	7204
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR008	Aerco BMK 6000	6.0	7205
Asbury Building 4400 Mass. Ave. NW Washington, DC	ASB-BL-BOILR009	Aerco BMK 6000	6.0	7206

Emissions:

The estimated maximum annual emissions from the nine 6.0 MMBTU/hr natural gas-fired boilers are expected to be as follows:

Pollutant	Maximum Annual Emissions for Each Boiler (tons/yr)	
	Each Boiler	All Nine Boilers (Sum)
Total Particulate Matter (PM Total)	0.20	1.76
Sulfur Dioxide (SO ₂)	0.02	0.14
Nitrogen Oxides (NO _x)	1.29	11.59
Volatile Organic Compounds (VOC)	0.14	1.28
Carbon Monoxide (CO)	2.16	19.48

The proposed emission limits are as follows:

- a. Each of the boilers (identified as ASB-BL-BOILR001 through ASB-BL-BOILR009) shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Pollutant	Short-Term Limit (Natural Gas) (lb/hr)
Carbon Monoxide (CO)	0.494
Oxides of Nitrogen (NO _x)	0.294
Total Particulate Matter (PM Total) ¹	0.045
Sulfur Dioxide (SO ₂)	0.004

¹PM Total includes both filterable and condensable fractions.

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the boilers, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. Total suspended particulate matter (TSP) emissions from the each of the boilers shall not be greater than 0.11 pounds per million BTU. [20 DCMR 600.1].
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- e. NO_x and CO emissions shall not exceed those achieved with the performance of annual combustion adjustments on each boiler. To show compliance with this condition, the Permittee shall, each calendar year, perform adjustments of the combustion processes of the

boilers with the following characteristics [20 DCMR 805.1(a)(4) and 20 DCMR 805.8(a) and (b)]:

1. Inspection, adjustment, cleaning or replacement of fuel burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer;
2. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x and, to the extent practicable, minimize emissions of CO;
3. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer; and
4. Adjustments shall be made such that the maximum emission rate for any contaminant does not exceed the maximum allowable emission rate as set forth in Condition II of this permit.

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

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

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

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after September 4, 2018 will be accepted.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue an air quality permit No. 7209 to the U.S. Department of the Treasury, Bureau of Engraving and Printing, to construct and operate one (1) new press, identified as a Komori Lithrone SX729 (LSX729) seven-color, non-heatset, sheet-fed lithographic printing press, at the Bureau of Engraving and Printing Main Building, A Wing, Room A-170, at 14th and C Streets SW, Washington DC. The contact person for the facility is David Kaczka, Environmental Compliance Manager, Office of Environment, Health & Safety at (202) 874-2107. The applicant’s mailing address is 14th and C Streets SW, Washington, DC 20228.

Emissions

The maximum potential emissions from the unit is expected to be no greater than the following:

Pollutant	Estimated Maximum Annual Emissions (tons/yr)
Volatile Organic Compounds (VOC)	0.97
Total Hazardous Air Pollutants (HAP)	0.19

The proposed emission limits are summarized as follows:

- a. The maximum annual emissions of volatile organic compounds (VOC) resulting from the operation of the press shall not exceed 0.97 tons per 12-month rolling period. [20 DCMR 201]
- b. Visible emissions shall not be emitted into the outdoor atmosphere from the press. [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited . [20 DCMR 903]

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

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

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

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

Stephen S. Ours, P.E.
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after September 4, 2018 will be accepted.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

PUBLIC NOTICE

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit Nos. 7211 through 7213 to H Street NE Owner LLC to construct and operate three (3) identical 6.0 million Btu per hour natural gas fired boilers at 600 H Street NE, Washington DC 20002. The contact person for the facility is Claire Rowland, General Manager for the facility, at (202) 684-7664.

Emissions:

The estimated maximum annual emissions from each of the three (3) 6.0 MMBTU/hr natural gas-fired boilers are expected to be as follows:

Pollutant	Maximum Annual Emissions for Each Boiler (tons/yr)
Total Particulate Matter (PM Total)	0.194
Sulfur Dioxide (SO ₂)	0.015
Nitrogen Oxides (NO _x)	2.552
Volatile Organic Compounds (VOC)	0.140
Carbon Monoxide (CO)	2.143

The proposed emission limits are as follows:

- a. Each of the three (3) 6.0 MMBTU per hour natural gas fired boilers shall not emit pollutants in excess of those specified in the following table [20 DCMR 201]:

Boiler Emission Limits	
Pollutant	Short-Term Limit (lb/hr)
Carbon Monoxide (CO)	0.489
Oxides of Nitrogen (NO _x)	0.583
Total Particulate Matter (PM Total)	0.044
Sulfur Dioxide (SO ₂)	0.004

*PM Total includes both filterable and condensable fractions.

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

public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

- d. Total suspended particulate matter (TSP) emissions from each of the boilers shall not exceed 0.11 pound per million BTU. [20 DCMR 600.1]

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

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

Comments on the draft permits and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No comments or hearing requests submitted after September 4, 2018 will be accepted.

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

**DEPARTMENT OF HEALTH (DC HEALTH)
COMMUNITY HEALTH ADMINISTRATION (CHA)
REVISED NOTICE OF FUNDING AVAILABILITY (NOFA)
RFA# PBRP07.13.18
Preterm Birth Reduction Pilot**

This notice supersedes the notice published in DC Register on July 6, 2018 Vol 65/27

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Preterm Birth Reduction Pilot
Funding Opportunity Number:	FO-CHA-PG-00185-001
Program RFA ID#:	RFA# PBRP07.13.18
Opportunity Category:	Competitive
DC Health Administrative Unit:	Community Health Administration
DC Health Program Bureau	Family Health Bureau
Program Contact:	Jean Gamble, jean.gamble@dc.gov , 202-442-9352
Program Description:	Through this program, qualified organizations will employ best evidence to implement strategies to reduce the occurrence of preterm births among at-risk District residents. The purpose of this program is to demonstrate effective strategies that will improve outcomes in infant mortality and morbidities associated with preterm birth.
Eligible Applicants	Organizations and entities eligible to apply for funding under this announcement include birthing facilities within the District of Columbia serving at-risk communities.
Anticipated # of Awards:	2
Anticipated Amount Available:	\$1,400,000
Floor Award Amount:	
Ceiling Award Amount:	\$700,000

Funding Authorization

Legislative Authorization	District of Columbia Fiscal Year 2019 Budget Support Act of 2018 (forecasted)
Associated CFDA#	NA
Associated Federal Award ID#	NA
Cost Sharing / Match Required?	No
RFA Release Date:	July 13, 2018
Pre-Application Meeting (Date)	Friday July 20, 2018
Pre-Application Meeting (Time)	10:30am-12:30pm
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE Washington, DC 20002
Letter of Intent Due date:	Not applicable
Application Deadline Date:	August 10, 2018
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse . DC Health EGMS https://dcdoh.force.com/GO_ApplicantLogin2

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

**DEPARTMENT OF HEALTH (DC HEALTH)
 COMMUNITY HEALTH ADMINISTRATION (CHA)
 REVISED NOTICE OF FUNDING AVAILABILITY (NOFA)
 CHA_SDSP 08.03.18 (RFA)
 Senior Dental Services Program**

This notice supersedes the notice published in DC Register on July 20, 2018 Vol 65/29

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

General Information:

Funding Opportunity Title:	Senior Dental Services Program
Funding Opportunity Number:	FO-CHA-PG-00006-000
Program RFA ID#:	CHA_SDSP 08.03.18
Opportunity Category:	Competitive
DC Health Administrative Unit:	Community Health Administration
DC Health Program Bureau	Health Care Access Bureau
Program Contact:	Lauren Ratner, Bureau Chief 202/442-5925
Program Description:	The Senior Dental Services Program grants will support the efforts of DC-based dental practices to promote the dental health and welfare of the District’s seniors, with an emphasis on engaging seniors in quality, comprehensive dental care. To implement the SDSP, the grantees will be required to deliver the following services to DC seniors: outreach and education; health care navigation; and the following clinical services: diagnostic, preventive, and restorative dental care. Grantees will also be required to gather and report data on patients served and services delivered. To be eligible for SDSP services, patients must be 65 years or older, must reside in DC, and must have an adjusted gross income of less than \$100,000.

Eligible Applicants	Established private dental practices located and licensed to conduct business within the District of Columbia, currently billing to DC Medicaid, charge patients according to a formal sliding-scale fee policy, and are experienced in providing comprehensive dental services to seniors.
Anticipated # of Awards:	1-2
Anticipated Amount Available:	\$375,000
Floor Award Amount:	\$150,000
Ceiling Award Amount:	\$375,000

Funding Authorization

Legislative Authorization	Fiscal Year 2019 Budget Support Act of 2018(forecasted)
Associated CFDA#	N/A
Associated Federal Award ID#	N/A
Cost Sharing / Match Required?	No
RFA Release Date:	August 3, 2018
Pre-Application Meeting (Date)	August 10, 2018
Pre-Application Meeting (Time)	1:00 – 2:30 PM
Pre-Application Meeting (Location/Conference Call Access)	899 N. Capitol Street NE, 3 rd Fl. Washington, DC 20002 Pre-Registration required for conference call access (justice.armattoe@dc.gov)
Letter of Intent Due date:	Not applicable
Application Deadline Date:	August 31, 2018
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse . DC Health EGMS https://dcdoh.force.com/GO__ApplicantLogin2

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

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

IDEA Public Charter School intends to enter into a sole source contract with Urban Teacher Center (UTC) to provide teacher recruitment, selection, training, and certification services to IDEA PCS through a teacher residency model effective for the 2018-2019 school year. The estimated yearly cost is approximately \$50,000 for two teacher residents. The decision to sole source is because UTC has a successful track record of training novice teachers to be successful in urban schools in Washington DC, with partnerships with DCPS and other DC charter networks since 2011. The cost to partner with UTC and host teacher residents is less than the cost of hiring and training assistant or lead teacher candidates directly so the partnership will result in salary cost savings for IDEA PCS. The contract term shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

IDEA PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS AND STATEMENT OF WORK
SAT PREP SERVICES

IDEA Public Charter School is soliciting bid proposals from qualified vendors to provide **SAT Prep** services during the course of the 2018-2019 school year with a contract renewal option.

Guidelines

The school must receive a PDF version of your proposal no later than 5pm EDT on **Wednesday, August 8, 2018**. Proposals should be emailed to: BIDS@ideapcs.org.

No phone call submissions or late responses please.

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.

Client information

IDEA Public Charter School is a District of Columbia public charter school serving grades 9-12. It is located at 1027 45th Street, NE, Washington, DC 20019. The contact information is as follows: phone 202-399-4750, Fax 202-399-4387, web address www.ideapcs.org.

Scope of Work

We are looking to provide up to 150 -11th and 12th grade students SAT/PSAT prep services. We are also looking for the vendor to provide assessment aligned resources, full length practice tests with score analysis and personalized support tailored to individual student and school wide goals. Instructional supports must include differentiated learning to support academic growth in Math, Reading, and Writing on the SAT/PSAT standardized assessment. The program will be embedded in the school's academic day and the provider should have flexibility with teaching in an academic instructional block.

This semester course will take place five times per week up to 4 hours per day (80 minutes per class), in the months of August 2019- January 2019.

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.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Student Support Services: Occupational Therapy, Educational Psychologist, and Behavior Support Services**

Mundo Verde PCS seeks bids for Occupational Therapy, Educational Psychologist, and Behavior Support Services. The RFP with bidding requirements and supporting documentation can be obtained by contacting Joe Brophy at jbrophy@mundoverdepcs.org or calling 202-750-7060. **All bids not addressing all areas as outlined in the RFP may not be considered.**

The deadline for application submission is 12:00pm August 14th, 2018.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 3

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to D.C. Code § 34-802 and in accordance with D.C. Code § 2-505,¹ of its final action taken in the above-captioned proceeding.²

2. On May 22, 2018, pursuant to D.C. Code § 10-1141.06,³ Washington Gas Light Company (WGL) filed a Surcharge Update to revise the Rights-of-Way (ROW) Fee Surcharge.⁴ The ROW Fee Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. In the Surcharge Update, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**Section 22****3rd Revised Page 56**

3. According to its tariff, WGL's Surcharge Update indicates the ROW Current Factor is 0.0321 with the ROW Reconciliation Factor of 0.0007 for the period of June 2018 through May 2019, which yields a Net Factor of 0.0328.⁵ In addition, WGL expresses its intent to collect the surcharge beginning with the June 2018 billing cycle.⁶

4. A Notice of Proposed Tariff (NOPT) regarding this Surcharge Update was published in the *D.C. Register* on June 15, 2018.⁷ In the NOPT, the Commission stated

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

² *GT00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, (GT00-2) Rights-of-Way Fee Surcharge Filing of Washington Gas Light Company (Surcharge Update)*, filed May 22, 2018.

³ D.C. Code § 10-1141.06 (2001 Ed.) states that “[e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer’s monthly billing statement.”

⁴ *GT00-2, Surcharge Update* at 1.

⁵ *GT00-2, Surcharge Update* at 1.

⁶ *GT00-2, Surcharge Update* at 1.

⁷ 65 *D.C. Reg.* 006664-006665 (June 15, 2018).

that WGL has a statutory right to implement its filed surcharges, but if the Commission were to discover any inaccuracies in the calculation of the proposed surcharge, WGL would be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT. Based on the Commission's review of the tariff filing, the Commission finds that WGL's calculations for the ROW Current Factor, the ROW Reconciliation Factor and Surcharge Update comply with the General Services Tariff, P.S.C. No. 3, Section 22, 3rd Revised Page No. 56 and with D.C. Code § 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on July 25, 2018, took final action approving WGL's Surcharge Update tariff filing. WGL's Surcharge Update tariff shall become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

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

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

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on August 3, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: September 1, 2018
Page 2

Alihodzic	Sanja	Danaher 2200 Pennsylvania Avenue, NW, Suite 800	20037
Allen	Janet D.	New World Title 1701 Pennsylvania Avenue, NW, Suite 300	20006
Badruddin	Bilal	Howard University 1851 9th Street, NW	20001
Bowie	Jacqueline Y.	District of Columbia Tax and Revenue 1101 4th Street, SW	20024
Breaux	Sydney Day	Invictus Capital Partners 1155 F Street, NW, Suite 1075	20004
Brockington	Jamia L.	ITCON Services, LLC 501 School Street, SW	20024
Brown	Ashley N.	Self 1809 Burke Street, SE	20003
Brown	Maurice L.	Morgan Pharmacy 3001 P Street, NW	20007
Calder	Amy	Charles Schwab & Company 1845 K Street, NW	20006
Carrico	Adam	Arabella Advisors 1201 Connecticut Avenue, NW, Suite 300	20036
Carter	Kendall Tinsley	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Cincotti	Elizabeth	Krooth & Altman, LLP 1850 M Street, NW, Suite 400	20036
Clark	Jennifer R.	Self 5511 First Street, NE	20011
Cocom Tah	Giovanni	PNC Bank 1405 P Street, NW	20005

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

Effective: September 1, 2018

Page 3

Collins	Jordan Nicole	Planet Depos 1100 Connecticut Avenue, Suite 950	20036
Converse	Kasey	PRP 1909 K Street, NW, #820	20006
Danielson	Acacia	Self 1331 Ives Place, SE	20003
Descollines	Joshua	Self 1616 Kilbourne Place, NW	20010
D'Haiti	Sabrina M.	Bass Berry & Sims 1201 Pennsylvania Avenue, NW, Suite 300	20004
Farrell	Brian R.	Self 3644 Wright Terrace, NE	20018
Fischer	Esther	Weidenfeld Law Firm, PC 888 17th Street, NW, Suite 1250	20006
Fisher	Vanessa	Diamond Health Care 110 Irving Street, NW, EB, 2nd Floor Room 20006	20010
Gainer	Margaret O'Dell	Leydig, Voit & Mayer 700 13th Street, NW, Suite 300	20005
Germas	Pamela E.	Kutak Rock, LLP 1625 Eye Street, NW, Suite 800	20006
Glover	Inez E.	Loring Consulting Engineers, Inc. 1130 Connecticut Avenue, NW, Suite 750	20036
Goff	Emma	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005
Greene	Linda E.	District of Columbia Department of Corrections 1901 D Street, SE	20002
Grostefon	Michelle E.	Nixon Peabody, LLP 799 9th Street, NW, Suite 500	20001

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Haizlip	Vernise M.	Self 4800 Nannie Helen Burroughs Avenue, NE, #415	20019
Hall	Pauletter	District of Columbia Department on Disability Services 250 E Street, SW	20034
Hardge	Kiesha	Interior Federal Credit Union 1849 C Street, NW	20240
Hodgkins	Marguerite	UBS Financial Services 1501 K Street, NW, Suite 1100	20005
Hogan	Alexia J.	Charles Schwab & Co. 1845 K Street, NW	20006
Johnson	Terrence	TD Bank 1489 P Street, NW	20005
Josic	Emily	Marino Finley, LLP 1100 New York Avenue, NW, Suite 700	20005
Kelly	Delicia	Self 1310 Congress Street, SE, #401	20032
Khan	Geraldine	National Treasury Employees Union 1750 H Street, NW	20006
King	Mary Frances	Hines 800 10th Street, NW, Suite 600	20001
Lazo	Marissa	Medstar Georgetown University Hospital 3800 Reservoir Road, NW	20007
Lockhart	Ruth Ann	Capital Construction Consultants 1120 Connecticut Avenue, NW, Suite 1050	20036
Logan	Ashley G.	Loeb & Loeb, LLP 901 New York Avenue, NW, Suite 300 East	20001

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Marshall	Linda C.	Xceptional Xpress Delivery, LLC 712 H Street, NE, Suite 1352	20002
Mathurin	Arriann Z.	Federal Agricultural Mortgage Corporation 1999 K Street, NW, Fourth Floor	20006
Matusak	Kelsey	Cooley, LLP 1299 Pennsylvania Avenue, NW, Suite 700	20004
May	Laruby	The May Firm, PLLC 3200 Martin Luther King, Jr. Avenue, SE	20032
McCormick- Morris	Brittany	AAA Club Alliance 1405 G Street, NW	20005
McCoy	Tammy	Self 1703 Fort Davis Street, SE	20020
Miller	Donna Jenine	Morris, Manning and Martin, LLP 1401 Eye Street, NW, Suite 600	20005
Mimms	Karen D.	Self 211 Q Street, NW	20001
Mitchell	Ann B.	Medstar Georgetown University Hospital 3800 Reservoir Road, NW	20007
Moore	James J.	Leydig, Voit & Mayer 700 13th Street, NW, Suite 300	20005
Nodem Douanla	Ornelle Jacky	Citibank 5250 MacArthur Boulevard, NW	20016
Norris	Alicia Y.	Department of General Services 2000 14th Street, NW	20009
Patiño III	Luis	Lawyers' Committee for Civil Rights Under Law 1401 New York Avenue, NW	20005
Patton	Maria	The Washington Post 1301 K Street, NW	20071

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Porter	Abigail M.	Indivisible Project 1342 Florida Avenue, NW	20009
Quinn	Jenny A.	KVS Title 230 6th Street, NE	20002
Rainwater	Bryanna	Troutman Sanders, LP 401 9th Street, NW	20004
Robinson	Monica Renee	Self 2002 Savannah Terrace, SE, Apartment E	20020
Romero-Arias	Sarai	District of Columbia Child and Family Service Agency 200 I Street, SE	20003
Rosenberg	Jody L.	Sughrue Mion, PLLC 2100 Pennsylvania Avenue, NW	20037
Sajjad	Arriana M.	Special Olympics, Inc 1133 19th Street, NW, 12th Floor	20036
Salidjanov	Sherbek	Wells Fargo Bank 1350 New York Avenue, NW	20005
Sanchez	Sandra	Mintz Levin 701 Pennsylvania Avenue, NW	20004
Schuppert	Erin	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Stuart	Gina	FDIC 550 17th Street, NW	20429
Sutton	Lilla M.	Housing Assistance Council 1025 Vermont Avenue, NW, Suite 606	20005
Thornton	Kelli M.	Leland Investments, Inc 509 7th Street, NW	20004
Villacorta	Chiara	Musolino & Dessel, PLLC 1615 L Street, NW, Suite 440	20036
Volkman	Melody E.	Covington & Burling, LLP 850 10th Street, NW	20001

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Wiggins	Amily	United Nations Federal Credit Union 1775 Pennsylvania Avenue, NW, Suite GR2	20006
Williams	Deborah M.	District of Columbia Department of Transportation 1100 4th Street, SW, Suite E360	20024
Williams	Netaushe	Lafayette Federal Credit Union 409 3rd Street, SW, Suite 105	20024
Williams	Sydni M.	UPS 455 Massachusetts Avenue, NW	20001

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

NOTICE OF FUNDING AVAILABILITY (NOFA)

DC MAIN STREETS

(South Dakota Ave/Riggs Road and Upper Bladensburg Road)

The Department of Small and Local Business Development (DSLBD) is soliciting applications from eligible applicants to operate a DC Main Streets program in two service areas (listed below). **The submission deadline is Friday, November 2, 2018 at 12:00 p.m.**

The purpose of this grant is to designate and fund two (2) DC Main Streets programs, which will assist business districts with the retention, expansion and attraction of neighborhood-serving retail stores and unify and strengthen the commercial corridor.

DSLBD will award **one grant of \$175,000 for each** of the following service areas (i.e., a total of two grants).

- South Dakota Ave/Riggs Road (Wards 4 & 5)
- Upper Bladensburg Road (Ward 5)

Eligible Applicants: Eligible applicants are DC-based nonprofit organizations which are current on all taxes.

The DC Main Streets grant award is a recurring grant, which can be renewed annually as long as the grantee continues to meet the standards for accreditation by the National Main Street Center. The FY 2019 grant performance period is October 1, 2018 through September 30, 2019.

Application Process: Interested applicants must complete an online application on or before **Friday, November 2 at 12:00 pm**. Instructions for the application can be found in the Request for Applications (RFA), which will be posted by August 9, 2018 at <https://dslbd.dc.gov/service/current-solicitations-opportunities>. DSLBD will not accept applications submitted via hand delivery, mail or courier service. Late submissions and incomplete applications will not be forwarded to the review panel.

Selection Process: DSLBD will select grant recipients through a competitive application process. All applications from eligible applicants that are received before the deadline will be forwarded to a review panel to be evaluated, scored, and ranked based on the selection criteria. The Director of DSLBD will make the final determination of grant awards. Grantees will be selected by November 26, 2018.

Funding for this award is contingent on continued funding from the DC Council. The RFA does not commit the Agency to make an award.

DSLBD reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.

All applicants must attest to executing DSLBD grant agreement as issued (sample document will be provided with the online application) and to starting services by January 1, 2019.

For More Information: Attend the Application Information Session. Please refer to the Request for Applications to see the date, time and location of this meeting.

Questions may be sent to Jennifer Prats, DC Main Streets Grants Manager, at the Department of Small and Local Business Development at Jennifer.prats@dc.gov.

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

Application No. 19764 of 4926 Wisconsin Avenue, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 710.3 from the parking location restrictions of Subtitle C § 710, and from the use requirements of Subtitle U § 601.1(b) to permit the continued use of the property as a parking lot (last approved under BZA Order No. 18207) in the R-2 Zone at premises 4926 Wisconsin Avenue N.W. (Rear). (Square 1671, Lot 30).

HEARING DATE: June 27, 2018

DECISION DATE: July 18, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 34 (Revised self-certification), 4 (Original), and 15 (Duplicate of original).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. The ANC submitted a report expressing its support for the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on June 14, 2018, at which a quorum was present, the ANC voted 3-1-0 to support the application without a term limit. (Exhibit 42.)

The Office of Planning ("OP") submitted a timely report dated June 15, 2018, recommending approval of the application with the conditions approved in the Applicant's prior application – BZA Order No. 18207. Although in OP's first report (Exhibit 39), it stated that it would support the application while retaining the condition for a 7-year term limit, in OP's supplemental report, it stated it was not opposed to approval of the application without a term limit. (Exhibit 45.)

The District Department of Transportation ("DDOT") submitted a timely report, dated June 15, 2018, indicating that it had no objection to the grant of the application with the condition that the

Applicant meet the requirements of 11 DCMR Subtitle C §§ 714 and 715 (screening and landscaping requirements for surface parking lots). (Exhibit 40.)

At the end of the hearing on June 27, 2018, the Board requested that OP provide a recommendation on whether to include a term limit if the application is approved. Also, the Board requested that OP facilitate a conference between the Applicant and DDOT to address whether the proposed landscaped screening would be compliant with Subtitle C §§ 714 and 715. Both the Applicant and OP submitted post-hearing statements.

In its Supplemental Report, OP stated that it would not oppose approval of the application without a term limit. Regarding the landscaping matter, OP reported that DDOT supports the Applicant's request and does not plan to comment further. OP also stated that OP "would support efforts by the Applicant to augment screening, landscaping, and pervious surface, if and when the parking lot is resurfaced or otherwise significantly improved...". Further, OP recommends "that existing potholes in the lot be repaired, and that existing planter boxes be fully landscaped and maintained by the Applicant." (Exhibit 45.) In its post-hearing submissions, the Applicant stated that, after consultation with DDOT and OP, DDOT had accepted that the Applicant's request for relief under Subtitle C § 710.3(a)(4) adequately addresses screening and landscaping. (Exhibit 44.) These post-hearing matters are addressed in the conditions adopted by the Board in this order.

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 C § 710.3 from the parking location restrictions of Subtitle C § 710, and from the use requirements of Subtitle U § 601.1(b) to permit the continued use of the property as a parking lot in the R-2 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 C §§ 710 and 710.3, and Subtitle U § 601.1(b), 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 FOLLOWING CONDITIONS:**

1. The hours of operation shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday, 9:00 a.m. to 7:00 p.m. on Saturday, and 11:00 a.m. to 6:00 p.m. on Sunday. The parking lot shall operate as valet only from 7:00 p.m. to 11:30 p.m., Monday through Saturday.
2. The property shall be secured during all hours that it is not in operation.
3. Trash and debris on the property shall be picked up on a weekly basis.
4. There shall be no trash containers kept on the lot. Trash shall be disposed of by the business the parking lot serves.
5. The masonry wall surrounding the lot as well as the guardrail shall be maintained in good condition at all times. Graffiti shall be removed expeditiously.
6. The landscaping provided on the lot shall be maintained in a healthy growing condition and shall have a neat and orderly appearance. Planter boxes shall be maintained in a good state of repair and replaced as necessary.
7. The Applicant shall post and maintain a sign giving information on whom to contact in the event of complaint or emergency.
8. The two substandard parking spaces located in the northern and western areas of the parking lots shall be posted with signs reserving them for compact cars.
9. Bumper stops shall be maintained for the protection of all adjoining property lines on or over the public space.
10. All potholes shall be repaired expeditiously.
11. The Applicant shall maintain, through its designated representative, an ongoing liaison with Advisory Neighborhood Commission 3E and the property owners in the square to resolve any issues that might arise due to the operation of the parking lot, and the Applicant shall meet annually with the ANC.
12. The valet operator shall not access the parking lot from 43rd Street, N.W.
13. The Applicant shall post and maintain a sign indicating that all ingress and egress to the lot should be from either Ellicott Street or Fessenden Street, N.W.

VOTE: 4-0-1 (Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Robert E. Miller (by absentee ballot) to APPROVE; Frederick L. Hill not participating.)

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

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

FINAL DATE OF ORDER: July 24, 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 § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

BZA APPLICATION NO. 19764

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

Application No. 19792 of Michael Furr, 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, the rear yard requirements of Subtitle E § 306.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition to an existing principal dwelling unit in the RF-1 Zone at premises 220 14th Place N.E. (Square 1055, Lot 98).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: July 18, 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. (Exhibit 6 (Original) and 19 (Updated).) 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") 6A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, 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 14, 2018, at which a quorum was in attendance, ANC 6A voted 5-0-0 to support the application. (Exhibit 36.)

The Office of Planning ("OP") submitted a timely report, dated July 6, 2018, in support of the application. (Exhibit 40.) The District Department of Transportation ("DDOT") submitted a timely report, dated July 6, 2018, expressing no objection to the approval of the application. (Exhibit 39.)

Letters of support from two adjacent neighbors were submitted to the record. (Exhibits 12 and 13.) The Capitol Hill Restoration Society submitted a letter expressing its support for the application. (Exhibit 43.)

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 lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear 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, 304.1, and 306.1, 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 8.**

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

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 23, 2018

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

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

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

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

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

Application No. 19799 of 5533-518 9th Street NW Washington LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 305.1 from the subdivision regulations of Subtitle C § 302.2, to permit two existing primary buildings on a single record lot in the RF-1 Zone at premises 518 9th Street N.E. and 816 E Street N.E. (Square 914, Lots 55 and 54).

HEARING DATE: July 18, 2018

DECISION DATE: July 18, 2018

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (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") 6A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a timely report in support of the application. The ANC report indicated that at a duly noticed and scheduled public meeting on July 13, 2018, at which a quorum was present, the ANC voted 7-0 in support of the application. (Exhibit 41.)

The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 38.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 37.)

A letter of support from the Capitol Hill Restoration Society was submitted to the record. (Exhibit 42.)

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 C § 305.1 from the subdivision regulations of Subtitle C § 302.2, to permit two existing primary buildings on a single record lot in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle C §§ 302.2 and 305.1, 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 14A1-14A3.**

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

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 23, 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

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THERE TO) 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. 19800 of Alexander Pitt and Christine Qiang, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 604.1 and the nonconforming structure requirements of Subtitle C § 202.2, to modify an existing rear deck addition to an existing principal dwelling unit in the RA-8 Zone at premises 2131 N Street N.W. (Square 69, Lot 181).²

HEARING DATE: July 18, 2018

DECISION DATE: July 18, 2018

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 (original) and 32 (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.

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") 2B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. The ANC did not submit a report before the Board heard and decided the case.³

The Office of Planning ("OP") submitted a timely report in support of the application. (Exhibit 30.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 29.)

¹ The Applicant amended the application to add special exception relief from the nonconforming structure requirements under Subtitle C § 202.2. (Exhibit 32.)

² In Application No. 19721, the Board had denied the Applicant's request for variance relief on this property, to allow the nonconforming deck to remain. After the denial, the Office of the Attorney General advised that because a new special exception was not on the same facts as the prior application, the Applicant could file the current request without waiting a year after the issuance of the denial order.

³ The ANC attempted to submit its report noting its support of the application into the record, but due to technical difficulties, the report was not in the record when the Board heard and decided the case and the record closed. Because the record had closed, the ANC's report is not in the record.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 604.1 and the nonconforming structure requirements of Subtitle C § 202.2, to modify an existing rear deck addition to an existing principal dwelling unit in the RA-8 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle F §§ 5201 and 604.1, 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 11.**

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

FINAL DATE OF ORDER: July 24, 2018

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

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

BZA APPLICATION NO. 19800

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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. 19805 of Halcyon Georgetown, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 203.1(n), to permit a nonprofit use in a residential building in the R-20 Zone at premises 3400-3410 Prospect Street N.W. (Square 1204, Lot 63).¹

HEARING DATE: July 18, 2018
DECISION DATE: July 18, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 40 – Revised Zoning Self-Certification; Exhibit 4 - Original.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 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 recommending 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 4-0-0 to support the application with the understanding that Commissioner Lisa Palmer will renegotiate the terms of the agreement, including: 1) changing the threshold for required valet parking up to 100 guests, and 2) the formation of a Liaison Committee which will meet at least semi-annually to address neighborhood concerns. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application with conditions. (Exhibit 37.) The District Department of Transportation ("DDOT")

¹ The Applicant was previously granted a special exception in BZA Order No. 18604 for a non-profit use under the pre-2016 Zoning Regulations.

submitted a timely report indicating that it had no objection to the grant of the application with conditions. (Exhibit 36.)

The Board considered the proposed conditions submitted by the participants in the application and adopted the conditions stated in this order.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the use provisions of Subtitle U § 203.1(n), to permit a nonprofit use in a residential building 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 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 and Subtitle U § 203.1(n), 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, WITH THE FOLLOWING CONDITIONS:**

1. The Property shall be used only for a 501(c)(3) nonprofit organization focused on the fields of fine arts, science and social enterprise, and medical or pharmaceutical research.
2. A maximum of 12 nonprofit employees may work on-site.
3. The hours of operation shall be as follows:
 - a. Non-profit offices:
Monday through Friday, 7:00 a.m. to 8:00 p.m., with hours extended daily and on the weekends as required for the non-profit's use.
 - b. Events at Halcyon House:
Monday through Thursday, 10:00 a.m. to 4:00 p.m.; 7:00 p.m. to 10:00 p.m.
Friday and Sunday, 10:00 a.m. to 11:00 p.m.
Saturday, 9:00 a.m. to 11:00 p.m.

- c. Halcyon Incubator:
 - Residency Program - up to ten months annually between August 15 and June 15
 - Summer Program – two programs, two weeks each between mid-June and mid-August

4. The maximum number of events per year shall be as follows:

Event Type	Participants	Maximum No. of Events
Halcyon Incubator – (Residential)	1-2 per project	8 ventures per cohort
Halcyon Incubator Summer (Two weeks)	1-2 per project	6 ventures per cohort
Halcyon Events		
Halcyon House Events (including Incubator pitches and showcases, panel discussions, concerts), other seminars, and events pursuant to Halcyon’s missions, and four civic/fundraising events)	1-50	12
	51-100	14
	101-200	24
	201-300	4
Total (excl. Incubator Residency programs)		54

5. The Applicant shall schedule a minimum of 12 of the allowed 24 annual events for 101-200 guests during the hours of 10:00 a.m. to 4:00 p.m. on weekdays and/or weekends.

6. The Applicant shall minimize traffic and noise impacts on the neighborhood by employing the following measures:

- a. For any event over 200 guests, the event shall not be scheduled coincident with any weekend in which the Georgetown University Academic Calendar reflects the return and arrival of students for the academic year; Parent/Family Weekend; and/or commencement weekend.
- b. The events with more than 200 guests must end no later than 11:00 p.m. and no vendor loading or pick-up may occur after 10:00 p.m. or before 10:00 a.m.
- c. The Applicant shall inform all vendors of the parking policies and operations for events as follows:
 - 1. Vendor unloading and loading may occur daily between the hours of 10:00 a.m. until 4:00 p.m. and from 7:00 p.m. until 10:00 p.m.

2. Noisy vendor breakdown and loading shall occur before 10:00 p.m. or shall take place on the following business day between the hours of 10:00 a.m. until 4:00 p.m. and from 7:00 p.m. until 10:00 p.m.
 3. Vendors using vans under 20 feet in length shall be directed to utilize the rear parking court off of 34th Street, or the townhouse lot for loading and unloading purposes. Loading by vehicles over 20 feet in length shall not be permitted at the rear of the Subject Property and would only be permitted in designated areas along Prospect Street.
 4. For the four events with more than 200 people, vendors may utilize the rear parking court Monday through Sunday between the hours of 10:00 a.m. and 4:00 p.m., and 7:00 p.m. to 10:00 p.m.
 5. Trucks associated with noisy vendor breakdown and loading shall depart the Property before 10:00 p.m.
 6. Valets and other staff associated with events, including, cooks, caterers, and janitors, and the like, shall leave the Property within two hours after the event concludes but, in any event, before 12:00 a.m.
 7. Passenger vans used in connection with an event shall be no larger than approximately 20 feet in length.
 8. Vendors used in connection with an event shall be instructed that idling in the neighborhood is prohibited.
- d. Employees shall park on-site in the parking court.
 - e. Resident participants in the Halcyon Incubator with cars shall be prohibited from parking on-site and shall provide evidence to Halcyon of parking in off-street locations.
7. The Applicant shall implement the Traffic Demand Management (“TDM”) Plan as set forth in the June 15, 2018 Comprehensive Transportation Report (CTR) study, as refined by the District Department of Transportation (“DDOT”) to include the following measures:
- a. Obtain temporary reserved parking signage from DDOT to accommodate valet parking and loading needs for events anticipated to generate 100 or more guests. Temporary reserved parking signage shall be placed along the four on-street vehicle parking spaces directly fronting the Property on Prospect Street, N.W.
 - b. For any event anticipated to generate 100 or more guests, direct guests to use taxis, rideshare, and/or valet parking with loading and unloading on Prospect Street, N.W.
 - c. For any event anticipated to generate 200 or more guests, provide shuttle and/or van service between the Property and reserved off-site parking lots.
 - d. Maintain an adequate number of tables and chairs on-site to reduce freight trips and loading needs for larger events.

- e. Coordinate with other properties in the vicinity to avoid scheduling large events on the same dates, including Georgetown University, the operator of 3425 Prospect Street, N.W., and others, as necessary.
8. The Applicant shall provide no fewer than three consecutive years of annual performance monitoring reports to DDOT's Planning and Sustainability Division to assess the Applicant's proposed parking management strategies. The reports shall collect data during at least two events per year anticipated to generate over 200 guests. The reports shall include the following information:
- a. Report the queue length of the valet area. The Applicant's reports will state whether, at any time during each studied event, the queue length of the valet parking area exceeds the Applicant's proposed goal of five cars. The Applicant should not report average queue length across events as this may conceal inadequate valet management.
 - b. Report the parking demand generated by the events, as measured by a ratio of off-street valet spaces occupied per event guest. For each reported event the Applicant's report should indicate whether the vehicle parking demand exceeds 0.5 spaces occupied per guest.
 - c. The first report is to be provided one year following BZA approval and provided on the same date thereafter in following years.
 - d. In the event the Applicant shows it has met its goals for three consecutive years, it shall no longer be required to submit monitoring reports.
 - e. In the event the Applicant does not meet one or both goals as required in this section 8.a. or 8.b. across two consecutive years, it will be required to coordinate with DDOT on more intense and effective TDM strategies.
9. Resident participants in the Halcyon Incubator are permitted to reside and work at the Property for periods up to ten months during the months of August through June; participants in the Summer Incubator Program shall be permitted to reside and work at the Property for two (2) two-week periods during mid-June through mid-August.
10. No amplified music shall be permitted on the outside grounds of the Subject Property.
11. Outreach to Neighbors shall occur as follows:
- a. The Applicant will appoint a neighborhood liaison to address concerns and provide information about events and activities to property owners within 200 feet of Halcyon House.
 - b. The Applicant shall maintain a website that shall include a neighbors' section to provide notice of upcoming scheduled events.

- c. The Applicant shall convene a Liaison Committee, to include one representative of the Applicant (or the successor owner, if any), one representative of the Halcyon House (or the then-current primary tenant, if any), a minimum of two representatives from ANC 2E, and two representatives of the proximate Georgetown community at large. The Applicant shall convene the Liaison Committee semi-annually to discuss and address issues, if any, related to the traffic and noise mitigation at the Property. Not less than 30 days in advance of Liaison Committee meetings, notice of such meetings shall be (i) mailed or delivered to all households within 200 feet of the subject property, and (ii) published on the Applicant's website.

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

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 25, 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 § 702.2, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 03-12V/03-13V
Z.C. Case No. 03-12V/03-13V
Square 769, LLC
(PUD Modification of Consequence @ Square 769)
June 25, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on June 25, 2018. At that meeting, the Commission approved the application of Square 769, LLC (“Applicant”) for a modification of consequence to Z.C. Order No. 03-12F/03-13F (“Order”). The property that is the subject of this modification comprises Lot 824 and a portion of Lot 825 in Square 769 (“Property”). The modification request was pursuant to § 703 of the Commission’s Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

As discussed below, no party, person, or entity appeared in opposition to the application at the public meeting or filed anything in the record. Accordingly, a decision by the Commission to grant this application would not be adverse to any party, and pursuant to 11-Z DCMR § 604.7, the Commission waives the requirements for findings of facts and conclusions of law. As set forth below, the Commission hereby approves the application.

Application, Parties, and Public Meeting

1. Pursuant to Chapter 24 of the 1958 Zoning Regulations, the Commission approved a phased, mixed-use planned unit development (“PUD”) for a large area of multiple properties located in the southeast quadrant of Washington, D.C. This approval is reflected in Z.C. Order No. 03-12/03-13. The Order included preliminary approval for an office building to be constructed at 250 M Street, S.E. on the southern portion of Square 769 (“Project”). Subsequently, the Commission approved Z.C. Case No. 03-12C/03-13C, which granted second-stage PUD approval of an office building at the Property. A modification of the second-stage PUD for the office building was approved by the Commission, pursuant to Z.C. Order No. 03-12F/03-13F. More specifically, the Commission approved a 130-foot-tall building with approximately 234,182 gross square feet, including 10,661 square feet of retail uses, 197 parking spaces, and three loading berths. Thereafter, the Commission extended approval of the Project pursuant to Order Nos. 03-12K/03-13K, 03-12N/03-13N, 03-12S/03-13S, and 03-12U/03-13U. (Exhibit [“Ex.”] 1-1B.)
2. On June 4, 2018, the Applicant submitted an application for a modification of consequence related to the redesign and relocation of architectural elements of the building and revision to some conditions contained in the PUD Orders in order to accommodate the proposed tenant of the Project, the District Department of Transportation (“DDOT”). The application sought relief to make changes to the a) ground floor, b) height and gross floor area, c) vehicular parking spaces, d) bicycle parking spaces, and e) loading spaces. The Applicant included a set of plans depicting each of the following proposed modifications with the application: (Ex. 1C.)

- a. Ground Floor Modifications: Use part of the ground floor as space for DDOT, including a multi-purpose conference room along M Street, S.E., which reduced the overall amount of ground-floor retail space provided in the Project;
 - b. Height and Gross Floor Area Reduction: Reduce the height and gross floor area of the building from 130 feet to 110 feet and from 234,182 square feet to approximately 189,000 square feet, respectively;
 - c. Vehicular Parking Reduction: Reduce the number of parking spaces from 235 spaces on four below-grade levels to 177 spaces on three below-grade levels;
 - d. Bicycle Parking Modification: Revise the bicycle parking amount and plans to meet the requirements of the Regulations; and
 - e. Loading Reduction: Reduce the number of loading berths from three berths and one delivery space to two loading berths and one delivery space, consistent with the requirements of the Regulations.
3. The Office of Planning (“OP”) submitted a report dated June 18, 2018, recommending approval of the modification of consequence as requested, and requested additional information regarding relief and conditions related to the Project. OP supported the modifications, as they do not otherwise diminish the benefits and amenities associated with the original PUD approval, including the flexibility granted in the Order. (Ex. 5.)
 4. Advisory Neighborhood Commission (“ANC”) 6D, the ANC within which the property is located, submitted a letter dated June 14, 2018, in support of the modifications. It specifically approved the changes to the building and noted its continued support for office use at the Property. The ANC requested assurance from the Applicant regarding loading times and locations. (Ex. 4.)
 5. The Applicant submitted a response to OP and the ANC’s reports on June 19, 2018, providing the additional information OP requested and agreement to the conditions outlined in ANC 6D’s report. (Ex. 6.)
 6. No opposition to the modification application was filed in the record of this case.
 7. The Commission, at its June 25, 2018 public meeting, determined that the application was properly a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant Subtitle Z § 703.1. The Commission was therefore required by Subtitle Z § 703.17(c)(2) to establish a timeframe for the parties in the original proceeding to file a response in opposition to or in support of the request and for the application to respond thereto; and schedule the request for deliberations. Because the ANC was the only party to the original proceeding, and had filed its report as noted above, the Commission noted there was no need for a further schedule, as there were no outstanding items to address, and it was appropriate to render a decision on the modification application.

8. The Commission, at its June 25, 2018 public meeting, voted to approve the modification of consequence.

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 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 refinement of plans as described above is a modification of consequence and therefore can be granted without a public hearing.

The Commission finds that the proposed modifications are entirely consistent with the Commission’s previous approval of the PUD and the Order. The refinements are supported by the OP and the affected ANC.

The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

The Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the second-stage PUD project approved in Z.C. Case No. 03-12F/03-13F. The conditions in Z.C. Order No. 03-12F/03-13F remain unchanged except as follows (deletions noted by ~~strikethrough~~ text, additions in **bold** and underline text):

2. The PUD shall be developed in accordance with the plans prepared by Hickok Cole Architects, submitted May 8, 2008, marked as Exhibit 21, as amended by the plans submitted on May 28, 2008, marked as Exhibit 27 **of the record of Case 03-12F/03-13F, as amended by the plans submitted on June 4, 2018, marked as Exhibit 1C of the record of Case No. 03-12V/03-13V.**
3. The building may have a maximum height of ~~130~~ **110** feet, not including roof structures.
4. The building may have a maximum gross floor area of ~~234,182~~ **189,000** square feet.
8. Square 769, LLC shall also 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, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

- b. To vary the sustainable design features of the building, provided the total number of LEED points achievable for the project does not decrease below 28 points;
- c. ~~To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, provided the number of striped parking spaces is not reduced below 150 spaces~~ **To provide a range in the number of vehicular parking spaces plus or minus 10%;** and
- d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtainwall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code, or that are otherwise necessary to obtain a final building permit.

- 11. For the life of the Project, the Applicant will allow ANC 6D to utilize the ground-floor conference room/training center for public meetings or programs, subject to the approval of an annual schedule by the District for so long as the conference room/training center constitutes a portion of the premises leased by the District. No costs will be associated with such use unless due to negligence or willful misconduct.**
- 12. All loading activity will be accessed from the shared private alley. The Applicant shall prevent cars and trucks from parking in the shared private alley and will prohibit any loading or deliveries before 7:00 a.m.**
- 13. The use of the ground-floor training and conference room shall be consistent with uses described on page 4 of Exhibit 1 of Case No. 03-12V/03-13V. The exterior appearance of the ground-floor training and conference room shall be similar to the materials included in pages 17-18 of Exhibit 1C of the record of Case No. 03-12V/03-13V.**

On June 25, 2018, upon the motion of Vice Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve; Peter Shapiro, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 3, 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. 06-04G
Z.C. CASE NO. 06-04G
Florida & Q Street, LLC
(PUD Time Extension @ Square 3100, Lot 48)
June 11, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on June 11, 2018. At the meeting, the Commission approved a request from Florida & Q Street, LLC (“Applicant”) for a one-year extension of the time period in which to begin construction of the approved planned unit development (“PUD”) located at 1600 North Capitol Street, N.W. (Square 3100, Lot 48) (“Property”).¹ The Commission considered the application pursuant to Subtitle Z, Chapter 7 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 06-04, having an effective date of June 15, 2007, the Commission approved a consolidated PUD and a related Zoning Map amendment from the C-2-A Zone District to the C-2-B Zone District to enable the development of a new mixed-use building at the Property.
2. Pursuant to Z.C. Order Nos. 06-04C and 06-04E, the Commission approved modifications to the PUD, and pursuant to Z.C. Order Nos. 06-04A, 06-04B, and 06-04D, the Commission approved extensions for the time in which the Applicant was required to file a building permit application for the PUD. Pursuant to Z.C. Order No. 06-04F, the Commission approved an extension for the time in which the Applicant was required to begin construction of the project, such that construction was required to begin no later than June 15, 2018.
3. The approved PUD, as modified by Z.C. Order Nos. 06-04C and 06-04E, involves construction of a mixed-use development having a total gross floor area of approximately 85,428 square feet. Approximately 84,306 square feet of the building are devoted to residential use, providing between 85 and 95 dwelling units, and approximately 4,998 square feet of floor area are devoted to retail use in the cellar. The approved PUD has a maximum density of 4.5 floor area ratio (“FAR”) and a maximum building height of 72’-4.5” not including penthouses. The approved PUD includes 41 parking spaces located on one level of underground parking accessed from Florida Avenue.
4. The Applicant filed a building permit application for the PUD on June 11, 2015, which vested the PUD extension approved in Z.C. Order No. 06-04D. However, due to the extensive history of environmental contamination at the Property, the Applicant’s recent

¹ The Applicant’s request was for a two-year extension of the time period in which to begin construction of the approved PUD; however, following discussions with Advisory Neighborhood Commission (“ANC”) 5E, the Bloomingdale Civic Association, and the Office of Planning, the Applicant agreed to the one-year extension.

assumption of “Responsible Party” status for clean-up activities, and the outstanding environmental approvals needed, the Applicant was unable to begin construction of the PUD by June 15, 2018.

5. On April 30, 2018, the Applicant filed a request for another two-year extension for the PUD, such construction would be required to begin no later than June 15, 2020. In submitting the application, the Applicant requested a waiver from 11-Z DCMR § 705.5, which provides that an “applicant with an approved PUD may request no more than two (2) extensions. The second request for an extension may be approved for no more than one (1) year.” As set forth below, granting the waiver pursuant to 11-Z DCMR § 705.5 does not prejudice the rights of any other party.
6. The Applicant’s extension request was supported by evidence describing the Property’s history of gasoline station use and resultant environmental contamination that is beyond the Applicant’s reasonable control. The Applicant submitted the following documentation in support of its case that it could not reasonably comply with the time limits set forth in Z.C. Order No. 06-04F:
 - a. Until 2003, the Property was owned and operated by Exxon Mobil (“Exxon”) as a gas station. On July 28, 2003, Exxon sold the Property to Five Q, LLC. At the time of the sale, Exxon remained the “Responsible Party” for an ongoing spill case (LUST Case No. 94-016), which identified Exxon as being responsible for the cleanup of the Property and achieving a “No Further Action” (“NFA”) designation by the District Department of Energy and the Environment (“DOEE”);
 - b. On January 18, 2011, DOEE issued an NFA letter to Exxon, which stated that no further remedial action was necessary unless the residually contaminated soil was removed, disturbed, or excavated, in which case Exxon would be required to report to DOEE for further direction and guidance prior to commencement of work. The letter indicated that Exxon remained the Responsible Party for any previously incurred or future liability due to residual contamination left in place;
 - c. On June 16, 2016, the Applicant purchased the Property from Five Q, LLC. Recognizing that the NFA was conditional based on the soil staying in place, the Applicant decided to enter into the Voluntary Remediation Action Program (“VRAP”) with DOEE to implement a Voluntary Remedial Action Plan (“VRAP Plan”) to remediate the Property using a risk-based approach for the development of a residential building, and to assume Responsible Party status for all historic contamination at the Property. Although it is highly unusual for a private property owner to take on the Responsible Party status for a property, the Applicant saw no other way but to take this action so that the PUD could move forward as approved;

- d. On March 12, 2017, the Applicant met with DOEE to discuss the VRAP process. DOEE was receptive to the idea and appreciated the Applicant's offer to assume Responsible Party status;
 - e. On May 16, 2017, pursuant to DOEE's guidance, the Applicant submitted a VRAP application to DOEE for redevelopment of the Property. The VRAP application confirmed that the Applicant would be required to perform assessment and remediation work and take corrective action in place of the previous Responsible Party;
 - f. By letter dated May 30, 2017, DOEE approved the Applicant's VRAP application and granted Responsible Party status to the Applicant, contingent upon submission of (i) a Certificate of Financial Responsibility; (ii) a detailed VRAP Plan explaining the proposed technologies that would be used to remediate residential contamination to levels that are protective of human health and the environment; (iii) a site-specific quality assurance/quality control plan for the activities to be carried out during implementation of the remedial approach; and (iv) a site-specific Health and Safety Plan addressing federal Occupational Safety and Health Administration regulations;
 - g. On June 26, 2017, the Applicant submitted to DOEE all of the documents requested in DOEE's May 30, 2017 letter, including the VRAP Plan;
 - h. On August 17, 2017, DOEE requested revisions to the VRAP Plan (clarify that monitoring well construction and locations will be proposed to DOEE before installation; clarify that any over excavation will be proposed to DOEE before completion; and change the attainment sampling from two quarters to four quarters), and on August 22, 2017, the Applicant submitted the revised VRAP Plan to DOEE; and
 - i. On September 6, 2017, DOEE approved the VRAP Plan and the transfer of Responsible Party status for the Property from Exxon to the Applicant.
7. In its application materials, the Applicant indicated that finalizing the above stated items would take approximately six to 12 months, as they would require field work and DOEE approval. The application also stated that once the items listed above were complete, that an additional six to 12 months would be needed to update the foundation and construction plans and work with the District to obtain building permits that take into account the VRAP Plan approved after the original building permit application was filed. The specific VRAP Plan activities are as follows:
- a. Prior to implementation of the VRAP Plan, pre-excavation soil borings are required to characterize soils for disposal within the limits of the building foundation and to vertically delineate soil impacts for the remedial excavation. To do so, the Property

needs to be divided into a 50-foot by 50-foot grid with one soil boring advanced in each grid section. Soil samples will be collected from five feet below grade to the boring termination depths of approximately 30 to 35 feet below grade. The remedial excavation design will be determined following evaluation of pre-excavation soil boring data and will be submitted to DOEE for approval prior to completion of work;

- b. Prior to implementation of the VRAP Plan, a project-specific vapor barrier needs to be designed and approved by DOEE. The results from the pre-exaction soil samples will be utilized while selecting the appropriate vapor barrier design; and
 - c. Prior to implementation of the VRAP Plan, a project-specific sub-slab depressurization system needs to be designed and approved by DOEE.
8. Other than the Applicant, the only party to this case was Advisory Neighborhood Commission (“ANC”) 5E. As indicated on the Certificate of Service, the Applicant served the PUD extension request on ANC 5E on April 30, 2018. (Exhibit (“Ex.”) 1.)
 9. ANC 5E submitted a resolution to the record, indicating that at its duly noticed public meeting of June 5, 2018, at which a quorum of Commissioners was present, ANC 5E voted 7-0-0 to support a one-year extension, rather than the two year requested, conditional upon the Applicant fulfilling its community benefits package within 90 days of the approved extension. (Ex. 5.) The ANC’s resolution indicated that the Applicant’s legal representative had informed the Single Member Commissioner for the area in which the Property is located that the remediation work can be accomplished in such a manner as to permit construction to being by June 15, 2019.
 10. The Office of Planning (“OP”) submitted a report to the record, dated June 1, 2018, recommending that the Commission approve a one-year extension and the waiver from 11-Z DCMR § 705.5. (Ex. 4.) OP indicated that the Applicant demonstrated good cause for the extension request due to environmental contamination based on the Property’s former gas station use, that prevents the Applicant from beginning construction at this time. OP also stated its support for the Applicant’s work with DOEE on remediation and environmental measures at the Property. (See Ex. 4, p. 3.)
 11. The Applicant agreed to a one-year extension at the Commission’s June 11, 2018 public meeting.
 12. Because the Applicant demonstrated good cause with substantial evidence pursuant to 11-Z DCMR § 705.2(c) of the Zoning Regulations, the Commission finds that a one-year extension to begin construction of the approved PUD should be granted.

CONCLUSIONS OF LAW

1. Pursuant to 11-Z DCMR § 705.2, the Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, documenting the following:
 - a. The request is served on all parties to the application by the Applicant, and all parties are allowed 30 days to respond;
 - b. There is no substantial change in any material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and
 - c. The applicant demonstrates with substantial evidence one or more of the following criteria:
 - i. An inability to obtain sufficient project financing for the development, following an Applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;
 - ii. An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the Applicant's reasonable control; or
 - iii. The existence of pending litigation or such other condition, circumstance, or factor beyond the Applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.
2. The Commission concludes that the Applicant complied with the notice requirements of 11-Z DCMR § 702.2(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
3. The Commission concludes there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.
4. The Commission also concludes that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11-Z DCMR § 705.2(c). Specifically, the Applicant provided substantial evidence that there are significant environmental impediments at the Property that are beyond the Applicant's reasonable control and which prevent the Applicant from proceeding with construction at this time.
5. The Commission waives the requirements of 11-Z DCMR § 705.5, which provides that an applicant may request no more than two PUD extensions. In this case, the original PUD was approved under the 1958 Zoning Regulations, which did not limit the permitted number of extensions for a PUD. However, the Applicant is unable to move forward with

beginning construction by June 15, 2018, due to the existence of environmental contamination of the Property, which is still being evaluated and remediated, and which process must be complete before construction can occur. Also, while environmental remediation is occurring, the Applicant cannot reasonably obtain financing for the project. Thus, despite the Applicant's diligent, good faith efforts to expedite the environmental review process as quickly as possible, it has been unable to secure all required governmental approvals that are required to begin construction. Therefore, the Commission finds it reasonable to waive the requirements of 11-Z DCMR § 705.5 in granting this PUD extension request and that waiving the requirements will not prejudice the rights of any other party.

6. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the issues and concerns stated in an affected ANC's written report. ANC 5E, as the affected ANC, received notice of the request and was given 30 days to respond, excluding Saturday, Sundays, and holidays. As noted, the ANC's resolution expressed concern over granting a two-year extension given the Applicant's verbal indication that a one-year period would suffice. The Applicant agreed to a one-year extension, which is what the Commission voted to grant.
7. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission agreed with OP's recommendation that the Commission approve a one-year extension to commence construction of the approved PUD.
8. 11-Z DCMR § 705.7 provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in 11-Z DCMR § 705.2. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in 11-Z DCMR § 705.2.
9. The Commission concludes that its decision to extend the validity of the PUD for one additional year is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of a one-year extension of the time in which to begin construction of the approved PUD located at 1600 North Capitol Street, N.W. (Square 3100, Lot 48), such that construction must begin by June 15, 2019.

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 identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On June 11, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application for a one-year extension at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Peter Shapiro not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 3, 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. 10-21B**

Z.C. Case No. 10-21B

V Street S.W., LLC

(Design Review Modification of Consequence @ Square 667S)

February 26, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on February 26, 2018. At that meeting, the Commission approved the application of V Street S.W., LLC (“Applicant”) for a modification of consequence to the approved design for property owned by the Applicant. The previously approved design was pursuant to the Capitol Gateway (CG) Overlay District provisions (“CG Overlay District Review”) set forth in former §§ 1603 and 1610 of Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The property that is the subject of this application consists of Lot 16 in Square 667S (“Property” or “Subject Property”). The modification request was made pursuant to Section 703 of the Commission’s Rules of Practice and Procedures which are codified in Subtitle Z of Title 11 of DCMR.

FINDINGS OF FACT

1. By Z.C. Order No. 10-21, dated June 27, 2011 and effective August 12, 2011, the Commission approved the design of a mixed-use residential/retail project to include 75-110 residential units, approximately 1,800 square feet of retail space located on the ground floor, 116 vehicle parking spaces, and 48 bike spaces (“Project”).
2. The Property is located on the south side of V Street, S.W. between Half Street and 1st Streets, on a site consisting of Lot 16 in Square 0667S in the neighborhood known as Buzzard Point.
3. On November 8, 2016, the Applicant submitted a previous application requesting approval of a modification of significance for the approved Project. The Applicant requested approval to modify the previous half-circular plan to permit a more standard rectangular plan. Changes to the penthouse in accordance with the new penthouse regulations, which permit the inclusion of habitable space, were also proposed. That modification of significance was approved pursuant to Z.C. Order No. 10-21A¹. The Project, Plans, and conditions approved in Z.C. Case No. 10-21A replaced those approved in Z.C. Case 10-21.
4. On January 3, 2018, the Applicant submitted an application for a modification of consequence seeking approval of the redesign of several Project architectural elements. The redesign was primarily driven by a determination by the Department of Energy and Environment requirement that the Project comply with the 500 year flood plain, rather than a 100-year floodplain, as previously required.

¹ Z.C. Order 10-21A contains errors in the case caption and decision paragraph where it refers to the approval as a “modification of consequence.” The Commission required a hearing in the case, and decided it pursuant to 11-Z DCMR § 704, making it a modification of significance.

5. On January 19, 2018, the Office of Planning (“OP”) submitted a report stating that OP believed the requested changes comply with the definition of a modification of consequence because they are changes to the design of the Project’s architectural elements, and that the changes proposed are consistent with the original approval and the intent of the CG zone. OP requested that the Applicant submit additional information including sample images of some of the proposed, new exterior materials, and the design of the rooftop terrace prior to their making a final recommendation.
6. 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 and 703.4, and that therefore no public hearing was necessary. The Commission also established a timeframe for the parties in the original proceeding, in this case just Advisory Neighborhood Commission (“ANC”) 6D, to file a response to the application and for the Applicant to respond thereto, and scheduled the Commission’s further deliberations, as required by 11-Z §703.17(c)(2). In addition, the Commission ordered that the Applicant submit the additional information and sample materials requested by OP in its report. The Commission directed the Applicant to submit the additional information by February 12, 2018 and requested that OP and ANC 6D file any responses thereto by February 20, 2018.
7. On February 12, 2018, the Applicant made a supplemental submission requested by OP including the sample images of the proposed new building materials and roof terrace design. No additional submission was received from ANC 6D. ANC 6D had previously submitted a letter dated January 9, 2018 indicating that the ANC voted 7-0-0 to support the modification of consequence.
8. OP submitted a final report, dated February 20, 2018, indicating that upon review of the additional materials previously requested by OP, it recommends approval of the application as a modification of consequence.

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 in this case, and 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 modifications are entirely consistent with the Commission's previous approval. The use of this building has not changed and the Applicant is only proposing the redesign and relocation of architectural elements of the building that do not diminish or detract from the Commission's original approval of the Project. The Commission concludes that the application warrants approval.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC. ANC 6D meets the definition of "affected ANC" as set forth in 11-B DCMR § 100.1. ANC 6D's report stated that it supported the application, retained the concerns about the Project that were listed in the ANC report for the Project that were submitted in Z.C. Case 10-21A, and expressed no new issues or concerns.

With respect to the issues and concerns expressed in ANC 6D's report submitted in Z.C. Case 10-21A, the Commission addressed them in Z.C. Order 10-21A.

Because the ANC expressed no new issues or concerns, there is nothing else for the Zoning Commission to give great weight to. *See Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The Commission carefully considered ANC 6D's position supporting approval of the application and concurred in its recommendation of approval.

The Commission is also required give great weight to the recommendations of OP by § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990. (D.C. Law 8-163, D.C. Official Code §6-623.04.) 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 Project and plans approved in Z.C. Case No. 10-21A. The conditions in Z.C. Order No. 10-21A remain unchanged, except Condition No. A.1 is replaced as follows:

1. The Project shall be developed in accordance with the plans marked as Exhibits 24L1-24L9, as modified by Exhibit 27, and Exhibits 29-30 of the record in Z.C. Case No. 10-21A and as further modified by Exhibits 1C and 6A of the record in Z.C. No. 10-21B.

On February 26, 2018, upon the motion of Chairman Hood, 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 *DC Register*; that is on August 3, 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. 11-07H**

Z.C. Case No. 11-07H

American University

(Campus Plan Modification of Consequence @ Squares 1560, 1599, 1600, 1601, & 1728)

February 26, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on February 26, 2018. At that meeting, the Commission reviewed the request of American University (“Applicant” or “University”) for a technical correction of Z.C. Order No. 11-07, the 2011-2022 American University Campus Plan Order, to correct Condition No. 14 so that AU is required to maintain an inventory of approximately 2,200 parking spaces on campus.

At the public meeting, the Commission determined that this request was more properly a modification of consequence and because all relevant parties had submitted information into the record the Commission was able to deliberate on this request at the public meeting. The technical correction application and modification of consequence were reviewed 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. The Commission approved the AU Campus Plan for the period from 2011-2022 (“Campus Plan”) pursuant to Z.C. Order No. 11-07. The Campus Plan became effective on May 17, 2012.
2. The first line of Condition No. 14 of that Order provided:

The University shall maintain an inventory of approximately 2,500 parking spaces on campus.
3. Finding of Fact No. 67 of the Order stated in part:

In the 2011 Plan, the University proposed to reduce the number of on-campus parking spaces by 429, to approximately 2,200 spaces . . .
4. The University is providing 2,393 parking spaces.
5. The Applicant apparently did not notice the discrepancy until approximately five years later, when on August 25, 2017, it submitted to the Commission an application which sought approval for a Campus Plan Amendment and Further Processing application for the proposed construction of the Hall of Science Building (which is the subject of Z.C. Case No. 11-07G).

6. As part of any further processing application, the Applicant must prove that it has remained in substantial compliance with the conditions of the Campus Plan Order, including Condition No. 14.
7. Since it clearly was not in compliance with that Condition, the Applicant indicated within its statement of support that because the Finding of Fact noted it had proposed a reduction of its parking space requirement from 2,649 to 2,200, the latter figure as stated in Condition No. 14, must have been a typographical error. The other explanation of course is that the Commission did not fully accept the University's proposal and instead reduced the number of parking spaces from the 2,649 required in the prior campus plan to 2,500.
8. Based upon its typographical error theory, the Applicant's statement in support indicated that it was requesting a technical correction to Z.C. Order No. 11-07 to change the figure to what it had proposed.
9. At its January 29, 2018 public meeting, during the Commission's deliberations regarding Z.C. Case No. 11-07G, the Commission noted that the Applicant did not follow the rules in 11-Z DCMR § 703 for making such a request, and it would not consider the question until those rules were complied with and a separate application filed. Since it could not determine whether the University had remained in substantial compliance with the conditions in Z.C. Order No. 11-07 until it determined what the parking figure should be, it deferred final action until that occurred. The Applicant filed that request on February 7, 2018, which became known as this case, Z.C. Case No. 11-07H.
10. In satisfaction of § 703.13 of Subtitle Z, the Applicant provided a Certificate of Service, which noted that all parties to Z.C. Case No. 11-07 were served with this application. The Applicant noted that at the time of Z.C. Case No. 11-07, some properties that were located within 200 feet of the AU Tenley Campus on the east side of Wisconsin Avenue were located in Advisory Neighborhood Commission ("ANC") 3F. Those properties are no longer located in ANC 3F, but they are now located in ANC 3E. ANC 3E was served with a copy of the technical correction request. (Exhibit ["Ex.,"] 2.)
11. ANC 3D did not submit a report in this case. However, on September 21, 2017, ANC 3D submitted a letter to the Commission which supported the proposed Campus Plan Amendment and Further Processing application for the Hall of Science Building, as well as the technical correction to Condition No. 14 of Z.C. Order No. 11-07. (Ex. 12 of Z.C. Case No. 11-07G.) This letter noted:

Members of the ANC and the community have reviewed parking reports provided by American University in support of this application. We do not raise an objection to American University's request for a technical correction to Condition No. 14 and the ANC further believes the expected loss of approximately 75 parking spaces will not pose an objectionable impact on the community. (Ex. 2D.)

12. The Office of Planning (“OP”) did not submit a report in this case. However, on November 9, 2017, OP submitted a report in Z.C. Case No. 11-07G, which recommended that the Commission approve the requested amendment to the approved Campus Plan and the further processing of the campus plan, with conditions related to the submission of some additional information. (Ex. 32 of Z.C. Case No. 11-07G.) In regard to the proposed technical correction of the number of parking spaces, the OP report stated:

The applicant has also requested that the Zoning Commission correct the number of required on-campus parking spaces from 2,500 to 2,200 citing differences between ZC Order No. 11-07 Condition No. 14 and ZC Order 11-07 Finding of Fact 67 (Exhibit 4, page 13). OP agrees with this correction as the Case 11-07 record and testimony supports the 2,200 space requirement; the applicant will submit additional information from the original record to the record for this case to further substantiate this request. (Ex. 2E.)

13. The Department of Transportation did not submit a report in this case, and its report for Z.C. Case No. 11-07G does not make any specific reference to the proposed technical correction. (Ex. 40 of Z.C. Case No. 11-07G.)
14. On November 13, 2017, the Spring Valley Wesley Heights Citizens Association (“SVWHCA”) and the Neighbors for a Livable Community (“NLC”), a Party in Opposition in Z.C. Case No. 11-07G, submitted a pre-hearing submission to the Commission. (Ex. 33 of Z.C. Case No. 11-07G). In that submission, SVWHCA/NLC noted their opposition to the Applicant’s request for a technical correction to the number of parking spaces that AU is required to maintain on campus. (Ex. 2F, 2G.) SVWHCA/NLC provided oral testimony on this issue at the November 20, 2017 public hearing in Z.C. Case No. 11-07G. SVWHCA/NLC continued to address the issue of the proposed technical correction in their post-hearing submission in Z.C. Case No. 11-07G, which indicated: (Ex. 61 of Z.C. Case No. 11-07G.)

We stand on the testimony we provided in this case that there is no evidence in the record to indicate the Commission approved “2,200” as opposed to “approximately 2,500” as the parking space requirement. Many numbers for parking spaces were discussed in the course of Z.C. 11-07, including testimony from AU that it only needed 1,500 parking spaces to meet its needs. So, AU’s suggestion that the Commission adopted the “2,200” figure is arbitrary and convenient, especially since AU now is not in compliance with Condition No. 14.

15. On February 20, 2018, SVWHCA/NLC filed a statement in opposition to the Applicant’s application for a technical correction to Condition No. 14 of Z.C. Order No. 11-07. SVWHCA/NLC argued that the University’s request does not meet the standards for a technical correction. Instead, pursuant to Subtitle Z §703.6, the University should apply for a modification of significance because the University seeks additional zoning relief to allow for a 300 parking space reduction in the on campus parking requirement and such relief may result in objectionable conditions for neighbors. (Ex. 4.)

16. SVWHCA/NLC's statement in opposition to the technical correction of Condition No. 14 of Z.C. Order No. 11-07, states that a technical correction would only be appropriate if the University was able to prove that an error—in the form of a typo—was made in drafting the Order. SVWHCA/NLC asserts that the Z.C. Case No. 11-07 record does not support the University's argument, noting: when the Commission began its deliberations in Z.C. Case No. 11-07, the University's proposal for its on-campus parking inventory was to provide approximately 2,500 parking spaces, according to the University's draft order filed one month earlier in the case record; though the Commission supported reducing the number of parking spaces on campus over the term of the Campus Plan, its decision in Z.C. Case No. 11-07 did not clearly identify the number of parking spaces that were to be reduced. (Ex. 4.)
17. The SVWHCA/NLC statement in opposition also questioned the potential objectionable impacts that the reduction of parking spaces to 2,200, the University's increased parking utilization rate (now at least 80%), and the increase in undergraduate enrollment have on the surrounding community. The SVWHCA/NLC statement in opposition requested that the Commission hold a public hearing to review the factors resulting in the increased rate of parking utilization on campus and what steps might be needed to further reduce on-campus parking demand, including, but not limited to, additional traffic demand strategies or more effective monitoring of existing traffic demand programs. (Ex. 4.)
18. Based upon the Commission's review of the record in this case, there is no clear indication as to whether the 2,500 figure represented a typographical error or a compromise reached by the Commission.
19. The Commission, nonetheless, believes that it likely intended a figure between 2,200 and 2,500.
20. The record in Z.C. Case No. 11-07G indicates that no objectionable conditions result from the current parking space inventory and given the parking utilization on campus, a reduction to 2,200 would be appropriate.

CONCLUSIONS OF LAW

The Applicant filed this application as a technical correction of Condition No. 14 of Z.C. Order No. 11-07. The Commission agrees with SVWHCA/NLC that this case should not be reviewed as a technical correction of Z.C. Order No. 11-07. However, the Commission does not agree with SVWHCA/NLC's argument that a modification of significance application, and a public hearing, is necessary for the Commission to thoroughly review the relevant issues related to this application. The Commission concludes that ample evidence was presented in this case, and in Z.C. Case No. 11-07G, regarding the number of required on-campus parking spaces. The record of this case and of Z.C. Case Nos. 11-07 and 11-07G support the conclusion that the Commission agreed with decreasing the number of on-campus parking spaces. However, the Commission could not consider this application a technical correction because the Commission's intent as to the number of required on-campus parking spaces at the time of its decision in Z.C. Case No. 11-07 is unclear. A technical correction would only be appropriate if the Commission could definitively conclude that it intended for the required number of parking spaces to be

approximately 2,200 at the time of its deliberations in Z.C. Case No. 11-07, and that the 2,500 figure appeared in the final Z.C. Order No. 11-07 by mistake. The Commission can, however, conclude that its intent was a number of required parking spaces between approximately 2,200 and 2,500. Therefore, the Commission finds that the modification to Condition No. 14 of Z.C. Order No. 11-07, described in the above findings of fact, is a modification of consequence, and therefore can be granted without a public hearing.

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 finds that in the original Campus Plan case, Z.C. Case No. 11-07, it was the intent of OP, AU, DDOT, and the Commission to reduce the number of required parking spaces on campus. The Commission recognizes the overall benefit to the District that occurs with having a reduced number of parking spaces on campus, and it also acknowledges the need to make sure that the number of on-campus parking spaces provided by the University does not lead to adverse impacts on the surrounding community. Based on the evidence provided in this case and in Z.C. Case No. 11-07G, the Commission finds that ample parking spaces currently exist on American University’s campus at the current inventory of approximately 2,400 parking spaces. The Commission also concludes that it was not presented with evidence, in this case or in Z.C. Case No. 11-07G, that negative impacts on the surrounding community were occurring based on AU related parking in the surrounding community. Therefore, the Commission concludes that the reduction of required on campus parking spaces to 2,200 going forward may be granted as a modification of consequence, and can be accomplished without the need for any further mitigation by the Applicant.

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 the affected ANCs. As is reflected in the Findings of Fact, ANC 3D voted to support the modification to Condition No. 14 of Z.C. Order No. 11-07 as a Technical Correction.

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 the reduction in the number of required parking spaces on campus. 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 the modification of Condition No. 14 of Z.C. Order No. 11-07, as a modification of consequence.

The conditions in Z.C. Order No. 11-07 remain unchanged except the following condition replaces Condition No. 14:

14. The University shall maintain an inventory of approximately 2,200 parking spaces on campus. The University shall continually evaluate its pricing policies for parking with the intention of discouraging vehicle trips to campus without generating demand for off-campus parking by university-affiliated vehicles. The University shall provide DDOT with annual reports on parking utilization that reflect the number of non-carpool passes sold each year relative to the number of full-time equivalent employees and the number of occupied spaces on a typical semester weekday.

On February 26, 2018, upon the motion of Commissioner May, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 3, 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. 11-08C
Z.C. Case No. 11-08C
MCREF Embassy, LLC
(PUD Modification of Consequence @ Square 2578)
March 12, 2018

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on March 12, 2018. At that meeting, the Commission reviewed and approved the request of MCREF Embassy, LLC (“Applicant”) for a modification of consequence of Condition Nos. B.3 and B.4 of the planned unit development (“PUD”) approved by Z.C. Order No. 11-08C. The Applicant requested that both conditions be modified to reflect the current needs of the respective recipient organizations.

At the public meeting, the Commission determined that this request was properly considered a modification of consequence. It further determined that all relevant parties had received notice of the application and the record was complete such that the Commission was able to make a determination on this request at the public meeting. The modification of consequence was reviewed 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. Z.C. Order No. 11-08 approved a residential building at 2700 16th Street, N.W., at the site of the former Italian Embassy. Construction pursuant to the approval is well underway, with the first certificate of occupancy for residential use expected in 2018.
2. As terms of the issuance of a certificate of occupancy, the Applicant must demonstrate compliance with certain conditions. Two such conditions are the subject of the modification application.
3. On February 15, 2018, the Applicant submitted an application to the Commission seeking approval pursuant to § 703 to modify Conditions B.3 and B.4 in Z.C. Order No. 11-08 (“Order”). (Exhibit [“Ex.”] 1, 2-2E.)
4. Condition B.3 in the Order required the Applicant to renovate the commercial kitchen at the Festival Center, including demolition of and moving the men’s restroom and demolition and building of the new kitchen space and installation of new kitchen equipment. (Ex. 2B.)
5. Condition B.4 required the Applicant to establish a tree fence buy-in program and to contribute \$50,000 to the program. Once the program was established, the Applicant was responsible for selling and installing up to 625 tree fences, which would be sold at cost. (Ex. 2B.)

6. The Applicant requested to modify both conditions to better accommodate the current needs of both organizations. Both the Festival Center and the Reed-Cooke Neighborhood Association (“RCNA”) submitted documents in support of the requested modifications. (Ex. 2C, 2E.)
7. The application included a letter and an agreement with the Festival Center dated February 1, 2018, stating that instead of renovating the kitchen, the Center would prefer a contribution from the Applicant in the amount of \$250,000 to be put toward major building maintenance such as improvements on the HVAC system, improving accessibility, security, and energy efficiency, as well as improving the kitchen. (Ex. 2C.)
8. The application also included an agreement with RCNA that stated RCNA desired to expand the beautification program previously approved by the Commission beyond tree fences and to include other public space improvements. The agreement further provided for a contribution from the Applicant of \$120,000 to effectuate the beautification program. (Ex. 2E.)
9. ANC 1C submitted a resolution unanimously in support of the modification, noting that the developer engaged in extensive dialogue with both the Festival Center and RCNA and further noting that modifying Conditions B.3 and B.4 is appropriate given that the conditions are being modified based on input from the affected organizations. (Ex. 4.) ANC 1C expressed no issues or concerns.
10. The Office of Planning (“OP”) submitted a report dated March 8, 2018, noting that it did not oppose the changes to the conditions as a modification of consequence. OP noted that while the proposed modifications could be considered a modification of significance, in this case, OP did not believe that the modifications required a hearing as all parties to the record, including the ANC, supported the proposed revisions to the order. Further, the request was straightforward, did not present a factual issue that would require a public hearing to resolve and did not change the material facts upon which the case was decided. (Ex. 3.)
11. In satisfaction of § 703.13 of Subtitle Z, the Applicant provided a Certificate of Service which noted that all parties to Z.C. Case No. 11-08 were served with this application.

CONCLUSIONS OF LAW

This application is properly before the Commission as a modification of consequence. While OP noted that the proposed modifications could be considered a modification of significance, the Commission, pursuant to 11-Z DCMR § 703.1, in the interest of efficiency, is authorized to make “minor modifications” or “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) One example of a modification of significance given by § 703.6 is a “change to proffered public benefits and amenities,” which is what is requested here. The Commission, however, considers these standards to be flexible, with the principal distinction

between modifications of significance and consequence being whether the Commission believes it would be helpful to have a hearing. In this instance, the request is straightforward and supported by all parties to the original case as well as the recipients of the benefits approved in the original case. As such, the Commission gives great weight to OP's conclusion that this application is properly before the Commission as a modification of consequence. The Commission is persuaded by the evidence in the record, including the agreements from the Festival Center and RCNA, that the proposed modifications are in the best interest of the community.

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 the affected ANCs. As is reflected in the Findings of Fact, ANC 1C had no issues or concerns.

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 the modification of Conditions No. B.3 and B.4 in Z.C. Order No. 11-08, as a modification of consequence. The conditions in Z.C. Order No. 11-08 remain unchanged except as follows. The following conditions replace conditions No. B.3 and B.4 of Z.C. Order No. 11-08:

- B.3. Prior to issuance of a certificate of occupancy, for the project, the Applicant shall provide \$250,000 to the Festival Center to be put toward major constructional maintenance, including but not limited to, repairs to the HVAC, roof and elevators, performing accessibility and energy efficiency improvements or implementing electrical, security system and kitchen upgrades. Prior to the issuance of a certificate of occupancy, the Applicant shall submit evidence to the Zoning Administrator in the form of a letter, signed by the Festival Center, confirming that the funds have been provided to the Festival Center and that the Festival Center is using them for the intended use.
- B.4. Prior to the issuance of a certificate of occupancy for the project, the Applicant shall contribute \$120,000 to the Reed-Cooke Neighborhood Association to be used in its Block Beautification program. The funds will be used for maintenance of existing tree boxes, landscaping and other neighborhood projects that beautify the public spaces in the Reed-Cooke neighborhood. Prior to issuance of a certificate of occupancy, the Applicant shall submit evidence to the Zoning Administrator in the form of a letter, signed by the Reed-Cooke Neighborhood Association, confirming that the funds have been allocated for the Reed-Cooke Neighborhood Association as set forth in the Amendment and Restatement of

Agreement and that the Reed-Cooke Neighborhood Association is using the funds for the intended use.

On March 12, 2018, upon the motion Vice Chairman Miller, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve; Peter A. Shapiro, not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on August 3, 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
NOTICE OF FILING
Z.C. Case No. 18-11
(Riggs Road Center, LLC and Avissar Riggs Road, LLC –
Map Amendment @ Square 3710)
July 19, 2018

THIS CASE IS OF INTEREST TO ANC 4B

On July 11, 2018, the Office of Zoning received an application from Riggs Road Center, LLC and Avissar Riggs Road, LLC (the “Applicant”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this application consists of Lots 848, 849, and 199 in Square 3710 in northeast Washington, D.C. (Ward 4), on property located at 5642, 5648, and 5650 3rd Street, N.E. The property is currently zoned Production, Distribution, and Repair (“PDR”)-1. The Applicant is proposing a map amendment to rezone the property to the Mixed-Use (“MU”)-4 zone.

The MU-4 zone is intended to: permit moderate-density mixed-use development; provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers. The MU-4 zone allows a maximum height of 50 feet; maximum lot occupancy of 60% (70% for Inclusionary Zoning [IZ]); and maximum density of 2.5 floor area ratio (“FAR”) (3.0 for IZ and 1.5 for non-residential¹).

The PDR-1 zone is intended to: permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. The PDR-1 zone allows a maximum height of 50 feet and maximum density of 3-5 FAR (2.0 FAR for restricted uses²).

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

¹ In the MU-4 and MU-5 zones, an existing building on a lot with an area 10,000 sq. ft. or less, may have a maximum density of 2.0 FAR for non-residential uses, provided the uses are located in the ground story and the story directly above the ground story. For new construction, any additional use is limited to 0.5 FAR.

² See Subtitle J, Chapter 2 of the Zoning Regulations for maximum densities for restricted uses in PDR zones.

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