

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 22-477, Ben's Chili Bowl Way Designation Act of 2018
- D.C. Council enacts Act 22-489, Tipped Wage Workers Fairness Amendment Act of 2018
- D.C. Council schedules a public hearing on Bill 22-1008, Charter School Property Tax Clarification Amendment Act of 2018
- D.C. Council gives notice of grant budget modifications
- Public Service Commission proposes updates to the certification regulations of local exchange telecommunications service providers
- Public Service Commission extends the deadline for filing reply comments on the Potomac Electric Power Company's comprehensive Capital Grid Application
- Office of the State Superintendent of Education proposes updates to the reimbursement rates for subsidized child care providers in the District for Fiscal Year 2019
- D.C. Zoning Commission proposes updates to the permit processing regulations

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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Amend the following subtitles and chapters of 11 DCMR (Zoning Regulations of 2016) to eliminate the "common division wall" language that appeared in the 1958 and 2016 Zoning regulations, and amend the definitions for detached, semi-detached, and attached buildings.

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Amend the following subtitles and chapters of 11 DCMR (Zoning Regulations of 2016) to eliminate the "common division wall" language that appeared in the 1958 and 2016 Zoning regulations, and amend the definitions for detached, semi-detached, and attached buildings.

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-474

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To symbolically designate the 4900 block of Nannie Helen Burroughs Avenue, N.E., in Ward 7, as Mazie Washington Way.

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

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 4900 block of Nannie Helen Burroughs Avenue, N.E., as “Mazie Washington Way”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

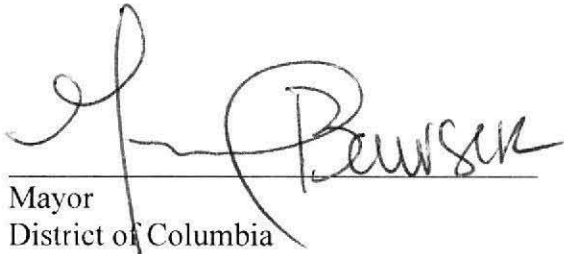
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-475

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To symbolically designate the 200 block of 10th Street, N.E., in Ward 6, as Outlaw Way.

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

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the 200 block of 10th Street, N.E., as “Outlaw Way”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-476

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To symbolically designate the unit block of Brandywine Street, S.E., between First Street, S.E., and South Capitol Street, S.E., in Ward 8, as Rev. W.W. Flood Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rev. W.W. Flood Way Designation Act of 2018".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the unit block of Brandywine Street, S.E., between First Street, S.E., and South Capitol Street, S.E., as "Rev. W.W. Flood Way".

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-477

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

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.

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 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., as “Ben’s Chili Bowl Way”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-478

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To amend, on a temporary basis, the Neighborhood Engagement Achieves Results Amendment Act of 2016 to require that all excess money remaining in the operating budget of the Office of Neighborhood Safety and Engagement at the end of Fiscal Year 2018 shall be deposited into the Neighborhood Safety and Engagement Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Neighborhood Safety and Engagement Fund Temporary Amendment Act of 2018”.

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

- (a) Paragraph (2) is amended by striking the phrase “; and” and inserting a semicolon in its place.
- (b) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.
- (c) A new paragraph (5) is added to read as follows:
“(5) All excess monies remaining in the operating budget of the ONSE at the end of Fiscal Year 2018.”.

Sec. 3. Fiscal impact statement.

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


Sec. 4. Effective date.

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

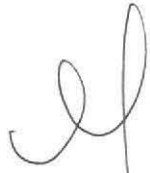
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-479

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To approve, on an emergency basis, Modification Nos. 14, 14a, and 15 to Contract No. CW30657 with On Point Technology, LLC to supply, maintain, support, and modify the District’s on-line compensation system and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW30657 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 14, 14a, and 15 to Contract No. CW30657 with On Point Technology, LLC to supply, maintain, support, and modify the District’s on-line compensation system, and authorizes payment in the amount of \$4,989,086 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-480

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To approve, on an emergency basis, Contract No. CW62890 with PFC Associates, LLC to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and to authorize payment for the goods and services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW62890 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW62890 with PFC Associates, LLC to provide occupational and ancillary healthcare services at the Police and Fire Clinic, and authorizes payment in the amount of \$16,217,162.07 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-481

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To approve, on an emergency basis, Modification Nos. 10a, 11, 12, and 12a, and proposed Modification No. 13 to Contract No. CW28295 with Maru Solutions, Inc., to provide Mission Oriented Business Integrated Services, and to authorize payment in the not-to-exceed amount of \$10 million for the goods and services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Contract No. CW28295 Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 10a, 11, 12, and 12a, and proposed Modification No. 13 to Contract No. CW28295 with Maru Solutions, Inc., to provide Mission Oriented Business Integrated Services, and authorizes payment in the not-to-exceed amount of \$10 million for the goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-482

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 22, 2018

To symbolically designate, on an emergency basis, due to congressional review, 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 Congressional Review 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. Applicability.

This act shall apply as of October 18, 2018.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

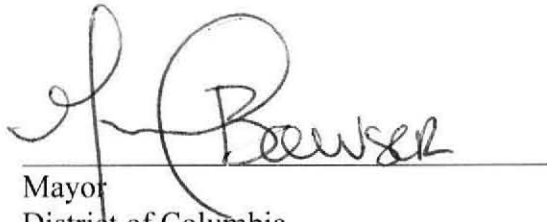
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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
October 22, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-483

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

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

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

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

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

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

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

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

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

Sec. 3. Applicability.

This act shall apply as of October 17, 2018.


Sec. 4. Fiscal impact statement.

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

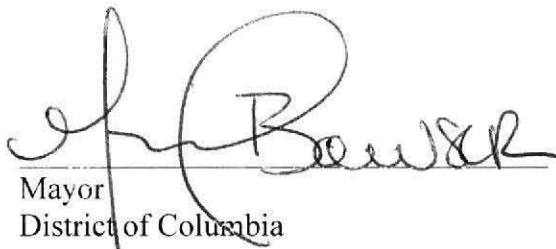
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-484

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

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

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

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

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

Sec. 3. Applicability.

This act shall apply as of October 17, 2018.


Sec. 4. Fiscal impact statement.

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


ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-485

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To approve, on an emergency basis, an agreement to enter into a long-term subsidy contract for 15 years in support of the District’s Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2016-LRSP-09A with St Elizabeths I LP for program units at The Residences at St. Elizabeth’s East Apartments, located at 1201 Oak Drive, S.E.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Local Rent Supplement Program Contract No. 2016-LRSP-09A Approval and Payment Authorization Emergency Act of 2018”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and 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 agreement to enter into a long-term subsidy contract with St Elizabeths I LP to provide an operating subsidy in support of 13 affordable housing units in an initial amount not to exceed \$202,860 annually.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-486

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “At-Risk Tenant Protection Clarifying Congressional Review Emergency Amendment Act of 2018”.

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

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

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

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

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

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

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

Sec. 3. Applicability.

This act shall apply as of October 14, 2018.


Sec. 4. Fiscal impact statement.

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

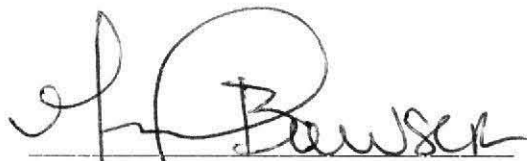
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-487

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To amend, on an emergency basis, due to congressional review, the Recreation Act of 1994 to require the Department of Parks and Recreation to issue a grant to an organization to provide programming to low-income children who are District residents at Fort Dupont Ice Arena.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fort Dupont Ice Arena Programming Congressional Review Emergency Amendment Act of 2018".

Sec. 2. Section 3 of the Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-302), is amended by adding a new subsection (e) to read as follows:

“(e) Beginning in Fiscal Year 2017, and on an annual basis thereafter, the Department shall issue a \$235,000 grant to an organization to provide programming for low-income children who are District residents at Fort Dupont Ice Arena. The grantee shall have experience in providing such programming and shall not charge a participation fee to low-income residents.”.

Sec. 3. Applicability.

This act shall apply as of October 14, 2018.

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

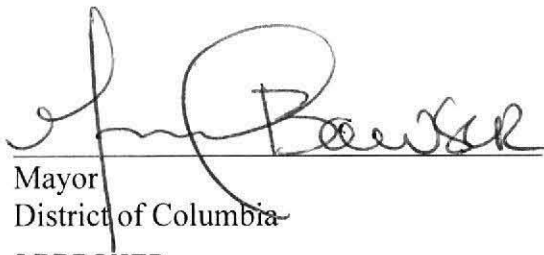
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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
October 22, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-488

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2018

To amend, on an emergency basis, the Fiscal Year 2019 Budget Support Act of 2018, the Washington Convention Center Authority Act of 1994, An Act To provide for the drainage of lots in the District of Columbia, and Chapter 18 of Title 47 of the District of Columbia Official Code to clarify provisions supporting the Fiscal Year 2019 budget.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2019 Budget Support Clarification Emergency Amendment Act of 2018”.

Sec. 2. The Fiscal Year 2019 Budget Support Act of 2018, enacted on September 5, 2018 (D.C. Act 22-442; 65 DCR 9388), is amended as follows:

(a) Section 6152 is amended by striking the phrase “addresses 1 to 177, and on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258” and inserting the phrase “addresses 3 to 177, on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258, and on the west side of South Capitol Street, S.W., addresses 4275 to 4289” in its place.

(b) Section 7252 is amended as follows:

(1) Amendatory section 47-1807.14(d) of the District of Columbia Official Code within subsection (b) is amended to read as follows:

“(d) This section shall not apply if:

“(1) The qualified corporation is exempt from or receives any tax credits towards its real property tax for the qualified rental retail location or qualified owned retail location; or

“(2) The qualified rental retail location or qualified owned retail location is otherwise exempt from real property tax.”.

(2) Amendatory section 47-1808.14(d) of the District of Columbia Official Code within subsection (c) is amended to read as follows:

“(d) This section shall not apply if:

“(1) The qualified unincorporated business is exempt from or receives any tax credits towards its real property tax for the qualified rental retail location or qualified owned retail location; or

ENROLLED ORIGINAL

“(2) The qualified rental retail location or qualified owned retail location is otherwise exempt from real property tax.”.

Sec. 3. Section 208a(h) and (i) of the Washington Convention Center Authority Act of 1994, effective August 12, 1998 (D.C. Law 12-142; D.C. Official Code § 10-1202.08a(h) and (i)), are repealed.

Sec. 4. Section 5(b-1)(1) of An Act To provide for the drainage of lots in the District of Columbia, effective March 29, 1977 (D.C. Law 1-98; D.C. Official Code § 8-205(b-1)(1)), is amended by striking the phrase “addresses 1 to 177, and on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258” and inserting the phrase “addresses 3 to 177, on the east side of Martin Luther King, Jr. Avenue, S.W., addresses 4250 to 4258, and on the west side of South Capitol Street, S.W., addresses 4275 to 4289” in its place.

Sec. 5. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1807.14(d) is amended to read as follows:

“(d) This section shall not apply if:

“(1) The qualified corporation is exempt from or receives any tax credits towards its real property tax for the qualified rental retail location or qualified owned retail location; or

“(2) The qualified rental retail location or qualified owned retail location is otherwise exempt from real property tax.”.

(b) Section 47-1808.14(d) is amended to read as follows:

“(d) This section shall not apply if:

“(1) The qualified unincorporated business is exempt from or receives any tax credits towards its real property tax for the qualified rental retail location or qualified owned retail location; or

“(2) The qualified rental retail location or qualified owned retail location is otherwise exempt from real property tax.”.

Sec. 6. Applicability.

This act shall apply as of October 1, 2018.

Sec. 7. 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).

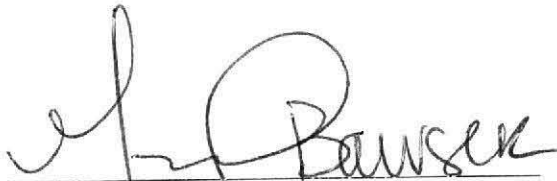
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Sec. 8. Effective date.

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
October 22, 2018

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AN ACT

D.C. ACT 22-489

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 23, 2018

To repeal the Initiative No. 77 – Minimum Wage Amendment Act of 2018; to require the Mayor to create an easily accessible Internet website that describes the various District wage-and-hour and anti-discrimination laws, to launch a public-education campaign to raise awareness and educate the public about the rights of tipped workers, and to create and staff a tip-violation line to receive complaints specifically related to wage laws in the District; to amend the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999 to require the Office of Human Rights to provide a sexual-harassment training course for employees of businesses that employ tipped workers or to allow the Office of Human Rights to certify a list of providers who may provide such training; to amend the Minimum Wage Act Revision Act of 1992 to require employers who employ tipped workers to provide their employees with a tip-out sheet each pay period and to use a third-party to prepare payroll, to require the third-party payroll preparer to report certain wage data on a quarterly basis, including the employer’s tip-out policy, to the Department of Employment Services, to require the tip portal operated by the Mayor to be user-friendly to enable an employee to report easily to the Director of the Department of Employment Services an alleged wage-theft violation and to accept the submission of electronic spreadsheets with wage information instead of requiring the manual entry of such data, and to create the Tipped Workers Coordinating Council; and to amend An Act To provide for the payment and collection of wages in the District of Columbia to require that business owners or operators who employ tipped workers attend, at least once annually, training on the requirements of the District’s wage-theft law, that managers who are employed by an employer that employs tipped workers attend, at least once annually, an in-person training on the requirements of the District’s wage-theft law, that employers of tipped workers provide employees with the opportunity to attend training on the requirements of the District’s wage-theft law, and that employers of tipped workers annually certify to the Department of Employment Services that such training requirements have been met.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Tipped Wage Workers Fairness Amendment Act of 2018”.

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Sec. 2. The Initiative No. 77 -- Minimum Wage Amendment Act of 2018, effective October 11, 2018 (D.C. Law 22-163; 65 DCR 8513), is repealed.

Sec. 3. District of Columbia labor law universal notice requirements.

(a)(1) The Mayor shall create and maintain an Internet website that states the rights and benefits to which an individual is entitled under the following District of Columbia labor and anti-discrimination laws:

(A) Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*);

(B) Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*);

(C) District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*);

(D) Parental Leave Act of 1994, effective August 17, 1994 (D.C. Law 10-146; D.C. Official Code § 32-521.01 *et seq.*);

(E) Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*);

(F) Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*);

(G) Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*);

(H) Building Service Employees Minimum Work Week Act of 2016, effective October 8, 2016 (D.C. Law 21-157; D.C. Official Code § 32-1051.01 *et seq.*);

(I) Protecting Pregnant Workers Fairness Act of 2014, effective March 3, 2015 (D.C. Law 20-168; D.C. Official Code § 32-1231.01 *et seq.*);

(J) An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*); and

(K) District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 *et seq.*).

(2) The Internet website also shall:

(A) Contain information on how to utilize the reporting system established pursuant to section 4(b).

(B) Contain other information on how an individual may submit a labor-related or anti-discrimination complaint to the Mayor; and

(C) List resources, including contact information for legal services or community-based organizations as approved by the Mayor, that an individual may consult if the individual believes his or her rights under one or more of the labor and anti-discrimination laws listed in paragraph (1) of this subsection have been violated.

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(3) The Internet website shall be:

- (A) Easily accessible;
- (B) User-friendly; and
- (C) Printer-friendly.

(b)(1) The Mayor shall provide to all private employers a clear and concise poster, or make available an electronic version of the poster that can be printed and copied, that states:

(a) of this section;

(B) A list of the laws listed in subsection (a)(1) of this section, including which of the listed laws provides greater benefits or protections than federal law;

(C) Notice that an employee may access information and obtain a description of his or her rights under the District of Columbia laws listed on the poster;

(D) Current hourly minimum wage; and

(E) Current hourly tipped minimum wage.

(2) The poster also shall contain an electronic or digital link (such as a QR code) that provides access to the Internet website maintained pursuant to subsection (a) of this section. The electronic or digital link shall:

(A) State "Scan here for more information regarding your employment and labor rights";

(B) Not collect, analyze, or sell any personally identifiable information; and

(C) Be of sufficient size to be scanned or read easily and effectively by a digital device.

(3) An employer shall post the poster in a conspicuous place accessible to all employees in or about the premises of the employer. If there are one or more breakrooms or time clocks on the premises, an employer shall post the poster at each such location.

(4) If any of the laws listed in subsection (a)(1) of this section is amended and the amendment results in information on the poster changing, the Mayor shall provide to all private employers an updated poster or make available an electronic version of the updated poster that can be printed and copied.

(c)(1) In addition to meeting the requirements set forth in subsection (b) of this section, an employer shall print copies of the information posted on the Internet website maintained pursuant to subsection (a) of this section and compile it into a single source, such as a binder. A copy of the compiled information shall be placed at every location that a poster, as required by subsection (b) of this section, is posted.

(2) An employer shall be responsible for ensuring at least monthly that the information required to be printed and made available pursuant to paragraph (1) of this subsection is up to date and identical to the information provided on the Internet website maintained pursuant to subsection (a) of this section.

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(d) An employer that complies with its obligations as set forth in subsections (b) and (c) of this section shall not be required to comply with the posting requirements set forth in the following laws:

(1) Section 106 of the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.06);

(2) Section 251 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.51);

(3) Section 12 of the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-511);

(4) Section 7 of the Parental Leave Act of 1994, effective August 17, 1994 (D.C. Law 10-146; D.C. Official Code § 32-521.06);

(5) Section 10 of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.09);

(6) Section 106(i) of the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.06(i));

(7) Section 10 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1009);

(8) Section 5 of the Building Service Employees Minimum Work Week Act of 2016, effective October 8, 2016 (D.C. Law 21-157; D.C. Official Code § 32-1051.04).

(9) Section 5 of the Protecting Pregnant Workers Fairness Act of 2014, effective March 3, 2015 (D.C. Law 20-168; D.C. Official Code § 32-1231.04); and

(10) Section 37 of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1536).

(e) Subsection (d) of this section shall not be construed to mean that the requirements of this section are optional.

(f) The Internet website required to be maintained pursuant to subsection (a) of this section, the poster required to be provided and posted pursuant to subsection (b) of this section, and the printed information required to be made available pursuant to subsection (c) of this section shall comply with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

(g) The Mayor shall assess a \$100 fine for each day that an employer fails to meet the requirements of this section.

Sec. 4. Public awareness campaign and violation tip line.

(a)(1) No later than 180 days after the date this section becomes applicable, the Mayor shall launch a public-education campaign to raise awareness and educate the public about the rights of tipped workers pursuant to the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70

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Stat. 976; D.C. Official Code § 32-1301 *et seq.*), and the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*).

(2) The campaign shall include the preparation of written materials, available in concise physical format, that state in plain language the rights of tipped workers under the laws identified in paragraph (1) of this subsection.

(3) The campaign shall place particular emphasis on communities that are most at risk for wage and labor violations and shall publicize resources available to tipped workers to protect against wage theft.

(4) The Mayor shall distribute such materials to all workplaces that employ employees paid pursuant to section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), and employers shall distribute the materials to all employees.

(5) The campaign shall comply with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

(b)(1) The Mayor shall create a reporting system that permits the public to report violations of the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*), the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*), the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), and An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*).

(2) The reporting system shall:

(A) Be accessible to the public by the Internet and telephone 24 hours each day and 7 days each week for the entire calendar year;

(B) For the telephone component:

(i) Have live staff available to take complaints, answer basic questions, and provide resources during business hours; and

(ii) During non-business hours, have a voice-messaging system available on which an individual may leave his or her contact information so that his or her message can be returned;

(C) Comply with the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*), and

(D) Allow for anonymous reporting.

(3) The Mayor shall review all reports collected on the reporting system on a weekly basis.

(4) The Mayor may investigate whether violations reported through the reporting system established by this subsection have occurred.

Sec. 5. Title II of the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999, effective October 20, 1999 (D.C. Law 13-38; D.C. Official Code § 2-1411.01 *et seq.*), is

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amended by adding a new section 206a to read as follows:

“Sec. 206a. Mandatory workplace training.

“(a)(1) The Office shall provide a sexual-harassment training course for employees of businesses that employ an employee who is paid in accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), or shall certify a list of providers who may provide such training in accordance with the requirements set forth in this section.

“(2) The Office shall consult with groups representing victims, workers, and employers in the creation of a sexual-harassment training course.

“(3) The training shall include how to respond to, intervene in, and prevent sexual harassment by co-workers, management, and patrons.

“(4) The Office may delegate its responsibilities under this subsection to another agency subordinate to the Mayor.

“(b) Employees of businesses that employ an employee who is paid in accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), shall receive the training according to the following schedule:

“(1) Each employee shall receive training either in person or online no later than 90 days after hire, unless the employee has participated in training within the past 2 years.

“(2) Employees hired before the date this section becomes applicable shall have 2 years from that applicability date to attend training either in person or online.

“(3) Managers shall attend in-person training at least once every 2 years.

“(c) Owners or operators of businesses that employ an employee who is paid in accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), shall attend training either in person or online at least once every 2 years.

“(d) If an employee, manager, owner, or operator of a business that employs an employee who is paid in accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), participates in training from a provider certified by the Office, the employer shall submit a certification to the Office that the employee, manager, owner, or operator has completed the training required in subsection (a) of this section and shall do so no later than 30 business days after completion of the training.

“(e) The Office shall maintain records of each individual who has taken the training required by subsection (a) of this section for at least 5 years.

“(f) Each employer that employs an employee who is paid in accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), shall:

“(1) No later than July 1, 2019, file with the Office a policy outlining how employees can report instances of sexual harassment to management and to the Office;

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“(2) No later than July 1, 2019, distribute the employer’s sexual-harassment policy to employees and post the policy in a conspicuous place accessible to all employees in or about the premises of the employer;

“(3) No later than the effective date of this section, document instances of sexual harassment reported to management, including whether the reported harasser was a non-managerial employee, managerial employee, owner, or operator; and

“(4) No later than July 1, 2019, and annually thereafter, report to the Office the number of instances of sexual harassment reported to management and the total number of reported harassers who were non-managerial employees, managerial employees, owners, or operators.”.

Sec. 6. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 32-1002) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1) The term “Director” means the Director of the Department of Employment Services.”.

(3) Paragraph (4) is amended by striking the phrase “term “gratuities” means” and inserting the phrase “term “gratuities” or “tips” means” in its place.

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

“(4A) The term “manager” means the person who oversees the employees in a food or beverage establishment, such as the servers, bussers, bartenders, back waiters, hosts, and hostesses, and the general operation of the establishment.”.

(5) New paragraphs (7B), (7C), (7D), (7E), (7F), and (7G) are added to read as follows:

“(7B) The term “server” means an employee in a food or beverage establishment who takes orders, serves food or drinks, or both.

“(7C) The term “tip-declaration form” means a printed form provided by an employer to an employee that shows the total tips received, including the amount of the tip outs or share of a tip pool that an individual employee provided to another employee or the amount of the tip outs or share of a tip pool that the employee received from another employee, and the calculation by which the amount was determined, such as total tips received and hours worked.

“(7D) The term “tip out” means the amount or percentage of servers’, bartenders’, or other directly tipped employees’ tips that an employee shares, due to a tip-sharing policy or tip-pooling agreement, with other employees such as bussers, bartenders, back waiters, hosts, and hostesses.

“(7E) The term “tip pool” means the combining of tips from multiple employees into a single amount for the purpose of sharing tips among employees.

“(7F) The term “tip-pool structure” means the calculation of the portion of a tip

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pool an employee will provide to or receive from the pool, as a percentage of total gratuities, sales, or other factor.

“(7G) The term “tip-sharing policy” means the written calculation of any tip outs or tip-pool structures that employees, delineated by job position or other factor, will provide to or receive from other employees.”.

(b) Section 4(g) (D.C. Official Code § 32-1003(g)) is amended to read as follows:

“(g) Subsection (f) of this section shall not apply to an employee who receives gratuities, unless:

“(1) The employer has provided the employee with notice of the following, included in the notice furnished pursuant to section 9(c):

“(A) The provisions of subsection (f) of this section;

“(B) If tips are not shared, that the tipped employee shall retain all tips received;

“(C) If tips are shared, the employer’s tip-sharing policy; and

“(D) The percentage by which tips paid via credit card will be reduced by credit card fees;

“(2) If the employer uses tip sharing, the employer has posted the tip-sharing policy; and

“(3) All gratuities received by the employee have been retained by the employee, except that this provision shall not be construed to prohibit the sharing of gratuities among employees who customarily receive gratuities.”.

(c) Section 9 (D.C. Official Code § 32-1008) is amended as follows:

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

“(a-1) Beginning January 1, 2020, an employer that employs an employee who is paid in accordance with section 4(f), except for a hotel employer, shall use a third-party payroll business to prepare the payroll for the employer.”.

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

“(b) Every employer shall furnish to each employee at the time of payment of wages an itemized statement showing the following:

“(1) Date of the wage payment;

“(2) Gross wages paid;

“(3) Deductions from and additions to wages, including a separate line for gratuities;

“(4) Net wages paid;

“(5) Hours worked during the pay period;

“(6) Employee’s tip-declaration form for the pay period, delineating cash tips and credit-card tips; and

“(7) Any other information as the Mayor may prescribe by regulation.”.

(3) Subsection (c) is amended by adding a new paragraph (4A) to read as follows:

“(4A) The employer’s tip-sharing policy, consistent with the requirements of

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section 4(g)(1)(B) through (D);”.

(4) Subsection (d)(1) is amended by adding a new subparagraph (C) to read as follows:

“(C) Notwithstanding subparagraph (A) of this paragraph, if an employer revises its tip-out policy, the employer shall provide employees with the proposed new policy before its implementation by the employer.”.

(d) Section 10a (D.C. Official Code § 32-1009.01) is amended as follows:

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

“(a)(1)(A) As of January 1, 2020, the third-party payroll business, required pursuant to section 9(a-1) to process payroll for an employer that employs an employee who is paid in accordance with section 4(f), shall submit a quarterly report to the Mayor no later than 30 days after the end of each quarter certifying that each employee was paid at least the required minimum wage, including gratuities.

“(B) Before January 1, 2020, an employer that employs an employee who is paid in accordance with section 4(f) shall submit a quarterly report to the Mayor no later than 30 days after the end of each quarter certifying that each employee was paid at least the required minimum wage, including gratuities.

“(C) A hotel employer that employs an employee who is paid in accordance with section 4(f) shall submit a quarterly report to the Mayor no later than 30 days after the end of each quarter certifying that each employee was paid at least the required minimum wage, including gratuities.

“(2) Each quarterly report submitted pursuant to this subsection shall include and itemize the following information:

“(A) Name of each employee;

“(B) Number of hours each employee worked each week during the quarter for which the report is being provided;

“(C) The total pay, including gratuities, received by each employee each week during the quarter for which the report is being provided;

“(D) Average weekly wage for each employee during the quarter for which the report is being provided; and

“(E) The employer’s current tip-out policy that the employer supplied to the third-party payroll business for calculation of wages during the quarter.”.

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

“(b)(1)(A) The Mayor shall create an Internet-based portal to permit online reporting of the quarterly wage reports required by subsection (a) of this section and to enable an employee to report a violation of this act.

“(B)(i) Before January 1, 2020, an employer shall submit its quarterly reports online unless the employer claims that online reporting creates a hardship, in which case the employer shall submit its reports in hard-copy form.

“(ii) As of January 1, 2020, the portal shall accept quarterly

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reports, including those in electronic spreadsheet format, filed electronically directly by a third-party payroll business or a hotel employer.

“(C) The Internet-based portal created pursuant to subparagraph (A) of this paragraph shall be user-friendly, including video tutorials, to enable an employee to report easily to the Director an alleged wage-theft violation or other violation of this act and shall allow reports to be made anonymously to the extent practicable.

“(D) Instructions on how to use the Internet-based portal shall comply with the requirements of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

“(2)(A) The Mayor shall make available in-person training to educate third-party payroll businesses and hotel employers about the reporting requirements and the use of the Internet-based portal.

“(B) The requirement in subparagraph (A) of this paragraph that the Mayor make in-person training available shall not be construed to preclude training that is not conducted in person from occurring.”.

(e) A new section 10b is added to read as follows:

“Sec. 10b. Tipped Workers Coordinating Council.

“(a) There is established the Tipped Workers Coordinating Council (“Coordinating Council”).

“(b) The Coordinating Council shall be a partnership of tipped workers, employers, and public agencies that promotes a high-quality response to tipped-worker cases of wage theft and unfair labor practices.

“(c) Members of the Coordinating Council shall consist of the following persons:

“(1) The Director of the Department of Employment Services, or his or her designee;

“(2) The Director of the Office of Nightlife and Culture, or his or her designee;

“(3) The Director of the Department of Consumer and Regulatory Affairs, or his or her designee;

“(4) The Director of the Office of Human Rights, or his or her designee;

“(5) A representative from the Restaurant Association of Metropolitan Washington;

“(6) A representative from the Hotel Association of Washington, D.C.;

“(7) Two representatives, appointed by the Mayor, from District-based organizations that engage in policy or advocacy for tipped workers; and

“(8) Three representatives, appointed by the Chairman of the Council as follows:

“(A) Two representatives from District-based organizations that engage in policy or advocacy for tipped workers; and

“(B) One representative shall be an employer that employs an employee who is paid in accordance with section 4(f), but is not part of the restaurant or hotel industry.

“(d) The term of office for each representative provided for in subsection (c)(5), (6), (7),

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and (8) of this section shall be for 3 years; provided, that the initial term of:

“(1) One of the representatives appointed by the Mayor from a District-based organization that engages in policy or advocacy for tipped workers and one of the representatives appointed by the Chairman of the Council from a District-based organization that engages in policy or advocacy for tipped workers shall be for 2 years; and

“(2) One of the representatives appointed by the Mayor from a District-based organization that engages in policy or advocacy for tipped workers and one of the representatives appointed by the Chairman of the Council from a District-based organization that engages in policy or advocacy for tipped workers shall be for one year.

“(e) A representative who is appointed to fill a vacancy that occurs before the expiration of a representative’s full term shall serve only the unexpired portion of the term.

“(f)(1) The Coordinating Council shall hold its initial meeting no later than 90 days after the date this section becomes applicable.

“(2) At the initial meeting, one non-governmental member of the Coordinating Council shall be elected as chairperson by a majority of the Coordinating Council members.

“(g) The Coordinating Council shall establish its own procedures and requirements with respect to the place at which and the manner in which it will conduct its meetings.

“(h) The Coordinating Council shall:

“(1) Improve coordination and functioning of the wage policies for tipped workers, investigations into wage theft involving tipped workers, and reporting mechanisms for tipped workers;

“(2) Conduct regular and anonymous case reviews of all parties involved in claims of wage violations for tipped workers; and

“(3) Develop a protocol to ensure that feedback and recommendations from case reviews are incorporated into the Department of Employment Services’s policies, procedures, practices, training, and decisions to re-examine investigations, when applicable.”.

Sec. 7. An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*), is amended by adding a new section 6a to read as follows:

“Sec. 6a. Training

“(a) Each business owner or operator who employs an employee who is paid in accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), shall attend either in-person or online, on a yearly basis, at least one training on the requirements of this act.

“(b) Each manager who is employed by an employer that employs an employee who is paid in accordance with section 4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), shall attend in-person, on a yearly basis, at least one training on the requirements of this act.

“(c) Each employer that employs an employee who is paid in accordance with section

ENROLLED ORIGINAL

4(f) of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003(f)), shall offer, at least once annually, its employees the opportunity to attend in person or to complete online at least one training on the requirements of this act.

“(d) No later than December 31 of each year, each employer subject to the requirements of this section shall provide a certification to the Department of Employment Services that all requirements of this section have been fulfilled.”.

Sec. 8. Applicability

(a) Sections 3, 4, 5, 6(d)(2) and (e), and amendatory section 6a(d) within section 7 of this act shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

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

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

Sec. 9. Fiscal impact statement.


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

Sec. 10. Effective date.

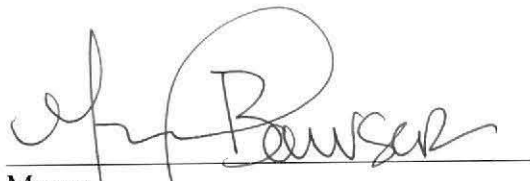
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENROLLED ORIGINAL

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 23, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-490

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2018

To amend, on an emergency basis, due to congressional review, 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office of Public-Private Partnerships Delegation of Authority Congressional Review Emergency Amendment Act of 2018”.

Sec. 2. Section 201(f) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.01(f)), is amended by striking the phrase “requirements of this act” and inserting the phrase “requirements of this act, except as provided in section 102(e) of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-272.01(e))” in its place.

Sec. 3. Section 102 of the Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-272.01), is amended by adding a new subsection (e) to read as follows:

“(e)(1) The Office may delegate to the Office of Contracting and Procurement (“OCP”), at the discretion of OCP, the authority to serve as the contracting officer for the Office for public-private partnership agreements entered into pursuant to this act and to carry out other contracting functions related to public-private partnerships on behalf of the Office.

“(2) Any OCP employee exercising authority delegated pursuant to this subsection shall comply with the provisions of this act and any rules and regulations promulgated to effectuate this act.”.

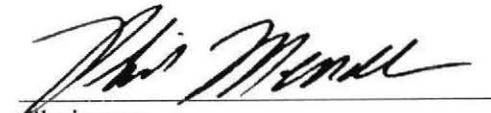
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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


Chairman
Council of the District of Columbia

UNSIGNED
Mayor
District of Columbia
October 23, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-491

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2018

To amend, on an emergency basis, due to congressional review, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to enhance the reporting requirements of political action committees and independent expenditure committees during nonelection years and to apply current contribution limitations to political action committees during nonelection years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Campaign Finance Reform and Transparency Congressional Review Emergency Amendment Act of 2018".

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 309(b) (D.C. Official Code § 1-1163.09(b)) is amended as follows:

(1) The existing text is designated as paragraph (1).

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

“(2) In addition to the reporting requirements in paragraph (1) of this subsection, the treasurer of each political action committee and independent expenditure committee shall file the reports required by subsection (a) of this section on the 10th day of April and October of each year in which there is no election. The reports shall be complete as of the date prescribed by the Director of Campaign Finance, which shall not be more than 5 days before the date of filing.”.

(b) Section 333 (D.C. Official Code § 1-1163.33) is amended by adding a new subsection (f-1) to read as follows:

“(f-1) Limitations on contributions under this section shall apply to political action committees during nonelection years.”.

Sec. 3. Applicability.

This act shall apply as of October 15, 2018.

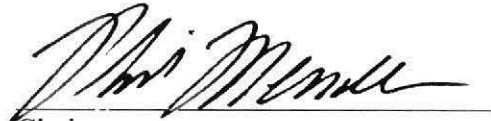
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
October 22, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-492

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 25, 2018

To amend the Rental Housing Act of 1985 to clarify the independent status of the Rental Housing Commission; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to give the Rental Housing Commission independent personnel authority, and to make the Chairperson and members of the Rental Housing Commission statutory officeholders in the Excepted Service.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rental Housing Commission Independence Clarification 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 103 (D.C. Official Code § 42-3501.03) is amended by adding a new paragraph (16A) to read as follows:

“(16A) “Independent agency” means any board or commission of the District of Columbia government not subject to the administrative control of the Mayor.”.

(b) Section 201 (D.C. Official Code § 42-3502.01) is amended as follows:

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

“(a) The Rental Housing Commission is established as an independent agency within the executive branch of the District government.”.

(2) A new subsection (a-1) is added to read as follows:

“(a-1)(1) The Rental Housing Commission shall be composed of 2 regular members and a Chairperson, all of whom shall be appointed by the Mayor with the advice and consent of the Council in accordance with section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)); provided, that the Mayor may designate a member appointed before the effective date of the Rental Housing Commission Independence Clarification Amendment Act of 2018, passed on 2nd reading on October 2, 2018 (Enrolled version of Bill 22-640), to serve as Chairperson until the Mayor appoints a Chairperson with the advice and consent of the Council.

“(2) The first members appointed after July 1, 2010, shall serve the following

ENROLLED ORIGINAL

terms:

- “(A) One member's term shall expire July 18, 2012.
- “(B) One member's term shall expire July 18, 2013.
- “(C) One member's term shall expire July 18, 2014.

“(3) Upon the expiration of members' terms pursuant to paragraph (2) of this subsection, members shall serve 3-year terms; provided, that all terms have the same anniversary date.”.

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

“(b) Each nominee to the Rental Housing Commission shall possess the following qualifications and, if appointed, maintain such qualifications for the duration of the member’s term; provided, that paragraphs (5) and (6) of this subsection may not be used to disqualify any member appointed before the effective date of the Rental Housing Commission Independence Clarification Amendment Act of 2018, passed on 2nd reading on October 2, 2018 (Enrolled version of Bill 22-640):

“(1) Be admitted to practice law before the District of Columbia Court of

Appeals;

“(2) Be a resident of the District within 180 days of taking office;

“(3) Be neither a housing provider nor a tenant;

“(4) Possess skills and experience relevant to the following:

by written work product and exposure to the concerns of *pro se* litigants;

“(A) Litigation, preferably including both appellate practice demonstrated

“(B) Administrative law, preferably in an area of complex regulation; or

“(C) Housing law, preferably in the area of rental housing and rent control or rent stabilization;

“(5) Have at least 5 years of experience in the practice of law; and

“(6) Possess judicial temperament and other expertise, experience, and skills necessary and desirable for a member of the Rental Housing Commission.”.

(4) Subsection (b-1) is repealed.

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

“(b-2) Each member of the Rental Housing Commission shall:

“(1) Take an oath of office, as required by law, before the commencement of duties;

“(2) Be accountable and responsible for the fair, impartial, effective, and efficient disposition of cases before the Rental Housing Commission;

“(3) Refrain from conduct inconsistent with the duties and responsibilities of a member of the Rental Housing Commission;

“(4) Devote full-time to the duties of the Rental Housing Commission;

“(5) Not perform any duty, including engaging in the practice of law, that is inconsistent with the duties and responsibilities of a member of the Rental Housing Commission;

“(6) Not be responsible to, or subject to the supervision or direction of, an officer,

ENROLLED ORIGINAL

employee, attorney, or agent engaged in the performance of investigative, prosecutorial, or advisory functions for another District agency; and

“(7) Conform to all legally applicable standards of conduct.”.

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

“(c) Members of the Rental Housing Commission shall be appointed as administrative judges in the Excepted Service.”.

(7) Subsection (e) is amended to read as follows:

“(e)(1) The Mayor may remove a member of the Rental Housing Commission only for good cause.

“(2) The Mayor shall provide the Council with written justification of the removal by the effective date of the removal.”.

(c) A new section 201a is added to read as follows:

“Sec. 201a. Powers and duties of the Chairperson of the Rental Housing Commission.

“The Rental Housing Commission shall be headed by a Chairperson who shall be accountable and responsible for the fairness, impartiality, effectiveness, and efficiency of the Rental Housing Commission.

“(1) The Chairperson shall:

“(A) Be the administrative head and personnel authority for the Rental Housing Commission;

“(B) Develop and implement a code of professional responsibility for members of the Rental Housing Commission;

“(C) Monitor the quality of administrative adjudication;

“(D) Issue and implement procedures, practices, and guidelines relating to the operations or responsibilities of the Rental Housing Commission;

“(E) Issue and transmit to the Mayor and the Council an annual report, not later than 90 days after the close of the first complete fiscal year of the Commission’s operation as an independent agency, and each fiscal year thereafter, on the operations of the Rental Housing Commission; and

“(F) Establish necessary or desirable standards and specialized training programs for members of the Rental Housing Commission;

“(2) The Chairperson may:

“(A) Provide for, or require completion of, continuing education programs for members of the Rental Housing Commission and other employees of the Rental Housing Commission considered to be necessary or desirable;

“(B) Appoint, in accordance with applicable law and available funding, promote, discipline, and remove staff employed by the Rental Housing Commission, other than members of the Rental Housing Commission;

“(C) Develop and maintain a program for student interns and law clerks to gain experience at the Rental Housing Commission; and

“(D) Exercise any other lawful authority to effectuate the purposes of this

ENROLLED ORIGINAL

act.”.

(d) Section 202 (D.C. Official Code § 42-3502.02) is amended as follows:

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

(A) Paragraph (1) is amended by striking the word “Issue” and inserting the phrase “Possess sole authority to issue” in its place.

(B) Paragraph (2) is amended by striking the phrase “Rent Administrator” and inserting the phrase “Rent Administrator or the Office of Administrative Hearings” in its place.

(2) Subsection (d) is amended by striking the phrase “The Department of Housing and Community Development shall employ the staff necessary to assist the Commission in carrying out its functions.” and inserting the phrase “The Rental Housing Commission shall employ the staff necessary to carry out its functions.” in its place.

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

“(e) All documents filed in any case before the Rental Housing Commission shall be available to the public for review, consistent with the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*)”.

(e) A new section 202b is added to read as follows:

“Sec. 202b. Independence of the Rental Housing Commission; transfer provisions.

“(a)(1) Nothing in this act may be construed as granting the Department of Housing and Community Development or any other agency of the District government power or authority over the Rental Housing Commission’s powers, duties, or personnel.

“(2) For as long as the Rental Housing Commission’s budget is captured by a program code within the Department of Housing and Community Development, the Rental Housing Commission shall have exclusive authority to administer the Rental Housing Commission’s budget, subject to compliance with District law;

“(b)(1) Within 30 days after the applicability date of this subsection, all positions, property, records, and unexpended balances of appropriations, allocations, assessments, and other funds available or to be made available to the Rental Housing Commission, while captured as a program code within the Department of Housing and Community Development, relating to the duties and functions assigned to the Rental Housing Commission pursuant to sections 201 through 202a, shall be transferred to the Rental Housing Commission.

“(2) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Department of Housing and Community Development relating to functions transferred to the Rental Housing Commission pursuant to the Rental Housing Commission Independence Clarification Amendment Act of 2018, passed on 2nd reading on October 2, 2018 (Enrolled version of Bill 22-0640), shall remain in effect according to their terms until lawfully amended, repealed, or modified.

“(c) The Mayor shall provide funding for the Rental Housing Commission in the annual budget request to the Council as a separate agency code.”.

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Sec. 3. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 301(13) (D.C. Official Code § 1-603.01(13)) is amended by striking the phrase “and the Office of Employee Appeals” and inserting the phrase “the Office of Employee Appeals, and the Rental Housing Commission” in its place.

(b) Section 406(b) (D.C. Official Code § 1-604.06(b)) is amended as follows:

(1) Paragraph (22) is amended by striking the period each time it appears and inserting a semicolon in its place.

(2) The second paragraph (23), added by section 1033(c)(3) of the Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is redesignated as paragraph (24).

(3) Paragraph (25) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(4) The second paragraph (25), added by section 202(c) of the District of Columbia State Athletics Consolidation Act of 2016, effective April 7, 2017 (D.C. Law 21-263; 64 DCR 2110), is amended as follows:

(A) Redesignate the paragraph as paragraph (26).

(B) Strike the period and insert the phrase “; and” in its place.

(5) A new paragraph (27) is added to read as follows:

“(27) For employees of the Rental Housing Commission, the personnel authority is the Chairperson of the Rental Housing Commission.”.

(c) Section 908 (D.C. Official Code § 1-609.08) is amended as follows:

(1) Paragraph (16) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (17) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (18) is added to read as follows:

“(18) The Chairperson and members of the Rental Housing Commission.”.

Sec. 4. Applicability.

(a) Sections 2(b)(1), 2(d)(2), amendatory section 202b(c)-(d) contained within section 2(e), and section 3(a) shall apply upon the date of inclusion of their fiscal effects in an approved budget and financial plan.

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

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

ENROLLED ORIGINAL

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia

APPROVED
October 23, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-493

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 23, 2018

To amend, on an emergency basis, the District of Columbia Public Assistance Act of 1982 to extend the prohibition on the denial of cash or food assistance benefits to adults who are drug felons to include benefits obtained through the Supplemental Nutrition Assistance Program, the Program on Work, Employment, and Responsibility, the General Assistance for Children Program, and the Interim Disability Assistance Program.

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

Sec. 2. Section 571 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.71), is amended to read as follows:

“Sec. 571. Granting cash and food assistance benefits to drug felons.

“An adult who is a drug felon shall not be denied cash or food assistance benefits, including TANF, Supplemental Nutrition Assistance Program, POWER, GAC, and Interim Disability Assistance Program benefits, solely because he or she is a drug felon.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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
October 23, 2018

ENROLLED ORIGINAL

AN ACT
D.C. ACT 22-494

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 23, 2018

To amend, on an emergency basis, the Child Development Facilities Regulation Act of 1998 to exempt parent-led play cooperatives from the requirements of the Child Development Facilities Regulation Act of 1998.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Parent-led Play Cooperative Emergency Amendment Act of 2018”.

Sec. 2. The Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (D.C. Law 12-215; D.C. Official Code § 7-2031 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-2031) is amended by adding a new paragraph (5A) to read as follows:

“(5A) “Parent-led play cooperative” means a group of parents, step-parents, or legal guardians of participating children, including a group organized through a nonprofit organization, who have agreed to supervise the participating children during group meetings and that:

“(A) Meets at predetermined times for less than a full day;

“(B) Meets at locations other than a home of one of the parents, step-parents, or legal guardians in the group;

“(C) Does not require payment by parents, step-parents, or legal guardians, other than to cover the costs of administering the group, including rent, insurance, equipment, and activities;

“(D) Does not employ any individual to supervise participating children on behalf of parents; provided, that a parent-led play cooperative may employ an individual to:

“(i) Facilitate activities while parents, step-parents, or legal guardians supervise the participating children; or

“(ii) Assist with administering the group;

“(E) Requires, as a prerequisite to joining the group, that a parent, step-parent, or legal guardian of each participating child in the group volunteer a minimum number of hours to supervise the participating children during meetings, regardless of whether the group requires parents, step-parents, or legal guardians of every child to be present at every meeting; and

ENROLLED ORIGINAL

“(F) Notices, upon registration with the group, the parents, step-parents, and legal guardians of each participating child in the group that the group is not a child development facility licensed pursuant to this act.”.

(b) Section 4 (D.C. Official Code § 7-2033) is amended by adding a new paragraph (2A) to read as follows:

“(2A) “Parent-led play cooperative;”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
October 23, 2018

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-373

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 10, 2018

To recognize and honor the Brotherhood of Locomotive Engineers & Trainmen on the occasion of its 155th anniversary and its 2018 Eastern Regional Conference.

WHEREAS, the Brotherhood of Locomotive Engineers & Trainmen will convene its 2018 Eastern Regional Conference on August 13 through August 17, 2018, in the District of Columbia;

WHEREAS, since 1835 the District of Columbia has been a major gateway for railroad travel throughout the United States and the confluence for 30 legacy railroads;

WHEREAS, the Brotherhood of Locomotive Engineers & Trainmen was founded May 8, 1863 and proudly marked its 155th anniversary on May 8, 2018;

WHEREAS, the Brotherhood of Locomotive Engineers & Trainmen is the oldest labor union in the Western Hemisphere;

WHEREAS, the Brotherhood of Locomotive Engineers & Trainmen, the first labor organization to secure contracts with the major railroads, today has contracts with Class I, Short-Lines, Passenger, Commuter, and Regional railroads representing locomotive engineers on 98% of railroad trackage in the United States;

WHEREAS, the Brotherhood of Locomotive Engineers & Trainmen is the founding member of the Teamsters Rail Conference representing 57,000 active and retired locomotive engineers and trainmen throughout the United States;

WHEREAS, the Brotherhood of Locomotive Engineers & Trainmen has played a major role in the enactment of federal legislation to improve safety and living standards in the railroad

ENROLLED ORIGINAL

industry, including the Railway Labor Act of 1926, the Railroad Retirement and Unemployment Insurance Act of 1937, and the Railroad Safety Improvement Act of 2008;

WHEREAS, the Brotherhood of Locomotive Engineers & Trainmen has led efforts to improve rail safety throughout the United States and the District of Columbia;

WHEREAS; Brotherhood of Locomotive Engineers & Trainmen members safely transport vital commodities by freight railroad and 32 million annual travelers and commuters by Highspeed, Intercity, and Commuter rail service to the District of Columbia; and

WHEREAS, the Brotherhood of Locomotive Engineers & Trainmen has demonstrated its commitment to a viable national freight and passenger rail system, public safety, and political education beneficial to working families.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Brotherhood of Locomotive Engineers & Trainmen – 2018 Eastern Regional Conference Recognition Resolution of 2018”.

Sec. 2 The Council of the District of Columbia honors the Brotherhood of Locomotive Engineers & Trainmen on the occasion of its 2018 Eastern Regional Conference and recognizes its commitment to safe passenger and freight railroad service in the District of Columbia and throughout the United States.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-374

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize Stella Hodge for her committed public service and 50 years of service to the District of Columbia.

WHEREAS, Stella Hodge studied at the University of the District of Columbia and Bowie State University;

WHEREAS, Stella Hodge has worked on behalf of the people of the District for half a century;

WHEREAS, during her time working for the District’s Office of Tax and Revenue, Stella Hodge has gained expertise in all 21 tax types administered by the Office of Tax and Revenue;

WHEREAS, in addition to serving as the liaison between the Office of Tax and Revenue and the Council of the District of Columbia, Stella Hodge also serves as the spokesperson for the Office of Tax and Revenue;

WHEREAS, Stella Hodge led the development and implementation of the Office of Tax and Revenue’s state of the art Customer Service Center, which has greatly improved the customer service experience;

WHEREAS, Stella Hodge assisted in establishing the Office of Tax and Revenue’s Problem Resolution Office, which provides one-on-one assistance to residents facing complex and unique tax problems;

WHEREAS, Stella Hodge created the Tax Practitioner Institute and the Employee Tax Institute, both of which are now offered annually by the Office of Tax and Revenue;

WHEREAS, for her outstanding work and substantial contributions to the District government, Stella Hodge received both the Special Act Award and the CFO Award, and was a finalist for the Morris and Gwendolyn Cafritz Foundation Award for Distinguished DC Government Employees;

ENROLLED ORIGINAL

WHEREAS, Stella Hodge is highly engaged in her community, serving as a member of the Usher Board and Hospitality and Greeter ministries at Antioch Baptist Church and serving as Servant Leader and Vice Chair of Hope Center Inc., Helping Others Endure; and

WHEREAS, Stella is married to Robert Hodge and has 2 daughters, 3 grandchildren, and one great-granddaughter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Stella Hodge Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes Stella Hodge’s commitment to and passion for working for and with the residents of the District of Columbia for 50 years.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-375

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize and congratulate the Washington Jazz Arts Institute on the occasion of its 20th anniversary.

WHEREAS, the Washington Jazz Arts Institute was founded in 1998 by the husband-and-wife team of Davey Yarborough and Esther Williams, to further their dream of teaching music in a mentoring atmosphere to inspire young people into careers of performing, writing, and producing music through the jazz medium;

WHEREAS, the Washington Jazz Arts Institute was initially formed to create a continuing music and mentoring support system for aspiring artists residing in the Washington, D.C. area from aspiration through retirement;

WHEREAS, the Washington Jazz Arts Institute serves 35 to 50 participants yearly, produces beyond-school programs 10 months out of a year, and continues to render its services free of charge to youth in Washington, D.C.;

WHEREAS, the Washington Jazz Arts Institute promotes the traditional oral passage of the elements of jazz through workshops, clinics, and performances transferred to our participants by local, national, and international jazz icons;

WHEREAS, notable alumni of the Washington Jazz Arts Institute include Ben Williams, Eric Wheeler, Corcoran Holt, Donvonte McCoy, Brian Settles, Jessica Settles, Amy Bormet, and Leon Rawlings, among many others;

WHEREAS, Washington Jazz Arts Institute co-founder Davey Yarborough, a noted performer and composer, created the Jazz Studies program at the Duke Ellington School of the Arts and has been recognized nationally for his contributions to jazz education;

WHEREAS, Davey Yarborough was named the Jazz Education Network's John LaPorta Jazz Educator of the Year in 2013 and received the Kennedy Center's Stephen Sondheim Inspirational Teacher Award in 2016;

ENROLLED ORIGINAL

WHEREAS, on July 20, 2018, the Washington Jazz Arts Institute will celebrate its 20th anniversary and commemorate Davey Yarborough’s retirement from a stellar 40-year career with District of Columbia Public Schools with a special performance by Wynton Marsalis at the People’s Congregational United Church of Christ; and

WHEREAS, after 20 years of service to the District of Columbia, the Washington Jazz Arts Institute continues its commitment to nurturing young musicians by supporting their efforts to create music and to enter into music-related careers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Jazz Arts Institute 20th Anniversary Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates the Washington Jazz Arts Institute on the occasion of its 20th anniversary and commends its commitment to serving young musicians in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-376

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To celebrate the life and baptism of Washington, D.C.'s First Daughter, Miranda Elizabeth Bowser.

WHEREAS, Ward 4 and the District of Columbia welcomes Miranda Elizabeth Bowser, the First Daughter of Washington, D.C.;

WHEREAS, Mayor Muriel Bowser adopted Miranda Elizabeth and brought her home to the Colonial Village neighborhood of Ward 4 in May of 2018;

WHEREAS, in the short time Miranda Elizabeth has been in Washington, D.C., she has already added much joy and meaning to the lives of her mother, Mayor Muriel Bowser, her grandparents, aunts, uncles, cousins, extended family, and the residents of Washington, D.C.;

WHEREAS, Miranda Elizabeth and her mother's new union demonstrates that adoption creates healthy, loving families and that all families are unique and special; and

WHEREAS, on the occasion of Miranda Elizabeth's baptism at St. Anthony of Padua Catholic Church on September 9, 2018, Ward 4 extends its prayers of peace and prosperity to her and the entire Bowser family.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Miranda Elizabeth Bowser Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia recognizes the District of Columbia's First Daughter, Miranda Elizabeth Bowser, and wishes her a lifetime of love and happiness.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-377

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize DC Black Repertory Company founder Robert Hooks and congratulate the DC Black Repertory Company on the occasion of its 47th anniversary.

WHEREAS, Robert “Bobby Dean” Hooks was born April 18, 1937, the youngest of 5 children of District of Columbia residents Edward Hooks and Bertha Ward Hooks;

WHEREAS, Robert Hooks grew up in the Foggy Bottom neighborhood and attended District of Columbia public schools: Stevens Elementary, Francis Junior High, and Armstrong High School;

WHEREAS, following his father’s death, Robert Hooks and his siblings relocated with their mother and stepfather to Philadelphia, where Bobby joined the drama club at West Philadelphia High, and honed his stagecraft in euro-classical works by such playwrights as William Shakespeare and Samuel Beckett; and

WHEREAS, in 1959, Robert Hooks moved to New York City to become a professional actor and that same year he debuted as Bobby Dean Hooks in a touring production of *Raisin in the Sun*;

WHEREAS, in 1960, Robert Hooks made his Broadway debut in *Tiger, Tiger, Burning Bright*, and became well known for his role as Clay in LeRoi Jones/Amiri Baraka's *Dutchman* in 1964.

WHEREAS, in 1964, Robert Hooks formed the Group Theater Workshop, offering training in the arts to underprivileged youth;

WHEREAS, in 1967, Robert Hooks founded The Negro Ensemble Company with Douglas Turner Ward and Gerald Krone, which gave birth to the modern Black theater movement and spawned the careers of many notable playwrights, actors, technical staff, directors, and others;

ENROLLED ORIGINAL

WHEREAS, following the assassination of Dr. Martin Luther King, Jr. in 1968, childhood friend and legendary broadcaster Ralph “Petey” Greene convinced Robert Hooks to return to the District of Columbia and bring the healing power of Black theatre to the troubled streets of Washington, D.C., which resulted in the creation of the DC Black Repertory Company;

WHEREAS, the DC Black Repertory Company, better known as “The Rep”, started in a humble warehouse space in Ward 1 donated by famed restaurateur and Harambee House Hotel owner/developer Ed Murphy, while Hooks’ brother James Hooks, an architect, transformed the retired Colony movie theatre building in Ward 4 for its use;

WHEREAS, the theater enhanced the arts and cultural exposure of hundreds of young and gifted Black men and women trained there, as well as the thousands of District residents who experienced Black plays, dance, poetry, and music from the audience;

WHEREAS, for more than 40 years, Robert Hooks has enjoyed a successful and celebrated career as an actor, producer, and director that includes over 100 roles in films and television;

WHEREAS, Robert Hooks was nominated for a Tony award for his lead role in the musical, *Hallelujah, Baby!*; received both the Pioneer Award and the NAACP Image Award for Lifetime Achievement, has been inducted into the Black Filmmakers Hall of Fame, and won an Emmy award for his PBS special *Voices of Our People*;

WHEREAS, the DC Black Repertory Company left an indelible mark on the performing arts community in the District of Columbia and its legacy continues to thrive; and

WHEREAS, on September 15, 2018, at the historic Lincoln Theater on U Street, the DC Black Repertory Company will celebrate its 47th anniversary, commemorate Robert Hooks’ distinguished acting career, and honor the founding members of the DC Black Repertory Company.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “DC Black Repertory Company 47th Anniversary Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Robert Hooks and the DC Black Repertory Company on the occasion of its 47th anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-378

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize and congratulate the Lamond-Riggs Citizens Association on the occasion of its 70th anniversary.

WHEREAS, the Lamond-Riggs Citizens Association (“LRCA”) was originally organized on June 29, 1948, as the Chillum Manor Citizens Association and changed its name to the Lamond-Riggs Citizens Association on September 4, 1957;

WHEREAS, the LRCA aims to promote the general welfare of the District of Columbia and to participate in common District of Columbia endeavors to effect civic improvements for the benefit of its inhabitants;

WHEREAS, over the past 7 decades, the LRCA has contributed greatly to the growth of the Lamond-Riggs neighborhood, working to foster greater community activism, improve educational opportunities, reduce crime, and bolster economic development;

WHEREAS, the LRCA has maintained its prominence in the Ward 4 community thanks to the leadership provided by its current president, Uchenna Evans, and its officers, Gwen Cofield, Barbara Rogers, Iyanna Ndomale, Sheila King, Helen Li, and Vandalia Joyner-Taylor, as well as the LRCA’s trustees, Thomas Blanton, Lauren Boyd, Charon Hines, Linda Hodges, LaRoya Huff, Olga Naidenko, Sarah Shank, Tanya Slade, and Lisa Wray;

WHEREAS, Lamond-Riggs is a great neighborhood in the District of Columbia, that features dedicated civic leaders, promotes community participation and engagement, and embodies diversity;

WHEREAS, on September 29, 2018, the Lamond-Riggs Citizens Association will celebrate its 70th anniversary with a luncheon at the VIP Room; and

WHEREAS, after 70 years of service to Wards 4 and 5 and the District of Columbia, the Lamond Riggs Citizens Association continues its commitment to serving the community.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Lamond-Riggs Citizens Association’s 70th Anniversary Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates the Lamond-Riggs Citizens Association on occasion of its 70th anniversary and commends its commitment to serving the residents of the Lamond-Riggs neighborhood, Ward 4, Ward 5, and the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-379

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize and honor the Global Scholars Foundation for creating a language and cultural immersion program for District of Columbia teens that promotes the 4 components of global competence through a year-long program delivered to students 14 through 18 years of age.

WHEREAS, the Global Scholars Foundation (“GSF”) was established in 2006 by the H Street Community Development Corporation (“HSCDC”) as an education and youth empowerment program to develop global competency for District of Columbia public and public charter school students;

WHEREAS, GSF has existed for 12 years and has served approximately 200 District of Columbia students;

WHEREAS, GSF Fellows participate in a comprehensive program of cultural immersion for District of Columbia teens that promotes the 4 components of global competence (international awareness, appreciation of cultural diversity, proficiency in foreign languages, and competitive skills), coupled with college readiness and financial literacy;

WHEREAS, 100% of GSF Fellows have graduated from District of Columbia public and public charter high schools, with 90% going on to attend more than 26 different college and universities;

WHEREAS, GSF Fellows have taken national and international educational tours, visiting 6 continents (Africa, Asia, Australia, Europe, and North and South America) and 8 U.S. states;

WHEREAS, GSF Fellows have studied 5 languages (Arabic, Mandarin, Portuguese, Spanish, and American Sign Language); and

ENROLLED ORIGINAL

WHEREAS, GSF is celebrating the work of the organization by hosting its inaugural Gala, *Unlocking Dreams*, on September 29, 2018, at Trinity Washington University.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Global Scholars Foundation Recognition Resolution of 2018".

Sec. 2. The Council of the District of Colombia recognizes, appreciates, and thanks HSCDC and the Global Scholars Foundation for providing assistance to worthy students who want to increase their global competence and become global citizens;

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Colombia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-380

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To declare the month of October 2018 as “Domestic Violence Awareness Month” in the District of Columbia.

WHEREAS, preserving and improving the dignity and safety of all District residents is the foundation of a vibrant and healthy community;

WHEREAS, domestic violence is a pattern of abusive behavior used to exert power and control over an intimate partner that jeopardizes the security and well-being of District residents;

WHEREAS, domestic violence is a pervasive threat, with an estimated one in 4 women experiencing domestic violence at some point in their lifetimes;

WHEREAS, domestic violence can escalate into fatal conflicts, with 14 domestic violence-related homicides in 2017;

WHEREAS, 35,909 domestic violence-related calls were made to the Office of Unified Communications in 2017 – approximately one call every 14 minutes – which represents an 8% increase from 2014;

WHEREAS, 5,973 petitions for civil protection orders were filed in 2017;

WHEREAS, all forms of domestic violence, including physical, psychological, emotional, and economic abuse, can have devastating consequences on victims;

WHEREAS, domestic violence imposes a lifetime cost of approximately \$3.6 trillion on all victims nationally, including \$2.1 trillion in medical costs, \$1.3 trillion in lost productivity among victims and perpetrators, \$73 billion in criminal justice activities, and \$62 billion in other costs such as lost or damaged property;

WHEREAS, many domestic violence victims are forced to remain in dangerous and potentially lethal situations due to their inability to access long-term affordable housing;

ENROLLED ORIGINAL

WHEREAS, according to the 2018 Homeless Point-in-Time Count, 33% of the District's homeless families reported a history of domestic violence, and, of those families, 55% were currently homeless as a direct result of being a victim of domestic violence;

WHEREAS, 24% of youth in middle and high school reported experiencing physical or sexual dating violence in 2017;

WHEREAS, domestic violence undermines the formation of healthy relationships, and the consequences of abuse must be addressed both in schools and in the community;

WHEREAS, domestic violence does not discriminate on the basis of age, gender identity, sexual orientation, disability, socio-economic status, religion, or race;

WHEREAS, there is a continuing need to provide survivors with culturally specific services that are informed by the survivor's cultural heritage, sexual orientation, gender identity, and other lived experiences;

WHEREAS, reporting rates of domestic violence are significantly lower for immigrant and non-citizen populations due to fears of immigration consequences, such as detention and deportation;

WHEREAS, the District has taken important steps of increasing funding support to help victims of domestic violence by providing life-saving public emergency services, establishing 24-hour hotlines, providing support for domestic violence housing, and, through the efforts of the Office of Victim Services and Justice Grants, ensuring that high-quality services are available to victims seeking help;

WHEREAS, eradicating domestic violence requires a continued partnership between District agencies, community-based organizations, and District residents; and

WHEREAS, the goal of Domestic Violence Awareness Month is to improve awareness about domestic violence and outreach to residents and community members, and to foster cooperation between public and private actors to end domestic violence in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Domestic Violence Awareness Month Recognition Resolution of 2018".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia declares the month of October 2018 as “Domestic Violence Awareness Month” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-381

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize YMCA Anthony Bowen on the 5th anniversary of its reopening at 1325 W Street, N.W., and commend its history as an essential Washington, D.C. institution stretching back to 1853.

WHEREAS, YMCA Anthony Bowen was founded in 1853 as the first YMCA in the world open to African-Americans;

WHEREAS, the YMCA’s founder, Anthony Bowen, was born into slavery in Prince George’s County, Maryland and moved to Washington, D.C. after purchasing his and his family’s freedom in 1830;

WHEREAS, Anthony Bowen became a leader in establishing religious and educational institutions and became a Council member representing the District’s Ward 7;

WHEREAS, for the first years of its existence, YMCA Anthony Bowen relied on rented space and donated rooms for its activities and services;

WHEREAS, Reverend Anthony Bowen’s independent YMCA was formally reorganized as a branch of the YMCA of the City of Washington (now known as the YMCA of Metropolitan Washington) and in 1912 opened a new permanent home on 12th Street, N.W.;

WHEREAS, YMCA Anthony Bowen has provided a home and cultural hub for leaders like poet Langston Hughes, Justice Thurgood Marshall, Dr. Charles Drew, and activist Marcus Garvey;

WHEREAS, during unrest that followed Dr. Martin Luther King Jr.’s assassination in 1968, YMCA Anthony Bowen was an anchor in a neighborhood experiencing severe economic hardship and racial conflict;

ENROLLED ORIGINAL

WHEREAS, YMCA Anthony Bowen has continued to serve the African-American community and act as a cultural and intellectual hub to develop emerging leaders;

WHEREAS, after over 70 years at 1816 12th Street, N.W., YMCA Anthony Bowen now lives at 1325 W Street, N.W., and in 2013 reopened after an extensive site redevelopment to better serve the community;

WHEREAS, YMCA Anthony Bowen has advanced the Y's mission of inclusiveness and its commitment to continue to provide the Shaw community with vital programs that help support individuals and families;

WHEREAS, YMCA Anthony Bowen employs a large percentage of its staff from Shaw and neighboring communities;

WHEREAS, YMCA Anthony Bowen provides child care, summer camp, nutrition and culinary arts programs, aquatics programs, wellness programs, climbing wall, aerial yoga, and other services to Ward 1 and the District and it has been a venue for special events with the U.S. Department of State, the Department of Health and Human Services, and the American Medical Association along with serving as meeting host for local businesses and service organizations; and

WHEREAS, Angie Reese-Hawkins, the President and CEO of YMCA of Metropolitan Washington, remarked on YMCA Anthony Bowen's future: "Our goal is to continue the legendary work of Anthony Bowen to serve the community, provide access to the underserved, and to unite us all for the common good."

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "YMCA Anthony Bowen Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia recognizes and honors YMCA Anthony Bowen and its staff on their 5th anniversary in their new space, and on its long history of being an essential institution in the District of Columbia and the African-American community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-382

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To declare the month of October 2018 as “Breast Cancer Awareness Month” in the District of Columbia.

WHEREAS, women in the District of Columbia have the highest incidence rate and the highest mortality rate of breast cancer in the nation;

WHEREAS, approximately 266,120 new cases of invasive breast cancer will be diagnosed in women before the end of 2018 and, of those cases, about 3,260 will occur in women in the District;

WHEREAS, the American Cancer Society estimates that about 40,920 women in the United States will die from the disease in 2018 and, of those cases, about 1,030 will be women in the District;

WHEREAS, approximately 2,550 new cases of invasive breast cancer will be diagnosed in men before the end of 2018 and, of those cases, about 480 men will die from the disease;

WHEREAS, there are several types of breast cancer—divided into non-invasive and invasive types—which can be diagnosed at different stages of development and can grow at different rates;

WHEREAS, if cancer is detected at an early stage, it can be treated before it spreads to other parts of the body;

WHEREAS, the exact cause of breast cancer is not fully understood, but there are many factors that increase the likelihood of developing it, including age and family medical history;

ENROLLED ORIGINAL

WHEREAS, the American Cancer Society is a 105-year-old, community-based, voluntary health organization, located both nationwide and in the District of Columbia, which is dedicated to eliminating cancer as a major health problem;

WHEREAS, the American Cancer Society established Breast Cancer Awareness Month in 1985 to promote mammography as the most-effective weapon in the fight against breast cancer; and

WHEREAS, the District of Columbia anticipates the day when no woman or man has to be treated for this disease.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Breast Cancer Awareness Month Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia honors breast cancer patients, survivors, and their families and declare October 2018 as “Breast Cancer Awareness Month” in the District of Columbia to promote research for a cure.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-383

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize and commemorate the 30th anniversary of the Eastern High School Choir and for its many accomplishments and accolades under the direction of Choir Master Dr. Joyce Garrett.

WHEREAS, the Eastern High School Gospel Choir was founded in the fall of 1970 by a group of Eastern High School students and the Office Administrator, Sharon Lindsay;

WHEREAS, the Eastern High School Gospel Choir became a source of hope and a beacon of light for many students who were dealing with complex issues like dysfunction, school work anxiety, peer pressure, identity issues, and more;

WHEREAS, the Eastern High School Gospel Choir was the first choir in the District of Columbia where students empowered each other by selecting , directing, and arranging the songs;

WHEREAS, the choir’s first concert was held in the school auditorium for the Thanksgiving program in the fall of 1970;

WHEREAS, Dr. Joyce Garrett joined the Eastern High School faculty in September 1972 and, after a few years, combined both the Eastern Gospel Choir and the Eastern Concert Choir into one performing organization, “The Eastern High School Choir”;

WHEREAS, Dr. Garrett was awarded honorary doctorate degrees from her alma mater, Bennett College, and West Virginia Wesleyan College for her outstanding work as director of the Eastern High School Choir;

WHEREAS, Dr. Garrett founded “Excellence Without Excuses”, an after-school scholarship program using choral music to teach students perseverance, teamwork, self-discipline, high achievement, and the value of higher education;

ENROLLED ORIGINAL

WHEREAS, the choir became known locally, nationally, and internationally for its excellence in singing, with a varied repertoire of classics, spirituals, blues, jazz, popular songs, and contemporary gospel music;

WHEREAS, between 1989 and the early 2000s, choir students were awarded over \$1 million in scholarships through performance fees, college tuition grants, individual donations, and corporate and foundation support;

WHEREAS, the Eastern High School Choir won the National High School Gospel Choir Competition in New York in 1986, making national headlines;

WHEREAS, the Eastern High School Choir has received numerous accolades and invitations to participate in many prestigious events, including: the International Youth and Music Festival in Austria, a performance in the White House hosted by President Ronald Reagan, the Emmy-Award winning production, "Christmas in Washington", the Kennedy Center Honors, and President Bill Clinton's Inaugural Opening Ceremony;

WHEREAS, the Eastern High School Choir has performed with many of the world's top artists, including: Natalie Cole, Roberta Flack, Aretha Franklin, Patti Labelle, Kenny Loggins, Barbara Mandrell, Johnny Mathis, Jeffrey Osborne, Diana Ross, Stevie Wonder, and many others; and

WHEREAS, on July 7, 2018, the Eastern High School Choir hosted a reunion concert bringing together alumni choir members from the 1970s, 1980s, 1990s, and 2000s to form the Eastern High School Reunion Choir, with Dr. Garrett and Patrick Lundy serving as Choral Masters.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "30th Anniversary of the Eastern High School Choir Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia recognizes and commemorates the 30th Anniversary of the Eastern High School Choir and recognizes its many members and choir master Dr. Garrett for their contributions to the lasting legacy of the Eastern High School Choir.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-384

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize Jenny and Henry Liu for more than 40 years of service to Southwest Washington, D.C.

WHEREAS, Jenny and Henry Liu came to Washington, D.C. from Taiwan in 1977 and soon after opened Jenny’s Asian Fusion in Waterside Mall in Southwest Washington;

WHEREAS, as the neighborhood has changed, Jenny’s changed with it—moving from Waterside Mall to the Capital Yacht Club to a final location in the old Channel Inn;

WHEREAS, on June 30, Jenny’s closed, ending a 40-year run during which, as *The Southwester* newspaper has described, Jenny’s became “*the* staple of Southwest,” so that in retirement Jenny and Henry can travel and spend more time with their grandchildren;

WHEREAS, Jenny’s was more than a restaurant, it was the place a community came together—where neighbors became friends and family, where customers sought the Jenny Liu stamp of approval after a first date, and where neighborhood students found a free spring roll waiting when they made good grades;

WHEREAS, long-married couples that met at Jenny’s could be found sitting next to new parents who had themselves sat in a highchair at Jenny’s, and everyone who came to Jenny’s was invited, if not required, to cha-cha-cha; and

WHEREAS, Jenny and Henry supported their adopted community in countless ways, including by sponsoring a trip for a local basketball team to their native home of Taiwan.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jenny and Henry Liu Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia expresses its deepest appreciation for the sense of community that Jenny and Henry Liu brought to Southwest Washington, D.C. for more than 40 years and wishes Jenny and Henry well in retirement.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize and honor the Homeless Children's Playtime Project, an organization dedicated to bringing play into the lives of children living in homeless shelters in the District of Columbia.

WHEREAS, the Homeless Children's Playtime Project believes that play is a human right that all children deserve, regardless of housing status;

WHEREAS, the Homeless Children's Playtime Project provides activities, healthy snacks, and fun for children at emergency shelter and transitional housing sites throughout Washington, D.C.;

WHEREAS, the Homeless Children's Playtime Project seeks to restore normalcy by providing opportunities for children to learn and heal through play, and empowering them to make choices, express themselves, relate to others, and find support;

WHEREAS the many volunteers working with the Homeless Children's Playtime Project provide children living in temporary housing with the freedom to learn and heal through play;

WHEREAS the Homeless Children's Playtime Project provides teens and pre-teens age appropriate programming and opportunities to try new activities; and

WHEREAS the Homeless Children's Playtime Project offers parents and families support and connects them to resources in the community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Homeless Children's Playtime Project 15th Anniversary Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia recognizes and honors the Homeless Children's Playtime Project on the occasion of its 15th anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-386

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To declare September 21, 2018, as “Park(ing) Day” in the District of the Columbia.

WHEREAS, in 2005, a group of urban designers converted a parking spot in San Francisco into a miniature park with living grass, a potted tree, and a bench;

WHEREAS, the following year, the Trust for Public Land sponsored similar efforts in all of the cities where it has offices and Park(ing) Day began to spread worldwide, including the District Department of Transportation (“DDOT”) first participating in 2013;

WHEREAS, cities big and small, from Ames, Iowa to Accra, Ghana have installed temporary parks for Park(ing) Day;

WHEREAS, Park(ing) Day is an opportunity to recapture asphalt and sidewalks in the District and emphasize the importance of green space;

WHEREAS, the District of Columbia is committed to providing high-quality green space for all residents, and in 2017, the Trust for Public Land ranked the District’s park system fourth of the 98 cities ranked;

WHEREAS, since 2014, all Members of the Council of the District of Columbia have donated their parking spots on Pennsylvania Avenue to create green space for Park(ing) Day; and

WHEREAS, in 2017, DDOT approved 26 temporary parks throughout the District for Park(ing) Day.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Park(ing) Day 2018 Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia declares September 21, 2018, as “Park(ing) Day” in the District of Columbia and reaffirms the Council’s commitment to preserving and developing green space in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize the Public Service Commission of the District of Columbia’s 2018 Winter Ready DC Campaign which encourages District residents to prepare for the upcoming winter weather conditions.

WHEREAS, the District of Columbia citizens can suffer during severe winter weather conditions such as extremely cold temperatures, ice or heavy rain storms, or blizzard conditions with blinding snow, strong winds, severe drifting, dangerous wind chill, and heavy accumulations of snow;

WHEREAS, severe winter weather can cause power outages and interruptions in electric, telecommunications, and natural gas services, affecting District residents, businesses, and governments;

WHEREAS, winter weather can lead to injury and death from cold exposure, over-exertion, or heart attacks related to snow removal, traffic accidents on icy roads, fallen trees, downed power lines, fires and carbon monoxide poisoning caused by improper indoor use of heat sources;

WHEREAS, because winter heating costs consume a large portion of a household’s budget, District residents should have an “Energy Preparedness Plan” that includes conducting a home energy audit, winterizing their homes by finding and eliminating any leaks, adding insulation where needed, servicing their heating system, and using energy efficient light bulbs;

WHEREAS, District residents can reduce their overall energy costs by keeping meters and vents clear of snow, using a programmable thermostat, and where income eligible, enrolling in utility discount programs;

WHEREAS, when replacing appliances, District residents are encouraged to purchase energy-efficient appliances that use less energy than the standard models;

ENROLLED ORIGINAL

WHEREAS, community planning and preparation can prevent the loss of life, property, and hardship if precautionary steps are taken before severe weather occurs and by following appropriate measures during and after winter storms;

WHEREAS, the Public Service Commission Winter Ready DC campaign will encourage District residents, through education and outreach efforts, to create an “Energy Preparedness Plan” for their homes during the winter season;

WHEREAS, Winter Ready DC will encourage District residents to prepare emergency supply kits for their homes and vehicles including blankets, flashlights, water, first aid kit, non-perishable food, back-up batteries for telephones and battery chargers for mobile devices and laptops, and to check-in on neighbors, especially the elderly individuals with physical or mental health disabilities, or individuals who live alone; and

WHEREAS, Winter Ready DC promotes integration of efforts across all levels of government, utility service providers, businesses, and residents to ensure that the community is aware of available resources during winter.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Service Commission Winter Ready DC Campaign Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes the Public Service Commission Winter Ready DC Campaign in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To honor the extraordinary life of Jeanus B. Parks, Jr., Esq. who dedicated his 58-year career to protecting the political, civil, and economic rights of all people, defending disadvantaged communities, inspiring dynamic social change, and encouraging future generations to learn and flourish.

WHEREAS, Jeanus B. Parks, Jr., Esq. was raised in the District of Columbia and spent his formidable years attending Dunbar High School in Ward 5 before matriculating to Howard University;

WHEREAS, Jeanus B. Parks, Jr., Esq. served in the United States Army for 2 years in 1951, a time when less than 9% of military service members were African American;

WHEREAS, Jeanus B. Parks, Jr., Esq. returned from duty and pursued a law degree at Howard University School of Law where he earned accolades, including the Hobart Taylor, Sr. Scholastic Award in 1953, the Trustees' Scholarship in 1954, and the American Law Student Association's "Silver Key" for outstanding service;

WHEREAS, Jeanus B. Parks, Jr., Esq. was the inaugural Editor-in-Chief of the Howard Law Journal (1954-1955) and President of the Student Bar Association;

WHEREAS, Jeanus B. Parks, Jr., Esq., a stellar student, served as a research assistant under the instruction of civil rights activist and professor Charles Hamilton Houston and Herbert O. Reid, Sr., to assist in preparing Supreme Court briefs for the landmark public school desegregation case *Bolling v. Sharpe*;

WHEREAS, Jeanus B. Parks, Jr., Esq. served as a trial attorney in the Office of the General Counsel for the federal government's Housing and Home Finance Agency, currently the Department of Housing and Urban Development;

WHEREAS, Jeanus B. Parks, Jr., Esq., while at the Housing and Home Finance Agency, litigated for urban renewal, equitable community facilities, and the liquidation of the Reconstruction Finance Corporation;

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WHEREAS, Jeanus B. Parks, Jr., Esq. attended Columbia University Law School where he earned a Master of Laws Degree in 1960;

WHEREAS, Jeanus B. Parks, Jr., Esq. joined the faculty at Howard University School of Law where he served as professor of law for 34 years;

WHEREAS, Jeanus B. Parks, Jr., Esq. developed the pioneering seminar Urban Problems, which analyzed empirical data to shape critical legal theory by activating normative and substantive change through the exploration of political and social transformation in urban centers;

WHEREAS, Jeanus B. Parks, Jr., Esq. served as Director of the Howard Law School Urban Problems Project where he readied young lawyers with the knowledge, resources, and passion to mend fractured systems;

WHEREAS, Jeanus B. Parks, Jr., Esq.'s effective outcome-driven leadership impacted the D.C. Chapter of the Federal Bar Association, the Neighborhood Legal Services Program of the District of Columbia, the United Planning Organization, the Model Cities Commission, the Council's Committee on Crime and Administration of Justice, the Department of Health, Education and Welfare, and the D.C. Bicentennial Commission;

WHEREAS, Jeanus B. Parks, Jr., Esq.'s distinctive legal strategies influenced the high-profile cases of the Mississippi Freedom Democratic Party, the Free D.C. Movement, the NAACP Legal Defense Fund, Inc., the Poor People's Campaign, and the D.C. School Board's case *Hobson v. Hansen*;

WHEREAS, Jeanus B. Parks, Jr., Esq. and Herbert O. Reid, Sr., drafted and lobbied the landmark Federal Voting Rights Act of 1965, dismantling discriminatory poll taxes and other legal barriers preventing African-Americans from exercising their right to vote guaranteed under the U.S. Constitution;

WHEREAS, Jeanus B. Parks, Jr., Esq. co-founded the nonprofit Frederick Douglass Foundation of Washington, D.C., Incorporated, to sustain the memory and spirit of the late orator and abolitionist Frederick Douglass;

WHEREAS, Jeanus B. Parks, Jr., Esq.'s was married to his beloved wife, Jeanne L. Parks, for 58 years;

ENROLLED ORIGINAL

WHEREAS, Jeanus B. Parks, Jr., Esq.'s professional drive never surpassed his love for family, including his son, John B. Parks, daughter-in-law, Tracy N. Wiggins-Parks, and grandson, John W. Parks; and

WHEREAS, Jeanus B. Parks, Jr., Esq.'s purpose was greater than himself, and his legacy is the testament of a "gentle giant".

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Jeanus B. Parks, Jr., Esq., Posthumous Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia posthumously recognizes the extraordinary life of Jeanus B. Parks, Jr., Esq., and celebrates his achievements, unyielding dedication to the legal field, and unconditional devotion to his family.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-389

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To posthumously recognize and honor the significant contributions of Judge Mary Ellen Abrecht to the administration of justice in the District of Columbia.

WHEREAS, Mary Ellen (Benson) Abrecht was born on December 18, 1945, in South Hadley, Massachusetts;

WHEREAS, Mary Ellen Abrecht earned a Bachelor of Arts degree from Mount Holyoke College in 1967, studied for a year at Union Theological Seminary, and received her Juris Doctor degree from Georgetown University Law Center in 1974;

WHEREAS, Mary Ellen Abrecht came to the Capitol Hill neighborhood of the District of Columbia in September of 1968 with her husband, Gary Lorne Abrecht, where she was an active member of Christ Church, Washington Parish thereafter;

WHEREAS, Mary Ellen Abrecht served as a substitute teacher at Beers Elementary and Ketcham Elementary schools in 1968 before joining the Metropolitan Police Department (“MPD”) that same year;

WHEREAS, Mary Ellen Abrecht served as one of the District of Columbia’s first female patrol officers and, in 1972, as a sergeant in the patrol division, coordinated what was then the nation’s largest pilot program putting 100 women on patrol;

WHEREAS, Mary Ellen Abrecht attended law school in the evenings while serving as an MPD officer;

WHEREAS, Mary Ellen Abrecht joined the United States Attorney’s Office for the District of Columbia in 1975, where she served as a prosecuting attorney for 15 years and was part of one of the first all-women Assistant United States Attorney trial teams assigned to a felony calendar at the Superior Court of the District of Columbia;

ENROLLED ORIGINAL

WHEREAS, Mary Ellen Abrecht was appointed to the Superior Court of the District of Columbia in 1990 and presided over family, civil, and criminal matters for 13 years as an associate judge and another 12 years as a senior judge;

WHEREAS, Mary Ellen Abrecht is remembered as a fair, courteous, reasoned, and patient jurist;

WHEREAS, Mary Ellen Abrecht joined the Board of Directors of the Council for Court Excellence in 1999, where she volunteered over the course of 19 years on projects to teach high school students about jury service, gain local control of the District’s parole and clemency processes, and expand eligibility for and access to record sealing and expungement for people with criminal records;

WHEREAS, Mary Ellen Abrecht is survived by her husband, Gary Abrecht; 2 daughters, Karen Tompros and Rachel Abrecht-Litchfield; 3 siblings; and 5 grandchildren; and

WHEREAS, Mary Ellen Abrecht made significant contributions to the administration of justice for residents of the District of Columbia for 50 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Judge Mary Ellen Abrecht Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia posthumously recognizes and honors Judge Mary Ellen Abrecht for her 50 years of service to the District of Columbia, and for her lifelong dedication to seeking justice for its residents.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-390

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize and thank Metropolitan Police Department Sixth District Commander David Taylor for his 30 years of service on the occasion of his retirement.

WHEREAS, Commander David Taylor is a native Washingtonian who was raised and received his primary education in Ward 7;

WHEREAS, Commander David Taylor coaches middle school football and is a mentor to several young men.

WHEREAS, Commander David Taylor earned a Master of Art Degree in Organizational Management in 2005 and a Bachelor of Science Degree in Business Management from Morgan State University in 1994, and is also a graduate of the FBI National Academy and a member of the District of Columbia Commission of African American Affairs;

WHEREAS, Commander David Taylor began his career as a Police Cadet and attributes the program to his success by forming and solidifying the firm ideological foundation of teamwork and instilling the values, principles, ethics, and sense of responsibility and leadership that all prepared and remained with him as he moved forward throughout his career;

WHEREAS, Commander David Taylor previously served as the Commanding Officer of the School Safety Division, where he commanded school safety efforts, developing strategies and policies to ensure the overall safety and security of all the District’s school children;

WHEREAS, Commander David Taylor was the Commanding Officer of the Patrol Support Unit, where he managed a series of weekly revolving personnel in excess of 500 members as the unit delivered supplemental staffing to the patrol districts to support their daily operations;

WHEREAS, Commander David Taylor served in many positions within the Criminal Investigations Division as Branch Commander of the Homicide Branch as well as District Detectives Units, where he managed violent and property crime investigations in all 7 districts;

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WHEREAS, Commander David Taylor served as a lieutenant managing the Fifth District Detectives Unit, where, under his leadership, his team achieved the highest closure rates, bringing closure to countless victims of violent and property crimes;

WHEREAS, Commander David Taylor also served as a detective sergeant in the Seventh District Detectives Unit, arguably one of the most challenging investigative units in the Criminal Investigations Division;

WHEREAS, Commander David Taylor's successful patrol career included serving as Assistant District Commander of both the Sixth District and the Seventh District, and notably each of these districts earned the citywide crime reduction award during the times Commander Taylor was serving there, leading to him receiving the Captain of the Year Award from the Chief of Police as the Assistant District Commander of the Seventh District;

WHEREAS, Commander David Taylor was a patrol sergeant for Patrol Service Area 308 and a patrol officer in the Fifth District;

WHEREAS, Commander David Taylor served faithfully for 4 years as the Sixth District Commander;

WHEREAS, Commander David Taylor served 30 years in the Metropolitan Police Department; and

WHEREAS, Commander David Taylor's career journey has been marked with repeated success that can be directly attributed to his enormous amount of practical and cognitive knowledge.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Commander David Taylor Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia thanks and congratulates Commander David Taylor for his 30 years of faithful and effective service to the Metropolitan Police Department and to the people of the District of Columbia and honors him on the occasion of his retirement.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-391

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize Zahir Muhammad, the 2018 winner of the District of Columbia Scholastic Cup Chess Tournament.

WHEREAS, Zahir Muhammad is a Ward 7 resident and a junior at DeMatha Catholic High School, where he takes honors classes, studies both Mandarin Chinese and Spanish, and considers math and chemistry among his favorite subjects;

WHEREAS, Zahir Muhammad is a captain of his chess team and a nationally ranked chess player who has been playing since the age of 3 years;

WHEREAS, Zahir Muhammad was first taught to play chess by his father and went on to be trained by many chess instructors, including Ted Fagen, Vaughn Bennett, Shaka Greene, National Master Gregory Achonolu, Quito Swan, National Master David Bennett, and Robin Ramson;

WHEREAS, Zahir Muhammad was a top-10 finisher at the K-12 National Championships in 2017 and the Varsity Maryland Chess Roland Park November Scholastic winner in 2017, and he has achieved many other chess accomplishments;

WHEREAS, Zahir Muhammad is the 2018 winner of the District of Columbia Scholastic Cup Chess Tournament, a 3-round tournament amongst competitors from area high schools;

WHEREAS, Zahir Muhammad represented the District of Columbia at the annual Denker High School Tournament of Champions, a 6-round national tournament of players from 50 states, Guam, the Virgin Islands, Puerto Rico, and the District of Columbia, held in Madison, Wisconsin, where he defeated higher-rated chess players, raising his rating from 1778 to 1804 and becoming a Class B player, 2 ranks away from national master;

WHEREAS, Zahir Muhammad is active in other activities such as playing AAU basketball, running track, and serving as a member of the Marion Barry Youth Leadership Institute and the Boys and Girls Club of Greater Washington;

ENROLLED ORIGINAL

WHEREAS, Zahir Muhammad has set personal goals that he is working hard to soon achieve, including reaching a 2000 chess rating by the end of the year, becoming a national master and an international master, getting a scholarship to attend college, and majoring in chemical engineering; and

WHEREAS, Zahir Muhammad hopes to start his own chess team and seeks to be an example to help bring other black and brown children closer to the game of chess and the learning experience that chess affords.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Zahir Muhammad Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Zahir Muhammad for winning the District of Columbia Scholastic Cup Chess Tournament, representing the District of Columbia at the Denker High School Tournament of Champions and for his exceptional achievements as a chess player, student, and citizen.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

22-392

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize the D.C. State Little League Champion Mamie Johnson Little League 12 & Under youth baseball team.

WHEREAS, the Mamie Johnson Little League is a nonprofit organization staffed and administered by volunteers that was created in 2015 and that provides a positive outlet for nearly 300 boys and girls between the ages of 4 through 14 years who play baseball and softball each spring and fall;

WHEREAS, the Mamie Johnson Little League is named after the late District of Columbia resident Mamie “Peanut” Johnson, an American professional baseball player who was one of 3 women, and the first female pitcher, to play in the Negro Leagues;

WHEREAS, the Mamie Johnson Little League practices at the Jackie Robinson Field at the Washington Nationals Youth Baseball Academy in Ward 7;

WHEREAS, the Mamie Johnson Little League team was the 2015 D.C. State Intermediate Little League Champions;

WHEREAS, the Mamie Johnson Little League 12 & Under youth baseball team won the 2017 Little League Urban Initiative New York Metro Jamboree Tournament in the Bronx, New York;

WHEREAS, the Mamie Johnson Little League 12 & Under youth baseball team won 3 games to become the champions at a July 4th Tournament in Rockville, Maryland, from June 29 to July 1, 2018;

WHEREAS, the Mamie Johnson Little League 12 & Under youth baseball team was the runner-up team in the D.C. State Little League Championships in 2017;

WHEREAS, the Mamie Johnson Little League 12 & Under youth baseball team defeated top-seeded and undefeated Cap City Little League team in the semifinals of the 2018 D.C. State Little League Championships tournament by a score of 2-1;

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WHEREAS, the Mamie Johnson Little League 12 & Under youth baseball team won the 2018 D.C. State Little League Championship by defeating the Capitol Hill Little League team, which had defeated the defending champion Northwest Little League team in the semifinals;

WHEREAS, the Mamie Johnson Little League 12 & Under youth baseball team, as the D.C. State champions, advanced to the Little League Mid-Atlantic Regional Tournament August 5-11, 2018 at the A. Bartlett Giamatti Little League Leadership Training Center in Bristol, Connecticut, to vie for a chance to advance all the way to the Little League World Series;

WHEREAS, the Mamie Johnson Little League 12 & Under youth baseball team is only the second predominantly African American team to compete in the D.C. State Little League Championship and the first predominantly African American team to win the D.C. State Little League Championship and advance to the Little League Mid-Atlantic Regional Tournament in the 31-year history of D.C. Little League;

WHEREAS, the Mamie Johnson Little League 12 & Under youth baseball team roster for 2018 includes:

- Kenyatta Carmichael, Jr. #1
- Solomon McKinney #3
- Stephen Showalter #5
- Dejuan Taylor #6
- Jibril Scott #7
- Daniel Marshall #14
- Ian Makle #22
- Langston Speed #24
- Joshua Young #26
- Rocco Gilbert #33
- Jayden Brown #40
- Tony Hairston #42

WHEREAS, the Mamie Johnson Little League coaches are Raphael Lockett, who attended and played baseball at Jackson State University; Keith Barnes, who attended and played baseball at Virginia State University and is the President of Mamie Johnson Little League; and Curtis Banks, who played baseball at Dunbar High School and attended Hampton University; and

WHEREAS, the Mamie Johnson Little League endeavors to prepare youth for adulthood, college, and career by providing them with a healthy, safe, fun, and family-oriented environment in which to learn and enjoy the game of baseball and a program that demonstrates the ideals of good sportsmanship, character, teamwork, courage, and respect, rooted in the belief that baseball

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instills the discipline and commitment that youth need to realize their self-worth, athletic potential, and educational aspirations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mamie Johnson Little League D.C. State Little League Championship Team Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia honors and congratulates the D.C. State Little League Champion Mamie Johnson Little League 12 & Under youth baseball team, including coaches, family, and supporters, for their incredible history-making championship success and for representing the District of Columbia well.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

22-393

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 18, 2018

To recognize Earl J. Silbert, his achievements, and his more than 20 years of service to The Fishing School.

WHEREAS, Earl J. Silbert graduated magna cum laude and Phi Beta Kappa from Harvard University in 1957, and cum laude from Harvard Law School in 1960, and embarked on an almost 60-year esteemed legal career;

WHEREAS, Earl J. Silbert spent several years as an attorney at the Department of Justice, working in the Tax Division and Deputy Attorney General’s Office of the Department of Justice and as an Assistant United States Attorney;

WHEREAS, Earl J. Silbert became the United States Attorney for the District of Columbia in 1974.

WHEREAS, Earl J. Silbert entered private practice, joining Schwalb, Donnenfeld, Bray, and Silbert;

WHEREAS, Earl J. Silbert continued his private practice work at DLA Piper, LLP, where he is a partner;

WHEREAS, Earl J. Silbert is perhaps best known for serving as the lead prosecutor for the 1972 Watergate case, the most challenging case of his career, while working as a Principal Assistant U.S. Attorney for the District of Columbia;

WHEREAS, Earl J. Silbert was hailed as “One of the most revered lawyers in Washington, D.C.” by the Journal of the American College of Trial Lawyers;

WHEREAS, Earl J. Silbert has been named a Washington, D.C. Super Lawyer, recommended in The Legal 500 United States, and listed among the Top 100 Super Lawyers in the Washington, D.C. area and Lawdragon’s 500 Leading Lawyers in America;

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WHEREAS, Earl J. Silbert has twice been named to Washingtonian Magazine's list of Washington's top lawyers, in 2007 and again in 2009;

WHEREAS, Earl J. Silbert is listed among Chambers USA's "Senior Statesmen" for being "one of the most revered lawyers in Washington," "deeply respected for strategic sense in criminal defense and investigations," "lauded by peers as a 'first-rate white-collar lawyer,'" "a legend of the national white-collar Bar," and "the gold standard" for white-collar crime lawyers;

WHEREAS, Earl J. Silbert, described as a "highly regarded trial lawyer," was "highly recommended" in the PLC Which Lawyer? Yearbook 2009;

WHEREAS, Earl J. Silbert was honored in 2009 by the Council for Court Excellence with the Justice Potter Stewart Award for his work to improve the judicial system, both as a United States Attorney and subsequently in private practice;

WHEREAS, Earl J. Silbert was described by the Ethisphere Council in 2009 as among "the best and brightest in the legal field" who exemplify "the best public service, legal community engagement and academic involvement" and "help lead their companies to the top of the ethics and compliance world" and accordingly named to the Council's list of 2009 Attorneys Who Matter, and as one who scored highest in "recognized expertise, peer/client endorsements, high-profile litigation, number of cases won, high-profile clients, public service, legal community engagement, academic involvement and other awards and recognitions," was one of only 5 lawyers distinguished in the Hall of Fame category;

WHEREAS, Earl J. Silbert was recognized for "work that has advanced the practice of law" and "upheld the profession's core values through public service, pro bono work and advocacy for civil liberties," and accordingly honored by the National Law Journal as a Champion in its annual Champions and Visionaries awards in 2012;

WHEREAS, Earl J. Silbert has been active in several legal organizations, having served as the President of the American College of Trial Lawyers, President of the National Association of Former United States Attorneys, President of the Assistant U.S. Attorney's Association for the District of Columbia, President of the Council for Court Excellence, Fellow in the American College of Trial Lawyers and Chairperson of the District of Columbia and Regent, Master of Bench of the Edward Bennett Williams Inn of Court, Master of Bench of the Fahy Inn of Court, member of the Practitioners Advisory Group of the United States Sentencing Commission, member of the District of Columbia Advisory Commission on Sentencing, Chair of the Grievance Committee of the United States District Court, District of Columbia, Chair of the Hearing Committee of the Board of Professional Responsibility in the District of Columbia, and faculty of numerous American Bar Associations and other continuing legal education programs;

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WHEREAS, Earl J. Silbert is regarded as the “Dean of the Criminal Defense Bar in D.C.” whose judgment, integrity, and counsel are respected;

WHEREAS, Earl J. Silbert is known for his integrity, compassion, and unwavering commitment to philanthropy;

WHEREAS, Earl J. Silbert has been a long-time member of the Board of Directors, a former Board Vice-Chair, and a part of The Fishing School, a nonprofit organization located in Ward 7 whose mission is to prepare elementary and middle school students for success in high school and life by improving their academic performance and life skills; and engaging them and their parents in intensive, multi-year, and research-based out of school time and parent engagement programs and activities;

WHEREAS, Earl J. Silbert is the featured honoree at The Fishing School’s Annual Celebration of Service, “A Special Tribute to Earl Silbert: 60 Years of Integrity, Compassion, & Generosity” because of his extraordinary dedication and service to The Fishing School for more than 20 years, having been integral to transforming it into an award-winning organization that has touched the lives of thousands of children and their families in communities throughout the District of Columbia; and

WHEREAS, Earl J. Silbert is quoted as saying about his service at The Fishing School that “[t]wenty years is a long time to work with one organization, but the spirit there and the success of our work has been most gratifying to me.”

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Earl Silbert Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia recognizes the outstanding public achievements of Earl J. Silbert and his more than 20-year commitment to the children and families of Ward 7 and Ward 8 through his tireless service and contributions as a Board member and former Board Vice-Chair for The Fishing School.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

COUNCIL OF THE DISTRICT OF COLUMBIA

PROPOSED LEGISLATION

BILL

B22-1024 Downs Way Designation Act of 2018
 Intro. 10-23-18 by Councilmembers Gray and McDuffie and referred to the Committee of the Whole

PROPOSED RESOLUTIONS

PR22-1068 Board of Industrial Trades Michael Johnson Confirmation Resolution of 2018
 Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-1069 Science Advisory Board Robert Thompson Confirmation Resolution of 2018
 Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR22-1070 Interagency Council on Homelessness Amanda Chesney Confirmation Resolution of 2018
 Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1071 Interagency Council on Homelessness Jill Carmichael Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1072 Interagency Council on Homelessness Natalie Avery Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1073 Interagency Council on Homelessness Waldon Adams Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1074 Interagency Council on Homelessness Rico Harris Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1075 Interagency Council on Homelessness Ellen Jones Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1076 Interagency Council on Homelessness Jennifer McLaughlin Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1077 Interagency Council on Homelessness Kelly McShane Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1078 Interagency Council on Homelessness Tonia Wellons Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1079 Interagency Council on Homelessness Jorge Membrano Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR22-1080 Commission on Fathers, Men, and Boys Jelani Murrain Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR22-1081 Commission on Fathers, Men, and Boys Silas H. Grant, Jr. Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR22-1082 Commission on Re-Entry and Returning Citizen Affairs Larry Moon Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

PR22-1083 Commission on African Affairs Richmond Danso Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR22-1084 Commission on African Affairs Dieynaba Sall Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR22-1085 Commission on African Affairs Etayenesh Asfaw Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR22-1086 Commission on Out of School Time Grants and Youth Outcomes Rev. Gary Hill Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR22-1087 Housing Production Trust Fund Board Lynn French Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

PR22-1088 Food Policy Council Lillie Rosen Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

PR22-1089 Police Complaints Board Paul Ashton Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR22-1090 Board of Barber and Cosmetology Richard DeCarlo Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-1091 Board of Barber and Cosmetology Erwin Gomez Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-1092 Board of Barber and Cosmetology Raymond Kibler Confirmation Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

PR22-1093 Launchpad Development Revenue Bonds Project Approval Resolution of 2018

Intro. 10-19-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR22-1094 District of Columbia State Athletics Commission Dwayne Foster Confirmation Resolution of 2018

Intro. 10-22-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR22-1097 Johnson Controls Security Solutions, LLC Approval Resolution of 2018

Intro. 10-25-18 by Chairman Mendelson at the request of the Washington Convention and Sports Authority and Retained by the Council with comments from the Committee on Finance and Revenue

PR22-1098 Interagency Council on Homelessness Katherine Coventry Confirmation Resolution of 2018

Intro. 10-26-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

- PR22-1099 Interagency Council on Homelessness Ramina Davidson Confirmation Resolution of 2018
- Intro. 10-26-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services
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- PR22-1100 Board of Trustees of the University of the District of Columbia Ken Grossinger Confirmation Resolution of 2018
- Intro. 10-26-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR22-1101 Board of Trustees of the University of the District of Columbia Elaine Crider Confirmation Resolution of 2018
- Intro. 10-26-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR22-1102 Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018
- Intro. 10-29-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole
-
- PR22-1103 Child Support Guideline Commission Meridel Bulle-Vu Reappointment Resolution of 2018
- Intro. 10-29-18 by Chairman Mendelson and referred to the Committee of the Whole
-

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

REVISED and ABBREVIATED

NOTICE OF PUBLIC HEARING ON

**B22-619, the Repeat Parking Violations Amendment Act of 2018
B22-841, the Temporary Parking Limitation Regulation Amendment Act of 2018
B22-916, the Southwest Waterfront Park Bus Prohibition Act of 2018**

Thursday, November 8, 2018 at 1:30 PM
in Room 120 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Thursday, November 8, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B22-619, the Repeat Parking Violations Amendment Act of 2018; B22-841, the Temporary Parking Limitation Regulation Amendment Act of 2018; and B22-916, the Southwest Waterfront Park Bus Prohibition Act of 2018. The hearing will begin at 1:30 PM in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B22-619 would require a facsimile of certain notices of infraction be filed with the Department of Consumer and Regulatory Affairs and would prohibit a hearing examiner from dismissing a notice of infraction because it lacks information that is not required by certain municipal regulations. The bill also allows the Mayor to establish Repeat Parking Violation Pilot Zones and issue escalating fines for identified infractions within the zones. The bill amends regulations to alter the penalty for failure to clearly display a Mobile Roadway Vending ("MRV") Site Permit and increases the distance around an MRV where mobile vending is not permitted. B22-841 would limit the number of days per calendar year for which temporary visitor parking permits may be issued to a single residential address. B22-916 would prohibit buses from operating or parking on certain streets near Southwest Waterfront Park.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson

Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Thursday, November 22, 2018.

This hearing notice is revised and abbreviated to reflect that the date of the hearing has been moved from October 26, 2018, to November 8, 2018, and to reflect that the hearing room has been changed to Room 120.

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

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

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

ANNOUNCES A PUBLIC HEARING ON:

**Bill 22-789, the “Unfoldment, Inc. Real Property Tax Relief Act of 2018”
Bill 22-887, the “Hyacinth's Place Equitable Real Property Tax Relief Act of 2018”
Bill 22-1008, the “Charter School Property Tax Clarification Amendment Act of 2018”**

Monday, November 19, 2018

10:00 a.m.

**Room 412- John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Monday, November 19, 2018 at 10:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 22-789, the “Unfoldment, Inc. Real Property Tax Relief Act of 2018” would amend Chapter 10 of Title 47 of the District of Columbia Official Code to provide real property tax relief for Lot 826 in Square 6129 and Lot 804 in Square 5984, owned by Unfoldment, Inc.

Bill 22-887, the “Hyacinth's Place Equitable Real Property Tax Relief Act of 2018” would provide equitable real property tax relief to certain real property owned by Hyacinth’s Place located on Lots 0161 and 0124, Square 4074.

Bill 22-1008, the “Charter School Property Tax Clarification Amendment Act of 2018” would amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain properties owned or leased by Shaed School, LLC, 5601 East Capitol, LLC, Mamie D. Lee, LLC, and St. Paul on Fourth Street, Inc.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Friday, November 16, 2018. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PR22-1002, THE “DEPARTMENT OF FORENSIC SCIENCES SCIENCE ADVISORY
BOARD RULEMAKING APPROVAL RESOLUTION OF 2018”**

**Thursday, November 29, 2018, 12:00 p.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, November 29, 2018, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public roundtable to discuss PR22-1002, the “Department of Forensic Sciences Science Advisory Board Rulemaking Approval Resolution of 2018”. The roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 12:00 p.m.

The stated purpose of PR22-1002 is to approve the issuance of rules by the Department of Forensic Sciences applicable to the Science Advisory Board (“SAB”), specifically to define the roles and responsibilities of the SAB and establish the reporting requirements and complaint process for the Department. The SAB reviews all reports of allegations of professional negligence, misconduct, or misidentification or other testing errors that occur in the provision of forensic sciences by the Department; reviews the program standards and protocols related to the Department’s operations; reviews scientific literature to determine whether Department manuals and procedures should be modified; reviews and makes recommendations concerning the Department’s operations; and advises the Mayor, Council, and Director on matters relating to the Department or forensic sciences.

Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us or at (202) 724-7808, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, November 26**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty double-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on December 3, 2018.**

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

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

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PROPOSED RESOLUTION 22-1042, THE “HOMELAND SECURITY COMMISSION
EDWARD PEARSON CONFIRMATION RESOLUTION OF 2018”**

**PROPOSED RESOLUTION 22-1044, THE “HOMELAND SECURITY COMMISSION
BRIAN BAKER CONFIRMATION RESOLUTION OF 2018”**

**PROPOSED RESOLUTION 22-1045, THE “CORRECTIONS INFORMATION COUNCIL
CHARLIE WHITAKER CONFIRMATION RESOLUTION OF 2018”**

AND

**PROPOSED RESOLUTION 22-1089, THE “POLICE COMPLAINTS BOARD PAUL
ASHTON CONFIRMATION RESOLUTION OF 2018”**

**Thursday, November 29, 2018, 10:00 am
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, November 29, 2018, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to consider PR22-1042, the “Homeland Security Commission Edward Pearson Confirmation Resolution of 2018”; PR22-1044, the “Homeland Security Commission Brian Baker Confirmation Resolution of 2018”; PR22-1045, the “Corrections Information Council Charlie Whitaker Confirmation Resolution of 2018”; and PR22-1089, the “Police Complaints Board Paul Ashton Confirmation Resolution of 2018”. The roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004, at 10:00 a.m.

PR22-1042 would appoint Edward Pearson to the Homeland Security Commission for a term to end February 20, 2021.

PR22-1044 would appoint Brian Baker to the Homeland Security Commission for a term to end February 20, 2021.

PR22-1045 would appoint Charlie Whitaker to the Corrections Information Council for a term to end June 7, 2020.

PR22-1089 would reappoint Paul Ashton to the Police Complaints Board for a term to end January 12, 2022.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us or at (202) 727-8232, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, November 26**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty double-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on December 3.**

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

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

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

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

GBM 22-109: FY 2018 Grant Budget Modifications of October 22, 2018

RECEIVED: 14-day review begins October 24, 2018

GBM 22-110: FY 2018 Grant Budget Modifications of October 4, 2018

RECEIVED: 14-day review begins October 29, 2018

GBM 22-111: FY 2018 Grant Budget Modifications of October 9, 2018

RECEIVED: 14-day review begins October 29, 2018

GBM 22-112: FY 2018 Grant Budget Modifications of October 29, 2018

RECEIVED: 14-day review begins October 29, 2018

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW, Suite 410
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 22-1100 the “Board of Trustees of the University of the District of Columbia Ken Grossinger Confirmation Resolution of 2018,” to ensure the proposed resolution can be considered at the November 13, 2018 Legislative Meeting. Identical legislation was introduced by on June 5, 2018 and a hearing was held on the nominee on October 18, 2018. Subsequently, the proposed resolution was withdrawn by the Mayor on October 22, 2018 to avoid the nomination deeming disapproved before the next legislative meeting. The abbreviated notice is necessary to allow the Council to consider the nomination of Mr. Ken Grossinger to be reappointed to the Board of Trustees of the University of the District of Columbia.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW, Suite 410
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 22-1101 the “Board of Trustees of the University of the District of Columbia Elaine Crider Confirmation Resolution of 2018,” to ensure the proposed resolution can be considered at the November 13, 2018 Legislative Meeting. Identical legislation was introduced by on June 5, 2018 and a hearing was held on the nominee on October 18, 2018. Subsequently, the proposed resolution was withdrawn by the Mayor on October 22, 2018 to avoid the nomination deeming disapproved before the next legislative meeting. The abbreviated notice is necessary to allow the Council to consider the nomination of Dr. Elaine Crider to be reappointed to the Board of Trustees of the University of the District of Columbia.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW, Suite 410
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen days on PR 22-1102 the “Board of Zoning Adjustment Lorna John Confirmation Resolution of 2018,” to ensure the proposed resolution can be considered at the November 13, 2018 Legislative Meeting. Identical legislation was introduced by on June 6, 2018 and a hearing was held on the nominee on October 18, 2018. Subsequently, the proposed resolution was withdrawn by the Mayor on October 22, 2018 to avoid the nomination deeming disapproved before the next legislative meeting. The abbreviated notice is necessary to allow the Council to consider the nomination of Ms. Lorna John to be reappointed to the Board of Zoning Adjustment.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 22-173 Request to reprogram \$1,003,960 of Fiscal Year 2018 Local funds budget authority from Settlements and Judgements Fund to the Office of the Attorney General (OAG) for the District of Columbia was filed in the Office of the Secretary on October 23, 2018. This reprogramming ensures that OAG covers personal services costs incurred because of the cost-of-living adjustment approved by the Mayor and Council earlier this year.

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-174 Request to reprogram \$2,005,698 of Local Funds Budget Authority from Multiple Public Safety and Justice Cluster Agencies to the Department of Corrections (DOC) was filed in the Office of the Secretary on October 23, 2018. This reprogramming ensures that DOC has adequate funding to cover the overtime cost associated with medical Outposts requirements, sick staff, the detail of agency staff, and Open Post Jail operations.

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-175 Request to reprogram \$347,700 of Fiscal Year 2018 Special Purpose Revenue funds budget authority within the Office of Cable Television, Film, Music, and Entertainment (OCTFME) was filed in the Office of the Secretary on October 23, 2018. This reprogramming is needed to ensure expenditures and budgets are aligned with various programs and activities within the agency.

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-176 Request to reprogram \$900,000 to the D.C. Fire and Emergency Medical Services Department (FEMS), which is comprised of \$400,000 from the Commission on the Arts and Humanities (CAH), \$370,732 from the Deputy Mayor for Planning and Economic Development (DMPED), and \$129,268 from the Department of Small and Local Business Development (DSLBD) was filed in the Office of the Secretary on October 23, 2018. This reprogramming ensures that FEMS has adequate funding to cover the overtime cost associated with backfilling employees on Paid Family Leave.

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-177 Request to reprogram \$1,159,334 of Local funds budget authority from multiple District agencies to the Department of General Services (DGS) was filed in the Office of the Secretary on October 23, 2018. This reprogramming is needed to address spending pressures pertaining to outstanding liabilities from the current and prior fiscal periods.

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-178 Request to reprogram \$1,718,297 of Local funds budget authority within the Department of Housing and Community Development (DHCD) was filed in the Office of the Secretary on October 23, 2018. This reprogramming is needed to align program budgets with forecasted expenditures in adherence to the agency's cost allocation plan.

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-179 Request to reprogram \$11,273,610 of Local funds budget authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 23, 2018. This reprogramming is needed to move budget authority within DGS' Rent: In-Lease division, from Comptroller Source Group (CSG) 32 (Rental – Land and Structures) to CSG 80 (Debt Services) and to the Energy – Centrally Managed division, CSG 30 (Energy).

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-180 Request to reprogram \$3,767,225 of Local Funds Budget Authority from Various Agencies to the Department of General Services (DGS) was filed in the Office of Secretary on October 23, 2018/ This reprogramming is needed to cover the costs of higher-than-anticipated electricity and water bills.

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-181 Request to reprogram \$1,000,000 of Fiscal Year 2018 Local funds budget authority to the D.C. Fire and Emergency Medical Services Department (FEMS), which is comprised of \$500,000 from the Department of Behavioral Health (DBH) and \$500,000 from the Department of Human Services (DHS) was filed in the Office of Secretary on October 23, 2018. This reprogramming ensures that FEMS has adequate funding to cover the overtime cost associated with backfilling backfilling employee on Paid Family Leave

RECEIVED: 14 day review begins October 24, 2018

Reprog. 22-182 Request to reprogram \$8,500,000 of Local funds budget authority from multiple District agencies to the Department of General Services (DGS) was filed in the Office of the Secretary on October 23, 2018. This reprogramming is needed to address spending pressures pertaining to higher-than-anticipated Fixed Costs, including electricity, water, and auto fuel; overtime spending to reduce a work order backlog; and outstanding liabilities from the current and prior fiscal periods.

RECEIVED: 14 day review begins October 24, 2018

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 2, 2018
Protest Petition Deadline: December 17, 2018
Roll Call Hearing Date: December 31, 2018
Protest Hearing Date: February 27, 2019

License No.: ABRA-111880
Licensee: Catch 22, LLC
Trade Name: Catch 22
License Class: Retailer's Class "C" Restaurant
Address: 5832 Georgia Avenue, N.W.
Contact: Monique R. Simms: (240) 454-2000

WARD 4

ANC 4C

SMD 4C01

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 December 31, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 27, 2019 at 1:30 p.m.

NATURE OF OPERATION

New full-service seafood and brunch restaurant. Requesting an Entertainment Endorsement. Sidewalk Café with 30 seats. Total Occupancy Load is 99 with seating for 99.

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

Sunday through Saturday 11am – 11pm

HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 6pm – 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 2, 2018
Protest Petition Deadline: December 17, 2018
Roll Call Hearing Date: December 31, 2018
Protest Hearing Date: February 27, 2019

License No.: ABRA-111948
Licensee: MHF Noma Operating IV LLC
Trade Name: Hilton Garden Inn-DC/U.S. Capitol
License Class: Retailer's Class "B" 25 Percent
Address: 1225 First Street, N.E.
Contact: Stephen O'Brien: (202) 625-7700

WARD 6

ANC 6C

SMD 6C06

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 December 31, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 27, 2019 at 4:30 p.m.

NATURE OF OPERATION

New 25% B for premises located entirely within a hotel and without direct public access to the street or outside the hotel's building.

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: November 2, 2018
Protest Petition Deadline: December 17, 2018
Roll Call Hearing Date: December 31, 2018
Protest Hearing Date: February 27, 2019

License No.: ABRA-110084
Licensee: Luam Mit, LLC
Trade Name: Hunumanh
License Class: Retailer's Class "C" Restaurant
Address: 1604 7th Street, N.W.
Contact: Bobby Pradachith: (703) 389-3960

WARD 6

ANC 6E

SMD 6E01

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 December 31, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 27, 2019 at 1:30 p.m.

NATURE OF OPERATION

New Restaurant serving Laotian Cuisine. Sidewalk Café with 35 seats. Total Occupancy Load is 75 with seating for 40.

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

Sunday through Thursday 12pm – 12am, Friday and Saturday 12pm – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 2, 2018
Protest Petition Deadline: December 17, 2018
Roll Call Hearing Date: December 31, 2018
Protest Hearing Date: February 27, 2019

License No.: ABRA-111980
Licensee: Rocket Wines International, LLC
Trade Name: Rocket Wines International
License Class: Retailer's Class "A" Internet
Address: 4221 Connecticut Avenue, N.W.
Contact: Michael Fonseca, Esq.: (202) 625-7700

WARD 3

ANC 3F

SMD 3F02

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 December 31, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 27, 2019 at 1:30 p.m.

NATURE OF OPERATION

New Class "A" Internet Retailer selling beer, wine, and spirits online only for off-premises consumption. This location will not be open to the public.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 2, 2018
Protest Petition Deadline: December 17, 2018
Roll Call Hearing Date: December 31, 2018
Protest Hearing Date: February 27, 2019

License No.: ABRA-111961
Licensee: Chenega SF, LLC
Trade Name: Slapfish
License Class: Retailer's Class "D" Restaurant
Address: 1800 M Street, N.W., Suite GR06
Contact: Risa Hirao, Esq.: (202) 544-2200

WARD 2

ANC 2B

SMD 2B06

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 December 31, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 27, 2019 at 4:30 p.m.

NATURE OF OPERATION

A new Restaurant serving high-quality seafood. Seating Capacity of 44 and a Total Occupancy Load of 97.

HOURS OF OPERATION

Sunday 9am - 10pm, Monday through Thursday 7am - 10pm, Friday 7am - 11pm, Saturday 9am - 11pm

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday 9am - 10pm, Friday and Saturday 9am - 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 2, 2018
Protest Petition Deadline: December 17, 2018
Roll Call Hearing Date: December 31, 2018
Protest Hearing Date: February 27, 2019

License No.: ABRA-108842
Licensee: S & H 6, Inc.
Trade Name: Streets Market
License Class: Retailer's Class "C" Restaurant
Address: 51 M Street, N.E.
Contact: Andrew Kline, Esq.: (202) 686-7600

WARD 6 ANC 6C SMD 6C06

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 December 31, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 27, 2019 at 4:30 p.m.

NATURE OF OPERATION

A new C Restaurant located inside a full-service grocery store. Seating Capacity of 90. Total Occupancy Load of 232. The license will include a Summer Garden with 40 Seats.

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

Sunday through Saturday 8am – 1am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 2, 2018
 Protest Petition Deadline: December 17, 2018
 Roll Call Hearing Date: December 31, 2018
 Protest Hearing Date: February 27, 2019

License No.: ABRA-108841
 Licensee: S & H 6, Inc.
 Trade Name: Streets Market
 License Class: Retailer’s Class “B” Full Service Grocery
 Address: 51 M Street, N.E.
 Contact: Andrew Kline, Esq.: (202) 686-7600

WARD 6

ANC 6C

SMD 6C06

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 December 31, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **February 27, 2018 at 4:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class B Full Service Grocery store.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 2, 2018
Protest Petition Deadline: December 17, 2018
Roll Call Hearing Date: December 31, 2018
Protest Hearing Date: February 27, 2019

License No.: ABRA-111960
Licensee: Cocineros, LLC
Trade Name: Taco City DC
License Class: Retailer's Class "C" Tavern
Address: 1102 8th Street, S.E.
Contact: Ely Hurwitz, Esq.: (202) 483-0001

WARD 6 ANC 6B SMD 6B04

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 December 31, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 27, 2019 at 1:30 p.m.

NATURE OF OPERATION

A new Tavern. Seating Capacity of 45. Total Occupancy Load of 45. The license will include an Entertainment Endorsement.

HOURS OF OPERATION AND HOURS OF LIVE ENTERTAINMENT

Sunday 7am - 12am, Monday through Thursday 7am - 2am, Friday and Saturday 7am - 3am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday 10am - 12am, Monday through Thursday 10am - 2am, Friday and Saturday 10am - 3am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/2/2018**

Notice is hereby given that:

License Number: ABRA-106409

License Class/Type: B Internet

Applicant: Tasting Table Budapest, LLC

Trade Name: Tasting Table Budapest

ANC: 5C04

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

1850 NEW YORK AVE NE

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

12/17/2018

A HEARING WILL BE HELD ON:

12/31/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

DISTRICT OF COLUMBIA PUBLIC SCHOOLS**PUBLIC HEARING NOTICE****FISCAL YEAR 2020 BUDGET**

Wednesday, November 7, 2018; 6:00PM – 8:00PM
Phelps Architecture, Construction and Engineering High School
704 26th St NE, Washington, DC 20002

The District of Columbia Public Schools (DCPS) will convene a public budget hearing on Wednesday, November 7, 2018 from 6:00PM – 8:00PM at Phelps Architecture, Construction and Engineering High School on 704 26th St NE, Washington, DC 20002. The purpose of the hearing is to gather feedback from the public about the upcoming Fiscal Year 2020 (School Year 2019-2020) budget.

Members of the public are invited to provide testimony at the hearing. Individuals or groups wishing to testify should register online at <http://bit.ly/DCPS2018BudgetHearing>. Testimony will be limited to three minutes during the hearing. Witnesses should bring five (5) copies of their documentation, including a written copy of their testimony and any supplemental information. All documents will be included as part of the official record.

The registration deadline is 3:00PM on Monday, November 5, 2018. If an individual or group is unable to register online, please contact the School Funding Team at (202) 297-2048.

The official record of this hearing will be transmitted to the Mayor and Council of the District of Columbia pursuant to DC Official Code § 38-917(1).

Interpretation services are available upon request. Please include any requests for interpretation services during the registration process.

Any additional questions or concerns should be directed to the School Funding Team at 202-297-1048 or dcps.schoolfunding@dc.gov.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

AND

Z.C. ORDER NO. 18-02

(Text Amendments to - 11-U DCMR)

(To Allow Veterinary Hospitals and Veterinary Boarding Hospitals as Special Exceptions when Abutting an Existing Residential Use in a Mixed-Use Building and to Permit such Hospitals to Board Domesticated Dogs)

June 25, 2018

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 the permanent adoption of amendments to §§ 508, 511, and 513 of Chapter 5 (Use Permissions Mixed-Use (MU) Zones) of Subtitle U (Use Permissions), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The amendments concern the special exception approval of veterinary hospitals and veterinary boarding hospitals in those zones to which MU-Use Groups C, D, and E apply, which are currently:

| MU-Use Group C | MU-Use Group D | MU-Use Group E |
|---|----------------|---|
| MU-12 MU-13 MU-14 CG-5 CG-6 CG-7 | MU-3 | MU-4, MU-5 MU-6 MU-17, MU-18 MU-19 MU-24, MU-25 MU-26, MU-27 CG-2 |

Though veterinary hospitals are permitted by special exception in these zones, among the conditions applicable to the use is that it may not abut existing residential uses or board domesticated dogs. Veterinary boarding hospitals are not expressly permitted by special exception in these zones and are only mentioned in the MU-Use Group C applicable provision with respect to limiting the gross floor area that may be devoted to the boarding animals. The amendments clarify that veterinary boarding hospitals are also permitted by special exception in these zones, and permit veterinary boarding hospitals and veterinary hospitals to abut existing residential uses in mixed use buildings and to board domesticated dogs, if certain conditions are met.

The Commission adopted these rules on an emergency basis at the close of its public hearing held on Wednesday April 12, 2018, at which time the amendments became effective. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on May 4, 2018, at 65 DCR 004909. In response, the Commission received no comments. The Commission took final

rulemaking action to adopt these amendments at a public meeting on June 25, 2018 making no change to the text as proposed.

The amendments shall become final upon publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are adopted:

Chapter 5, USE PERMISSIONS MIXED USE (MU) ZONES, of Title 11-U DCMR, USE PERMISSIONS, is amended as follows:

Paragraph (k) of § 508.1 of § 508, SPECIAL EXCEPTION USES (MU-USE GROUP C), is amended to read as follows:

508.1 Unless specifically prohibited by Subtitle U § 509, the following uses shall be permitted in MU-Use Group C if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

...

(k) Veterinary office, hospital, or boarding hospital subject to the following conditions:

- (1) A veterinary hospital or veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(j)(1);
- (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
- (3) The veterinary hospital or veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
- (4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates that:

(A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

- (B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
- (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
- (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and
- (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

...

Paragraph (m) of § 511.1 of § 511, SPECIAL EXCEPTION USES (MU-USE GROUP D), is amended to read as follows:

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

...

- (m) Veterinary office or hospital, or veterinary boarding hospital subject to the following conditions:
 - (1) A veterinary hospital or veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(j)(1);
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals;

- (3) The veterinary hospital or veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
- (4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone;
 - (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and
 - (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Paragraph (l) of § 513.1 of § 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), is amended to read as follows:

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

...

- (l) Veterinary office or hospital, or veterinary boarding hospital subject to the following conditions:
 - (1) A veterinary hospital or veterinary boarding hospital may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(j)(1);
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals;
 - (3) The veterinary hospital or veterinary boarding hospital shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the Applicant demonstrates that:
 - (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
 - (B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
 - (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
 - (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and

- (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; and

...

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

On June 25, 2018, upon the motion of Chairman Hood as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition 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 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 *DC Register*; that is on November 2, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD

NOTICE OF CORRECTION

By this Notice, the Chairperson of the Construction Codes Coordinating Board correct an error in the text in the Notice of Proposed Rulemaking published in the September 28, 2018 – Part 2 edition of the *D.C. Register* at 65 DCR 10111. The rulemakings propose a new 2017 District of Columbia Construction Codes.

In the proposed District of Columbia Energy Conservation Code Supplement of 2017 – Commercial Provisions, 12 DCMR Subtitle I[CE], a typographical error was made in Section 5 (Building Envelope) of Subtitle I[CE]. The chart in Section 5.5 (Prescriptive Building Envelope Option) mistakenly included some duplicative text.

Section 5.5.2 should read as follows below. Deletions are shown in ~~strike through~~ text.

5.5 PRESCRIPTIVE BUILDING ENVELOPE OPTION

Strike Section 5.5.1 of ASHRAE 90.1 in its entirety and insert a new Section 5.5.1 in its place in the Energy Conservation Code-Commercial Provisions to read as follows:

5.5.1 For a conditioned space, the exterior building envelope shall comply with either the nonresidential or residential requirements in Tables 5.5.

Strike Section 5.5.2 of ASHRAE 90.1 in its entirety and insert a new Section 5.5.2 in its place to read as follows:

5.5.2 If a building contains any semiheated space or unconditioned space, then the semi-exterior building envelope shall comply with the requirements for semiheated space in Table-5.5. (See Figure 5.5.2.)

Strike Tables 5.5-1 through 5.5-8 of ASHRAE 90.1 and insert a new Table 5.5 in their place in the Energy Conservation Code-Commercial Provisions to read as follows:

TABLE 5.5 BUILDING ENVELOPE REQUIREMENTS FOR CLIMATE ZONE 4 (A,B,C)*

| Opaque Elements | Nonresidential | | Residential | | Semiheated | |
|------------------------------|---------------------|----------------------------|---------------------|----------------------------|---------------------|----------------------------|
| | Assembly Maximum | Insulation Min. R-Value | Assembly Maximum | Insulation Min. R-Value | Assembly Maximum | Insulation Min. R-Value |
| <i>Roofs</i> | | | | | | |
| Insulation entirely | U-0.048 | R-20 e.i. | U-0.039 | R-25 e.i. | U-0.218 | R-3.8 e.i. |
| Metal Buildings [#] | U-0.041 | R-10 + R-10 EC | U-0.041 | R-10 + R-10 EC | U-0.115 | R-10 |
| Attic and Other | U-0.027 | R-38 | U-0.027 | R-38 | U-0.081 | R-13 |

Walls, above Grade

| | | | | | | |
|-----------------|---------|------------------|---------|------------------|---------|----|
| Metal Building | U-0.094 | R-0 + R-9.8 e.i. | U-0.094 | R-0 + R-9.8 e.i. | U-0.352 | NR |
| Steel Framed | U-0.124 | R-13 | U-0.124 | R-13 | U-0.352 | NR |
| Wood Framed and | | | | | | |
| Other | U-0.089 | R-13 | U-0.089 | R-13 | U-0.292 | NR |

Wall, below Grade

| | | | | | | |
|------------------|---------|----|---------|----|---------|----|
| Below-Grade Wall | C-1.140 | NR | C-1.140 | NR | C-1.140 | NR |
|------------------|---------|----|---------|----|---------|----|

Floors

| | | | | | | |
|-------------|---------|----|---------|----|---------|----|
| Mass | U-0.322 | NR | U-0.322 | NR | U-0.322 | NR |
| Steel Joist | U-0.350 | NR | U-0.350 | NR | U-0.350 | NR |

Wood Framed and

Other

| | | | | | | |
|--|---------|----|---------|----|---------|----|
| | U-0.282 | NR | U-0.282 | NR | U-0.282 | NR |
|--|---------|----|---------|----|---------|----|

Slab-on-Grade Floors

| | | | | | | |
|----------|---------|----|---------|----|---------|----|
| Unheated | F-0.730 | NR | F-0.730 | NR | F-0.730 | NR |
|----------|---------|----|---------|----|---------|----|

Opaque Doors

| | | | | | | |
|-------------|---------|--|---------|--|---------|--|
| Swinging | U-0.700 | | U-0.500 | | U-0.700 | |
| Nonswinging | U-1.450 | | U-0.500 | | U-1.450 | |

| Fenestration | Assembly | Assembly | Assembly | Assembly | Assembly | Assembly | Assembly | Assembly | Assembly |
|--------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| | Max. | Max. | Min. | Max. | Max. | Min. | Max. | Max. | Min. |
| | U | SHGC | VT/SHGC | U | SHGC | VT/SHGC | U | SHGC | VT/SHGC |

Vertical Fenestration

0% - 40% of Wall (for all frame types) (for all frame types) (for all frame types)

| | | | | | | |
|-----------------------|---------------------|--|---------------------|--|--------|--|
| Nonmetal framing, all | U-0.50 ^e | | U-0.50 ^e | | U-0.93 | |
|-----------------------|---------------------|--|---------------------|--|--------|--|

~~Metal framing, fixed~~ — ~~U 0.57^e~~ — ~~U 0.57^e~~ — ~~U 1.20~~

~~Metal framing,~~ ~~SHGC 0.25 — 1.10~~ ~~SHGC 0.25 — 1.10~~ ~~NR — NR~~

operable _____ U-0.65^e _____ U-0.65^e _____ U-1.20

Metal framing

entrance door _____ U-1.10^e _____ U-1.10^e _____ U-1.10^e

Skylight, 0% - 3% of Roof

All types _____ U-0.75 SHGC 0.35 NR _____ U-0.75 SHGC 0.35 NR _____ U-1.80 NR NR

Nonresidential _____ **Residential** _____ **Semiheated**

Opaque Elements

| | Assembly Maximum | Insulation Min. R-Value | Assembly Maximum | Insulation Min. R-Value | Assembly Maximum | Insulation Min. R-Value |
|--|---------------------|----------------------------|---------------------|----------------------------|---------------------|----------------------------|
|--|---------------------|----------------------------|---------------------|----------------------------|---------------------|----------------------------|

Roofs

Insulation Entirely

above Deck _____ U-0.028 _____ R-33 c.i. _____ U-0.028 _____ R-33 c.i. _____ U-0.093 _____ R-10 c.i.

Metal Building^a _____ U-0.033 _____ R-21 + R-12 Ls or
R-28 + R-9 Ls _____ U-0.033 _____ R-21 + R-12 Ls or
R-28 + R-9 Ls _____ U-0.082 _____ R-19

Attic and Other _____ U-0.0189 _____ R-54 _____ U-0.0189 _____ R-54 _____ U-0.034 _____ R-30

Walls, above Grade

Mass _____ U-0.094 _____ R-11 c.i. _____ U-0.081 _____ R-12.5 c.i. _____ U-0.580 _____ NR

Metal Building _____ U-0.054 _____ R-0 + R-17.5 c.i. _____ U-0.045 _____ R-0 + R-21 c.i. _____ U-0.162 _____ R-13

Steel Framed _____ U-0.058 _____ R-15 + R-8 c.i. _____ U-0.058 _____ R-15 + R-8 c.i. _____ U-0.124 _____ R-13

Wall, below Grade

Wood Framed and _____ _____ R-15 + R-4.1 c.i.

Other _____ U-0.058 _____ U-0.058

R 15 + R 4.1 e.i. U 0.089 R 13

Below Grade Wall C 0.119 R 8 e.i. C 0.092 R 11 e.i. C 1.

Floors

Mass U 0.051 R 16 e.i. U 0.046 R 18.4 e.i. U 0.107 R 6.3 e.i.

Steel Joist U 0.035 R 33 U 0.034 R 33 U 0.052 R 19

Wood Framed and

Other U 0.030 R 33 U 0.030 R 33 U 0.051 R 19

Slab-on-Grade Floors

Unheated F 0.520 R 20 for 24 in. F 0.520 R 20 for 24 in. F 0.730 NR

Heated F 0.843 R 25 for 24 in. F 0.688 R 25 for 48 in. F 0.900 R 10 for 24 in.

Opaque Doors

Swinging U 0.45 U 0.45 U 0.700

Nonswinging U 0.45 U 0.45 U 1.450

Fenestration

Vertical Fenestration, 0% - 40% of Wall *(for all frame types)* *(for all frame types)* *(for all frame types)*

Nonmetal framing, all U 0.33 U 0.33 U 0.51

Metal framing, fixed
~~U 0.38~~
 U 0.38 U 0.

| Assembly | Assembly | Assembly | Assembly | Assembly | Assembly | Assembly | Assembly | Assembly |
|----------|-----------|--------------|----------|-----------|--------------|----------|-----------|--------------|
| Max. U | Max. SHGC | Min. VT/SHGC | Max. U | Max. SHGC | Min. VT/SHGC | Max. U | Max. SHGC | Min. VT/SHGC |

~~Metal framing,~~

SHGC 0.36

SHGC 0.36

~~NR NR~~

~~operable U 0.45 U 0.45 U 0.81~~

~~Metal framing,~~

~~entrance door U 0.69 U 0.61 U 0.77~~

~~Skylight, 0% - 3% of Roof~~

~~All types U 0.45 SHGC 0.36 NR U 0.45 SHGC 0.36 NR U 1.15 NR NR~~

~~*~~

~~The following definitions apply: c.i. = continuous insulation (see Section 3.2), FC = filled cavity (see Section A2.3.2.5), Ls = liner system (see Section A2.3.2.4), NR = no (insulation) requirement.~~

~~a. When using the R-value compliance method for metal building roofs, a thermal spacer~~

| | <u>Nonresidential</u> | | <u>Residential</u> | | <u>Semiheated</u> | |
|--------------------------------|-------------------------|---------------------------------|-------------------------|---------------------------------|-------------------------|--------------------------------|
| <u>Opaque Elements</u> | <u>Assembly Maximum</u> | <u>Insulation Min. R-Value</u> | <u>Assembly Maximum</u> | <u>Insulation Min. R-Value</u> | <u>Assembly Maximum</u> | <u>Insulation Min. R-Value</u> |
| <u>Roofs</u> | | | | | | |
| Insulation Entirely above Deck | U-0.028 | R-33 c.i. | U-0.028 | R-33 c.i. | U-0.093 | R-10 c.i. |
| Metal Building ^a | U-0.033 | R-21 + R-12 Ls or R-28 + R-9 Ls | U-0.033 | R-21 + R-12 Ls or R-28 + R-9 Ls | U-0.082 | R-19 |
| Attic and Other | U-0.0189 | R- 54 | U-0.0189 | R-54 | U-0.034 | R-30 |

Walls, above Grade

| | | | | | | |
|--------------------------|---------|-------------------|---------|-------------------|---------|------|
| Mass | U-0.094 | R-11 c.i. | U-0.081 | R-12.5 c.i. | U-0.580 | NR |
| Metal Building | U-0.054 | R-0 + R-17.5 c.i. | U-0.045 | R-0 + R-21 c.i. | U-0.162 | R-13 |
| Steel Framed | U-0.058 | R-15 + R-8 c.i. | U-0.058 | R-15 + R-8 c.i. | U-0.124 | R-13 |
| Wood Framed and Other | U-0.058 | R-15 + R-4.1 c.i. | U-0.058 | R-15 + R-4.1 c.i. | U-0.089 | R-13 |

Wall, below Grade

| | | | | | | |
|------------------|---------|-----------|---------|-----------|---------|----|
| Below Grade Wall | C-0.119 | R- 8 c.i. | C-0.092 | R-11 c.i. | C-1.140 | NR |
|------------------|---------|-----------|---------|-----------|---------|----|

Floors

| | | | | | | |
|--------------------------|----------|------------|----------|-------------|---------|------------|
| Mass | U- 0.051 | R- 16 c.i. | U- 0.046 | R-18.4 c.i. | U-0.107 | R-6.3 c.i. |
| Steel Joist | U- 0.035 | R- 33 | U- 0.034 | R- 33 | U-0.052 | R-19 |
| Wood Framed and Other | U- 0.030 | R- 33 | U- 0.030 | R- 33 | U-0.051 | R-19 |

Slab-on-Grade Floors

| | | | | | | |
|----------|---------|-----------------|---------|-----------------|---------|-----------------|
| Unheated | F-0.520 | R-20 for 24 in. | F-0.520 | R-20 for 24 in. | F-0.730 | NR |
| Heated | F-0.843 | R-25 for 24 in. | F-0.688 | R-25 for 48 in. | F-0.900 | R-10 for 24 in. |

Opaque Doors

| | | | | | | |
|-------------|---------|--|--------|--|---------|--|
| Swinging | U- 0.45 | | U-0.45 | | U-0.700 | |
| Nonswinging | U-0.45 | | U-0.45 | | U-1.450 | |

| | F | n | st | ti | n | <i>Fenestr</i> | Max. U |
|--|----------|----------|-----------|-----------|-----------------|----------------|-----------------|
| | e | e | ra | o | | <i>ation,</i> | |
| | | | | | <i>Vertical</i> | | Assembly |

| Assembly Max. SHGC | Assembly Min. VT/SHGC | Assembly Max. U | Assembly Max. SHGC | Assembly Min. VT/SHGC | Assembly Max. U | Assembly Max. SHGC | Assembly Min. VT/SHGC | | |
|-----------------------|-----------------------|-----------------------|--------------------|-----------------------|-----------------------|--------------------|-----------------------|-----------------------|----|
| <i>0%–40% of Wall</i> | | (for all frame types) | | | (for all frame types) | | | (for all frame types) | |
| Nonmetal framing, all | U-0.33 | | | U-0.33 | | | | U-0.51 | |
| Metal framing, fixed | U-0.38 | | | U-0.38 | | | | U-0.73 | |
| Metal framing, | | SHGC-0.36 | | | SHGC-0.36 | | | NR | NR |

operable U- 0.45 U- 0.45 U-0.81

Metal framing,

entrance door U- 0.69 U- 0.61 U-0.77

Skylight, 0%–3% of Roof

All types U-0.45 SHGC- 0.36 NR U-0.45 SHGC-0.36 NR U-1.15 NR NR

* The following definitions apply: c.i. = continuous insulation (see Section 3.2), FC = filled cavity (see Section A2.3.2.5), Ls = liner system (see Section A2.3.2.4), NR = no (insulation)

requirement.

a. When using the R-value compliance method for metal building roofs, a thermal spacer

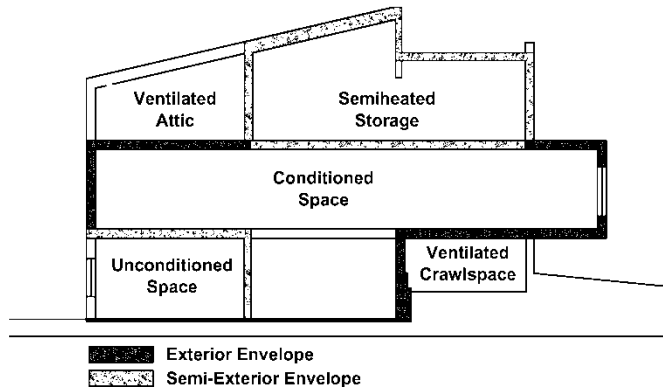


Figure 5.5.2. Exterior and semiexterior building envelope.

A copy of the proposed rulemaking is available at the following link:
<https://www.dcregs.dc.gov/Common/DCR/Issues/IssueDetailPage.aspx?issueID=730>

Comment Submission:

All persons desiring to comment on this edit should submit comments in writing to Jill Stern, Chairperson, Construction Codes Coordinating Board, Department of Consumer and Regulatory Affairs, 110 Fourth Street, S.W., Room 5100, Washington, D.C. 20024, or via email at jill.stern@dc.gov, not less than thirty (30) days following publication of this notice. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-8944. Electronic copies of the proposed rules can be obtained from the email address listed above or via the website of the District of Columbia Office of Documents and Administrative Issuances at <http://www.dcregs.dc.gov/>.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGRM25-2018-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES REGARDING CERTIFICATION OF LOCAL EXCHANGE SERVICE PROVIDERS

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice pursuant to Sections 34-802, 2-505, and 34-2002 of the District of Columbia Code¹ of its intent to amend Chapter 25 (Certification of Local Exchange Carriers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this Notice of Proposed Rulemaking in the *D.C. Register*.

2. The proposed amendments in Section 2515 permit the Commission to revoke certifications of certified telecommunications service providers if they indicate that they receive no jurisdictional revenue from regulated telecommunications services for five years beyond the effective date of this amendment or if the Commission has reason to believe that the certificated telecommunications service provider is no longer operating in the District of Columbia. The proposed amendments also update D.C. Official Code citations and filing requirements. Specifically, the following sections were revised to reflect the correct statute citations: 1) 2500; 2) 2503.1; 3) 2507.1 (a), (b); 4) 2508.1 (c) and 2508.3 (a); 5) 2509.1 and 2509.2; 6) 2510; and 7) 2511.2. Subsection 2502.1 was revised to reflect the current filing requirements, and Subsection 2509.4 addresses requirements for re-filing applications. Subsection 2511.4 is deleted because abandonment of the certification is addressed in 15 DCMR Chapter 27.

Chapter 25, CERTIFICATION OF LOCAL EXCHANGE CARRIERS of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2500, APPLICABILITY, is amended as follows:

2500.1 Pursuant to D.C. Official Code §§ 34-2001 *et seq.*, this chapter shall apply to all parties seeking certification to provide local exchange service in the District of Columbia after the effective date of these regulations.

Section 2502, FILING AN APPLICATION FOR CERTIFICATION, amends Subsection 2502.1 as follows:

2502.1 A party seeking to provide local exchange service in the District of Columbia shall file with the Office of the Commission Secretary an Application, which shall include a detailed Statement of Business Operations (“Statement”). A copy

¹ D.C. Official Code §§ 34-802; 2-505; 34-2002(g) (2012 Repl.); and 34-2002(n) (2018 Supp.).

of the Application shall also be filed with the Office of the People’s Counsel on the same date that the Application is filed.

Section 2503, CONTENT OF THE APPLICATION, amends Subsection 2503.1 as follows:

2503.1 Each Application filed with the Commission shall: 1) state whether the applicant seeks authorization to provide local telecommunications services within the District pursuant to the automatic certification requirements of D.C. Official Code § 34-2002(d)(1) (“automatic certification requirements”) or the certification by waiver requirements of § 34-2002(d)(3) (“certification by waiver requirements”); 2) provide a detailed statement of the facts the applicant relies upon to demonstrate that it satisfies the certification requirements set forth in sections 2504 or 2505; and 3) state whether the applicant plans to provide resold and/or facilities-based services within the District of Columbia.

...

Section 2507, COMMISSION REVIEW OF AN APPLICATION FOR AUTOMATIC CERTIFICATION, amends Subsection 2507.1 as follows:

2507.1 Within fifteen (15) days of the date that an Application is filed, the Commission shall:

- (a) Issue an Order granting the applicant's request for certification to provide telecommunications services within the District of Columbia, if the Application demonstrates that the applicant satisfies the minimum experience and gross annual revenue requirements of D.C. Official Code § 34-2002(d)(1). Such certification shall permit an applicant to provide resold and facilities-based services in the District of Columbia;
- (b) Issue an Order denying, the applicant's request for certification to provide telecommunications services within the District of Columbia, if the Application fails to demonstrate that the applicant satisfies the minimum experience and gross annual revenue requirements of D.C. Official Code § 34-2002(d)(1). Any Order denying an applicant's request for certification shall identify the basis for the denial; or

Section 2508, COMMISSION REVIEW OF AN APPLICATION FOR CERTIFICATION BY WAIVER, amends Subsections 2508.1 and 2508.3 as follows:

2508.1 Within fifteen (15) days of the date that an Application is filed with the Commission, if the Application demonstrates that:

...

- (c) The public interest will be served by the applicant's entry into the local telecommunications marketplace within the District, the Commission shall issue an Order waiving the minimum experience and gross annual revenue requirements of D.C. Official Code § 34-2002(d)(1) and granting the applicant's request for certification to provide telecommunications services within the District of Columbia. The certification shall specify whether the applicant is authorized to provide resold services, facilities-based services, or both.

2508.3 Within fifteen (15) days of the date that an Application is filed with the Commission, if the Application fails to demonstrate that: (1) the applicant has sufficient experience and financial stability to ensure the continued provision of local exchange services within the District; or (2) it is in the public interest to grant certification, the Commission shall:

- (a) Request, in writing, additional information pursuant to D.C. Official Code § 34-2002(d)(3) by letter or Order; or

...

Section 2509, REQUESTS BY THE COMMISSION FOR ADDITIONAL INFORMATION, amends Subsections 2509.1, 2509.2, and 2509.4 as follows:

2509.1 Pursuant to D.C. Official Code § 34-2002(d)(3), the Commission may request that an applicant file additional information relevant to the Commission's determination of whether the applicant's experience and financial stability are sufficient to ensure the continued provision of local exchange services.

2509.2 The Commission's request for additional information pursuant to D.C. Official Code § 34-2002(d)(3) shall be in writing and shall set forth with particularity the information sought by the Commission.

...

2509.4 If the applicant fails to submit the requested information by the 15-day or extended deadline, the Application shall be deemed dismissed without prejudice. The applicant may re-file the Application at any time, with the requisite One Thousand dollars (\$1,000) application fee. The re-filed Application shall include the information requested by the Commission.

Section 2510, TARIFFS MUST BE FILED AND MAINTAINED WITH THE PUBLIC SERVICE COMMISSION, is amended as follows:

2510.1 Prior to commencing service, all certificated local exchange carriers shall file tariffs with the Commission for each service offered within the District. The tariffs shall describe the service being offered and all terms and conditions,

and specify the rate or rates charged for the service pursuant to D.C. Official Code § 34-2002(f). Tariffs shall be maintained and updated as necessary.

Section 2511, CHANGE OF CERTIFICATED PROVIDER INFORMATION, amends Subsection 2511.2 and Subsection 2511.4 as follows:

2511.2 For any change of ownership or control involving a certificated local exchange carrier that must be approved by the Commission pursuant to D.C. Official Code § 34-1001, all of the entities involved in the transaction must file an application with the Commission at least sixty (60) days before the proposed closing date of the transaction. The application must contain the following information:

...

2511.4 [DELETED]

Section 2515, CERTIFICATE REVOCATION, is amended as follows:

2515.1 If a certificated party fails to begin to provide telecommunications service to customers in the District of Columbia within five (5) years from the issuance of its certificate, or from the date that this rule is published in the *D.C. Register*, whichever is later, then the Commission shall institute a formal certificate revocation proceeding and shall give the certificated party an opportunity for a hearing, either oral or in writing.

2515.2 If a certificated party reports that it has no revenue from regulated telecommunications services in the assessment survey required by 15 DCMR § 1301.2 for five (5) years from the date that this rule is published in the *D.C. Register*, then the Commission shall institute a formal certificate revocation proceeding and shall give the certificated party an opportunity for a hearing, either oral or in writing.

2515.3 If the Commission has reason to believe that a certificated party is no longer providing regulated service in the District of Columbia but has not filed an abandonment of certification or service application under § § 2704, 2705, 2706, or 2708, then the Commission shall institute a formal certificate revocation proceeding and shall give the certificated party an opportunity for a hearing, either oral or in writing.

2515.4 The formal revocation proceeding shall commence with the issuance of a Show Cause Order directing the certificated party to show cause as to why their certificate should not be revoked.

2515.5 A certificated party's response to the Show Cause Order shall be reviewed by the Commission or by a hearing officer designated to act on the Commission's behalf.

2515.6 A certificated party may, at its option, relinquish its certificate in accordance with 15 DCMR § 2704 or 2708, whichever is applicable.

3. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments no later than thirty (30) days after publication of this notice in the *D.C. Register* to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at https://edocket.dcpSC.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpSC.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code § 47-1802.02 (2005 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub.L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl. & 2017 Supp.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of its intent to amend Chapter 11 (Qualified High Technology Company), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The newly amended regulations provide updated guidance related to the application for Qualified High Technology Company benefits. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with District franchise tax exemption requirements.

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 11, QUALIFIED HIGH TECHNOLOGY COMPANY, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 1101, CERTIFICATION BY A QUALIFIED HIGH TECHNOLOGY COMPANY (QHTC), is amended to read as follows:

1101 BENEFIT APPLICATIONS FOR QUALIFIED HIGH TECHNOLOGY COMPANIES

- 1101.1 To claim a credit or other benefit, a Qualified High Technology Company shall be required each year to self-certify to obtain from the Deputy Chief Financial Officer a certificate of benefits. No tax exemptions or benefits shall be allowed without a valid certificate of benefits obtained prior to or concurrently with the filing of a return on which such benefits are claimed.
- 1101.2 A certificate of benefits shall be deemed to be attached to any tax return due and filed during the period for which the certificate of benefits is valid and unexpired.
- 1101.3 The issuance of a certificate of benefits does not prohibit the Office of Tax and Revenue from conducting an audit to insure compliance with the relevant Qualified High Technology Company statutes and definitions.
- 1101.4 Beginning with certificates of benefits issued on or after January 1, 2019, certificates of benefits issued to a Qualified High Technology Company through an annual certification process shall be valid until the expiration date stated on the certificate.
- 1101.5 In order to receive a certificate of benefits, a Qualified High Technology Company shall follow the Office of Tax and Revenue's electronic self-certification process.

- 1101.6 All benefit applications filed by Qualified High Technology companies shall include, but are not limited to, the following information:
- (a) Taxpayer ID Number;
 - (b) Name;
 - (c) Address;
 - (d) Sales Tax Account Number;
 - (e) NAICS Code;
 - (f) Information demonstrating QHTC eligibility;
 - (g) First year certified as QHTC;
 - (h) Explanation of principal business activity;
 - (i) Amount of QHTC Exempt Sales/Purchases from the prior year (broken down by period);
 - (j) Number of QHTC employees hired;
 - (k) Number of QHTC employees hired who are District residents;
 - (l) Schedules detailing QHTC employee credits
 - (m) Number of QHTC jobs created in the past year;
 - (n) Gross revenue; and
 - (o) Gross revenue earned from QHTC activities in the District.

Comments on this proposed rulemaking should be submitted to Jessica Brown, Assistant General Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Jessica Brown may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 442-6462; or, email at jessica.brown@dc.gov. Copies of this rule and related information may be obtained by contacting Jessica Brown as stated herein.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 17-03

Office of Planning

(Text Amendments to Subtitles A, §§ 301.5(a) & 301.7 (re: processing of building permits filed prior to a vote to setdown a map amendment or that are authorized by a Zoning Commission or Board of Zoning Adjustment contested case order))

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 A (Authority and Applicability), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

Subtitle A § 301.5 governs how building permit applications are processed when a map amendment to rezone the site is pending before the Commission. The crucial date is the date upon which the Commission votes to set down the case for a hearing (Setdown Date). Subsection 301.5(a) provides that building permit applications filed on or before the Setdown Date that are sufficiently complete to permit processing without substantial change or deviation are processed in accordance the site's existing zone classification. Subsection 301.5(b) provides that building permit applications filed after the Setdown Date are processed based upon the zone classification adopted, or if the case is still pending, in accordance with whichever is the most restrictive, either the zone classification being considered for the site or, the site's current zone classification. Subsection 301.5(b) is known as the "Setdown Rule".

The proposed amendments to § 301.5 (a) will require that a building permit application must be "officially accepted as being complete and under review" on or before the Setdown Date to be protected against the Setdown Rule. In addition, a protected application would become subject to the Setdown Rule if it is amended to increase the intensity of a proposed use, change the use, or deviate from the submitted plans, except for certain identified deviations. Finally, the amendments clarify that a building permit application protected against the Setdown Rule, for which a building permit is not issued on or before the date the new zoning classification becomes effective, must be processed in accordance the Zoning Regulations applicable to property's new zone classification.

Subtitle A § 301.7 provides that building permits filed pursuant to Board of Zoning Adjustment (BZA) orders may be processed based upon the Zoning Regulations in place as of the date of the BZA's vote to approve the application. The proposed amendments would extend that protection to building permits authorized by Commission orders granting contested case applications under the same circumstances and provides that such building permits are also processed in accordance with the zoning map in place at the time of the vote. The proposed amendments would limit the protection to the extent the proposed building or structure is depicted on any plans approved. The proposed rules also provide that no BZA or Commission order is deemed to include relief from any zoning regulation unless such relief was expressly requested by the applicant and expressly granted in the order. Therefore, only such expressly granted relief is vested against

future changes to the zoning text or map subject to the other limitations. A similar provision already exists for planned unit developments, 11-X DCMR § 310.1. Finally, the proposed amendments to this subsection delete the final phrase that appears to deny vesting if the building permit application authorized by an order is complete. While all applications for building permits must be complete, the filing of an incomplete application would not divest the construction rights, but only delay its processing until a complete application was filed.

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

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

Section 301, BUILDING PERMITS, of Chapter 3, ADMINISTRATION AND ENFORCEMENT, of 11-A DCMR, AUTHORITY AND APPLICABILITY, is amended as follows:

Subparagraph (a) of § 301.5 is amended and new subparagraphs (a)(1) and (a)(2) are added as follows:

301.5 If an application for a type of building permit enumerated in Subtitle A § 301.6 is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone classification of the site of the proposed construction, the processing of the application and the completion of work pursuant to the permit shall be governed as follows:

- (a) If one (1) of the building permit applications listed in Subtitle A § 301.6 is ~~filed~~ **officially accepted as being complete and under review by the Department of Consumer and Regulatory Affairs** on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by **the property's existing zoning classification pursuant to** Subtitle A § 301.4. **However, if no building permit has been issued prior to the date that the Zoning Map amendment becomes effective, the building permit application shall be processed in accordance with the adopted Zoning Map amendment.** The **building permit** application shall:

- (1)** **Be** accompanied by any fee that is required, and by the plans and other information required by Subtitle A § 301.2, which shall be sufficiently complete to permit processing without substantial change or deviation, and by any other plans and information that are required to permit complete review of the entire application under any applicable District of Columbia regulations; **and**

- (2) Be sufficiently complete to permit processing without changing the proposed use or increasing the intensity of the use, and without deviations from submitted plans, except for plan deviations that:
 - (A) Address the requirements of the Construction Codes (12 DCMR); or
 - (B) Increase the extent to which the proposed structure complies with matter of right standards under the existing zone designation, such as by:
 - (i) Reducing lot occupancy, gross floor area, building height, penthouse height, the number of stories or number of units; or
 - (ii) Increasing the size of yards or other setbacks from property lines.

...¹

Subsection 301.7 is amended as follows:

301.7 All applications for building permits authorized by orders of the Board of Zoning Adjustment, or authorized by orders of the Zoning Commission in a contested case, may be processed in accordance with the Zoning Regulations and Zoning Map in effect on the date the vote was taken to approve the Board or Commission application, to the extent the proposed building or structure is depicted on any plans approved by the Board or Commission. No Board of Zoning Adjustment or Zoning Commission order shall be deemed to include relief from any zoning regulation unless such relief was expressly requested by the applicant and expressly granted in the order.; ~~provided, that all applications for building permits shall be accompanied by the plans and other information required by Subtitle A § 301.2, which shall be sufficiently complete to permit processing without substantial change or deviation.~~

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.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF PROPOSED RULEMAKING****Z.C. Case No. 17-23****Office of Planning****(Text Amendments Subtitles A, B, C, D, E, F, K, and U- Side Yards)**

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 Subtitles A (Authority and Applicability), B (Definitions, Rules of Measurement, and Use Categories), C (General Rules), D (Residential House (R) Zones), E (Residential Flats (RF) Zones), F (Residential Apartment (RA) Zones), K (Special Purpose Zones), and U (Use Permissions), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments would eliminate the “common division wall” language that appeared in § 405.3 of the 1958 Regulations and in multiple sections in the 2016 Regulations and would amend the definitions for detached, semi-detached, and attached buildings.

In the 1958 Zoning Regulations, detached, semi-detached and row dwellings were defined by whether they provided side yards (two (2), one (1), or none respectively). In the 2016 Zoning Regulations the Commission, among other things, adopted amendments that replaced the definitions of Dwelling, one-family detached, Dwelling, one-family semi-detached, and Dwelling, row with definitions for Building, Detached, Building, Semi-detached, and Building, Attached. The 2016 definitions defined buildings by whether they are physically attached to an adjoining building and not by the provision of side yards.

The 2016 definitions and side yard development standards resulted in a shift from prior longstanding practices and have now required lot-line to lot-line buildings that would not share a common division wall to provide the required side yard. This has resulted in inconsistent infill buildings when they cannot attach to another building in a row or semi-detached block or when a property owner only owns a single lot.

Based on experience implementing the 2016 Zoning Regulations, the Zoning Administrator’s (ZA) staff and the Office Planning drafted amendments to more closely align the 2016 Zoning Regulations with historical and ZA practice related to side yard requirements, which the Commission is proposing through this notice. In brief, the proposed amendments would amend the 2016 definitions and side yard requirements to allow a lot-line to lot-line building to be considered an attached building for purposes of determining a required side yard in the residential zones; increase the minimum side yard width adjacent to an addition or extension to three (3) feet in the R-20, RF and RA zones; and require that existing conforming side yards not be reduced to a non-conforming width or eliminated.

For Subtitles D, the zone-specific side yard provisions of §§ 307, 407, 607, 707, 807, 907, 1007, and 1307 would be repealed and replaced with a new § 206 that would apply to all R zones except R-8, R-9, R-10, R-19, and R-20. Similarly, for Subtitle E, the zone-specific side yard provisions of §§ 307, 407, 507, and 607 would be replaced by a new § 207 that will apply to all RF zones.

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

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

Subsection 301.14 of § 301, BUILDING PERMITS, of Chapter 3, ADMINISTRATION AND ENFORCEMENT, of 11-A DCMR, AUTHORITY AND APPLICABILITY, is amended as follows:

301.14 Notwithstanding Subtitle A § 301.4, Subtitle D §§ 306.3, 306.4, 706.3, 706.4, 1006.2, 1006.3 1206.3, and 1206.4, and Subtitle E §§ 205.4 and 205.5, a rear wall of ~~an attached~~ **a row** or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property provided that the building permit application for such construction was filed and accepted as complete by the Department of Consumer and Regulatory Affairs on or before March 27, 2017 and not substantially changed after filing.

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is amended as follows:

The definitions of “Building, Detached” and “Building, Semi-detached” are amendment to read as follows:

Building, Detached: A ~~freestanding building that does not abut any other building and where all sides of the building are surrounded by yards or open areas within the lot~~ **is completely separated from all other buildings and has two (2) side yards.**

Building, Semi-detached: A building that ~~abuts or shares one (1) wall, on a side lot line, with another building on an adjoining lot and where the remaining sides of the building are surrounded by open areas or street lot lines~~ **has only one (1) side yard.**

The definition of “Building, Attached” is deleted.

A new definition “Building, Row” is inserted in alphabetical order to read as follows:

Building, Row: A building that has no side yards. The terms “row dwelling” and “row house” shall have the same meaning as row building.

Chapter 3, GENERAL RULES OF MEASUREMENT is amended as follows:

Paragraph (c) of § 315.1 of § 315, RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) AND RESIDENTIAL FLAT (RF) ZONES, is amended as follows:

315.1 A proposed building façade or structure facing a street lot line shall:

...¹

- (c) In the case of an interior-lot ~~attached~~**row** or semi-detached building, not be further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

Subsection 320.2 of § 320, RULES OF MEASUREMENT FOR SIDE YARDS, is deleted:

~~320.2 An addition to an existing semi detached or detached principal building must meet the side yard requirements for that type of building in the zone. An existing detached or semi detached building may not be treated as an attached building through the construction of additions. **DELETED**~~

Subtitle C, GENERAL RULES, is amended as follows

Subparagraph (a) of § 702.3 of § 702, EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, is amended as follows:

702.3 Vehicle parking shall not be required:

- (a) For a **building containing a** ~~detached single~~ **principal** dwelling unit, ~~a semi detached single dwelling unit, an attached single dwelling unit, rowhouse,~~ or flat within the R ~~and~~ **or RF zone** ~~zones,~~ if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

...

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.

Subparagraph (e) of § 1001.2 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, is amended as follows:

1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:

...

- (e) Any semi-detached, attached-row, flat, or multiple dwellings development not described in Subtitle C § 1001.2(b) through 1001.2(d) if the owner voluntarily agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:

Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows

Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), is amended as follows:

Subsection 202.1 of § 202, LOT OCCUPANCY, is deleted:

202.1 ~~In the R-zones, a detached or semi-detached building shall not be considered an attached unit for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached dwelling. [DELETED]~~

Section 206, SIDE YARD, is amended to read as follows:

206.1 ~~Side yard requirements are as provided in each zone.~~Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard requirements are as provided in this section.

206.2 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.

206.3 One (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.

206.4 One (1) side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3, R-13, and R-17 zones.

206.5 No side yards are required for row buildings. An existing detached or semi-detached building may not be treated as a row building through construction or additions.

206.6 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.

206.7 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the

existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).

Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, is amended as follows:

Table D § 302.1 of § 302, DENSITY- LOT DIMENSIONS, is amended as follows:

TABLE D § 302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) for building type; applicable to all zones in left column | Minimum Lot Area (sq. ft.) |
|-------|--|---|
| R-1-A | 75 | 7,500 |
| R-1-B | 50 | 5,000 |
| R-2 | 40 (detached) 32 (IZ detached) 30 (semi-detached) 25 (IZ semi-detached) 40 (all other structures) | 4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached) 4,000 (all other structures) |
| R-3 | 40 (detached) 30 (semi-detached) 20 (attached-row) 16 (IZ attached-row) 40 (all other structures) | 4,000 (detached) 3,000 (semi-detached) 2,000 (attached-row) 1,600 (IZ attached-row) 4,000 (all other structures) |

Table D 304.1 of § 304, LOT OCCUPANCY, is amended as follows:

TABLE D § 304.1: MAXIMUM LOT OCCUPANCY

| Zone | Structure | Maximum Percentage of Lot Occupancy |
|-------|-----------------------------------|-------------------------------------|
| R-1-A | Places of Worship | 60% |
| | All Other Structures | 40% |
| R-1-B | Places of Worship | 60% |
| | All Other Structures | 40% |
| R-2 | Places of Worship | 60% |
| | All Other Structures | 40% |
| R-3 | Attached-Row Dwellings | 60% |
| | Places of Worship | 60% |
| | All Other Structures | 40% |

Subsections 306.3 and 306.4 of § 306, REAR YARD, are amended as follows:

- 306.3 Notwithstanding Subtitle D §§ 306.1 and 306.2, a rear wall of ~~an attached~~ **a row** or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.
- 306.4 A rear wall of ~~an attached~~ **a row** or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 307, SIDE YARD, is deleted:

307 **[DELETED]**

Section 407, SIDE YARD, of Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-6 AND R-7, is deleted:

407 **[DELETED]**

Subsection 507.2 of § 507, SIDE YARD, of Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10, is deleted:

- 507.2 ~~In the R-10 zone when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.~~ **[DELETED]**

Section 607, SIDE YARD, of Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE—R-11, is deleted:

607 **[DELETED]**

Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – R-12 AND R-13, is amended as follows:**Subsection 700.3 of § 700, PURPOSE AND INTENT, is amended as follows:**

- 700.3 The R-13 zone is intended to permit single dwelling unit ~~attached~~ **row** houses on small lots, include areas where ~~attached~~ **row** houses are mingled with detached houses and semi-detached houses, and retain the single dwelling unit nature of these areas.

Table D 702.1 of § 702, DENSITY – LOT DIMENSIONS, is amended as follows:

TABLE D § 702.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) | Minimum Lot Area (sq. ft.) |
|------|----------------------------------|-------------------------------------|
| R-12 | 50 | 5,000 |
| R-13 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (attached-row) | 2,000 (attached-row) |
| | 16 (IZ attached-row) | 1,600 (IZ attached-row) |
| | 40 (all other structures) | 4,000 (all other structures) |

Table D 704.1 of § 704, LOT OCCUPANCY, is amended as follows:

TABLE D § 704.1: MAXIMUM LOT OCCUPANCY

| Zone | Structure | Maximum Percentage of Lot Occupancy |
|------|-----------------------------------|-------------------------------------|
| R-12 | Places of Worship | 60% |
| | All Other Structures | 40% |
| R-13 | Attached-Row Dwellings | 60% |
| | Places of Worship | 60% |
| | All Other Structures | 40% |

Subsections 706.3 and 706.4 of § 706, REAR YARD, are amended as follows:

706.3 Notwithstanding Subtitle D §§ 706.1 and 706.2, a rear wall of an ~~an attached-a row~~ or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

706.4 A rear wall of an attached a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 707, SIDE YARD, is deleted:

707 **[DELETED]**

Section 807, SIDE YARD, of Chapter 8, WESLEY HEIGHTS RESIDNETIAL HOUSE ZONES – R-14 AND R-15, is deleted:

807 **[DELETED]**

Section 907, SIDE YARD, of Chapter 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – R-16, is deleted:

907 [DELETED]

Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES – R-17, is amended as follows:

Subsection 1000.2 of § 1000, PURPOSE AND INTENT, is amended as follows:

1000.2 The R-17 zone is intended to permit single dwelling unit ~~attached~~ rowhouses on small lots.

Table D § 1002.1 of § 1002, DENSITY – LOT DIMENSIONS, is amended as follows:

TABLE D § 1002.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) for building type; | Minimum Lot Area (sq. ft.) |
|------|---|-------------------------------------|
| R-17 | 40 (detached) | 4,000 (detached) |
| | 30 (semi-detached) | 3,000 (semi-detached) |
| | 20 (attached row) | 2,000 (attached row) |
| | 16 (IZ attached row) | 1,600 (IZ attached row) |
| | 40 (all other structures) | 4,000 (all other structures) |

Table D § 1004.1 of § 1004, LOT OCCUPANCY, is amended as follows:

TABLE D § 1004.1: MAXIMUM LOT OCCUPANCY

| Zone | Structure | Maximum Percentage of Lot Occupancy |
|------|-----------------------------------|-------------------------------------|
| R-17 | Attached Row Dwellings | 60% |
| | Places of Worship | 60% |
| | All Other Structures | 40% |

Subsections 1006.2 and 1006.3 of § 1006, REAR YARD, are amended as follows:

1006.2 Notwithstanding Subtitle D §§ 1006.1, a rear wall of ~~an attached~~ a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

1006.3 A rear wall of ~~an attached~~ a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special

exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section § 1007, SIDE YARD, is deleted:

1007 **[DELETED]**

Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, is amended as follows:

Subsection 1200.3 of § 1200, PURPOSE AND INTENT, is amended as follows:

1200.3 The R-20 zone is intended to retain and reinforce the unique mix of housing types including detached, semi-detached, and ~~attached dwellings~~ **row buildings** and permit ~~attached row houses~~ **buildings** on small lots, and includes areas where ~~attached houses~~ **row buildings** are mingled with detached ~~buildings~~ **houses** and semi-detached ~~buildings~~ **houses**.

Table D 1202.1 of §1202, DENSITY- LOT DIMENSIONS, is amended as follows:

TABLE D § 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

| Zone | Minimum Lot Width (ft.) for building type; | Minimum Lot Area (sq. ft.) |
|-------------|--|---|
| R-19 | 50 | 5,000 |
| R-20 | 40 (detached) 30 (semi-detached) 20 (attached-row) 16 (IZ attached-row) 40 (all other structures) | 4,000 (detached) 3,000 (semi-detached) 2,000 (attached-row) 1,600 (IZ attached-row) 4,000 (all other structures) |

Section 1204, LOT OCCUPANCY, is amended as follows:

Table D § 1204.1 is amended to read as follows:

TABLE D § 1204.1: MAXIMUM LOT OCCUPANCY

| Zone | Structure | Maximum Percentage of Lot Occupancy |
|-------------|-----------------------------------|--|
| R-19 | Places of Worship | 60% |
| | All Other Structures | 40% |
| R-20 | Attached-Row Dwellings | 60% |
| | Places of Worship | 60% |
| | All Other Structures | 40% |

A new § 1204.2 is added to read as follows:

1204.2 **In the R-20 zone, a detached or semi-detached building shall not be considered a row building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.**

Subsections 1206.3 and 1206.4 of § 1206, REAR YARD, are amended as follows:

1206.3 Notwithstanding Subtitle D § 1206.2, a rear wall of ~~an attached~~ **a row** or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

1206.4 In the R-20 zone, a rear wall of ~~an attached~~ **a row** or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 1207, SIDE YARD, is amended as follows:

Subsections 1207.1 and 1207.2 are amended to read as follows:

1207.1 ~~A minimum side yard~~ **Side yards in the R-19 zone shall be a minimum** of eight feet (8 ft.) ~~shall be provided in the R-19 zone.~~

1207.2 ~~No side yard~~ **Side yards in the R-20 zone** shall be ~~required for an attached building in the R-20 zone; however, if a side yard is provided, it shall be at least a~~ **minimum of** five feet (5 ft.).

Subsection 1207.3 is deleted:

1207.3 ~~A minimum side yard of five feet (5 ft.) shall be provided for all buildings other than attached buildings in the R-20 zone. **[DELETED]**~~

Subsection 1207.4 is amended to read as follows:

1207.4 ~~In the R-19 and R-20 zones, a building with a side yard less than required may be extended or an addition may be made to the building, provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard~~ **In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition**

shall be a minimum of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone.

Subsection 1207.5 is deleted:

1207.5 ~~In the R-20 zone, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building, or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side. **[DELETED]**~~

Section 1307, SIDE YARD, of Chapter 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21, is deleted:

1307 **[DELETED]**

Subsection 5005.1 of § 5005, SIDE YARD, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R-ZONES, is amended as follows:

5005.1 No minimum side yard is required for an accessory building in a R zone, unless ~~An accessory building in an R zone may be located within a side yard or beside the main building; provided, if the accessory building is located beside the main~~ principal building, whereby it shall be removed from the side lot line a distance equal to the required side yard and from ~~all~~ the principal building ~~lines~~ a distance minimum of ~~not less than~~ ten feet (10 ft.).

Table D 5201.3 of § 5201, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is amended as follows:

TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY

| Zone | Maximum Lot Occupancy |
|--|-----------------------|
| R-3 R-13 R-17 | 70% |
| R-20 – attached <u>row</u> dwellings only | 70% |
| R-20 – detached and semi-detached dwellings All Other R zones | 50% |

Subtitle E, RESIDENTIAL FLATS (RF) ZONES, is amended as follows:

Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), amended as follows:

Table E 203.1 of § 203, COURT, is amended as follows:

TABLE E § 203.1: MINIMUM COURT DIMENSIONS

| Type of Structure | Minimum Width Open Court | Minimum Width Closed Court | Minimum Area Closed Court |
|--|---|--|---|
| Detached Dwellings Semi-Detached Dwellings Attached-Row Dwellings and Flats | Not applicable | Not applicable | Not applicable |
| All other structures | 2.5 inches per 1 ft. of height of court, but not less than 6 ft | Width: 2.5 inches per 1 ft. of height of court, but not less than 12 ft. | Twice the square of the required width of court dimension based on the height of the court, but not less than 250 ft. |

Subsections 205.4 and 205.5 of § 205, REAR YARD, are amended as follows:

- 205.4 Notwithstanding §§ 205.1 through 205.3, a rear wall of ~~an attached-a row~~ or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.
- 205.5 A rear wall of ~~an attached-a row~~ or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

A new § 207, SIDE YARD, is added as follows:

207 SIDE YARD

- 207.1 Two (2) side yards shall be provided for detached buildings; one (1) side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.**
- 207.2 Any side yard provided shall be a minimum of five feet (5 ft.).**
- 207.3 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.**
- 207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further,**

that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Chapter 3, RESIDENTIAL FLAT ZONE – RF-1, is amended as follows:

Subsection 300.1 of § 300, PURPOSE AND INTENT, is amended as follows:

300.1 The purpose of the RF-1 zone is to provide for areas predominantly developed with ~~attached~~ row houses on small lots within which no more than two (2) dwelling units are permitted.

Table E 304.1 of § 304, LOT OCCUPANCY, is amended as follows:

TABLE E § 304.1: MAXIMUM LOT OCCUPANCY

| STRUCTURE | MAXIMUM PERCENTAGE OF LOT OCCUPANCY |
|---|--|
| Detached dwellings; Semi-detached dwellings; Attached Row dwellings and flats; Places of worship | 60% |
| Conversion of a building or structure to an apartment house | The greater of 60% or the lot occupancy as of the date of conversion |
| An apartment house that existed prior to 1958 and has been in continuous use as an apartment house | 60% |
| All other structures | 40% |

Section 307, SIDE YARD, is deleted.

307 **[DELETED]**

Chapter 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2, is amended as follows:

Subsection 400.1 of § 400, PURPOSE AND INTENT, is amended as follows:

400.1 The purpose of the RF-2 zone is to provide for areas proximate to Dupont Circle predominantly developed with ~~attached~~ row houses within which no more than two (2) dwellings are permitted.

Table E 404.1 of § 404, LOT OCCUPANCY, is amended as follows:

TABLE E § 404.1: MAXIMUM LOT OCCUPANCY

| STRUCTURE | MAXIMUM PERCENTAGE OF LOT OCCUPANCY |
|---|--|
| Detached dwellings; Semi-detached dwellings; Attached Row dwellings and flats; Places of worship | 60% |
| Conversion of a building or structure to an apartment house | The greater of 60% or the lot occupancy as of the date of conversion |
| An apartment house that existed prior to 1958 and has been in continuous use as an apartment house | 60% |
| All other structures | 40% |

Section 407, SIDE YARD, is deleted:

407 **[DELETED]**

Chapter 5, CAPITOL PRECINCT RESIDENTIAL FLAT ZONE – RF-3, is amended as follows:

Subsection 500.1 of § 500, PURPOSE AND INTENT, is amended as follows:

500.1 The purpose of the RF-3 zone is to provide for areas adjacent to the U.S. Capitol precinct predominantly developed with ~~attached-row~~ houses on small lots within which no more than two (2) dwelling units are permitted.

Section 507, SIDE YARD, is deleted:

507 **[DELETED]**

Chapter 6, RESIDENTIAL FLAT ZONE – RF-4 AND RF-5, is amended as follows:

Subsection 600.1 of § 600, PURPOSE AND INTENT, is amended as follows:

600.1 The purpose of the RF-4 and RF-5 zones is to provide for areas predominantly developed with ~~attached-row~~ houses of three (3) or more stories and within which may also exist a mix of apartment buildings.

Section 607, SIDE YARD, is deleted:

607 **[DELETED]**

Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended as follows:

Section 306, SIDE YARD, of Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, is amended to read as follows:

306 SIDE YARD

306.1 ~~An eight foot (8 ft.) s~~ Side yards shall be provided for a detached or semi-detached dwelling **building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.). No side yards shall be required for a row building.**

306.2 ~~For all other buildings:~~ Except as provided in Subtitle F § 306.1, the following side yard rules apply:

- (a) In the RA-1 zone, one (1) side yard shall be provided unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and
- (b) In the RA-2, RA-3, RA-4, and RA-5 zones, no side yards are ~~shall~~ be required; however, if a side yard is provided, it shall be ~~no less than a~~ minimum of four feet (4 ft.).

306.3 **[DELETED]**

306.4 A side yard shall not be required along a side street abutting a corner lot in an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.

306.5 Existing conforming side yards may not be reduced to a nonconforming width or eliminated. ~~In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).~~

306.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 406, SIDE YARD, of Chapter 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – RA-6, is amended to read as follows:

406 SIDE YARD

406.1 ~~In the RA-6 zone, a minimum of~~ one (1) side yard shall be provided for all structures ~~buildings~~ unless the structure ~~structure~~ **building** contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.).

406.2 ~~An eight-foot (8 ft.) side yard~~ **Side yards** shall be provided for a detached ~~and or~~ semi-detached dwelling **building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.)** in the RA-6 zone.

406.3 **[DELETED]**

406.4 A side yard shall not be required along a side street abutting a corner lot ~~in an~~ RA-6 zone.

406.5 **Existing conforming side yards may not be reduced to a non-conforming width or eliminated.** ~~In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).~~

406.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 506, SIDE YARD, of Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE – RA-7, of Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended to read as follows:

506 SIDE YARD

506.1 ~~In the RA-7 zones, no~~ **No** side yards ~~are~~ shall be required; however, if a side yard is provided, it shall be ~~no less than~~ **a minimum of** four feet (4 ft.).

506.2 ~~An eight-foot (8 ft.) side yard~~ **Side yards** shall be provided for a detached ~~and or~~ semi-detached dwelling **building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.)** in the RA-7 zone.

506.3 **[DELETED]**

506.4 A side yard shall not be required along a side street abutting a corner lot ~~in an~~ RA-7 zone.

506.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated. In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).

506.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 606, SIDE YARD, of Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONE – RA-8, RA-9, AND RA-10, is amended to as follows:

606 SIDE YARD

606.1 No side yards are shall be required in the RA-8, RA-9, and RA-10 zones; however, if a side yard is provided, it shall be no less than a minimum of four feet (4 ft.).

606.2 An eight foot (8 ft.) side yard Side yards shall be provided for a detached and or semi-detached dwelling building containing one (1) or two (2) dwelling units in the RA-8, RA-9, and RA-10 zones shall be a minimum of eight feet (8 ft.).

606.3 [DELETED]

606.4 A side yard shall not be required along a side street abutting a corner lot in the RA-8, RA-9, and RA-10 zones.

606.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated. In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).

606.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

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

Subsection 613.2 of § 613, USE LIMITATIONS (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is amended as follows:

613.2 Uses permitted within the StE-10 and StE-14A zones shall be in accordance with the RF-1 use provisions of Subtitle E, Chapter 18, which includes, but is not limited to, ~~rowhouses, flats, attached or detached dwellings~~ **buildings containing one (1) or two (2) dwelling units**, and other uses compatible with a low- to moderate-density residential zone.

Subtitle U, USE PERMISSIONS, is amended as follows:

Subparagraph (a)(3) of § 201.1 of § 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

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

(a) A principal dwelling unit shall be permitted as follows:

...

(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or an ~~attached~~ **row** building; and

...

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at; 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 (“State Superintendent”), pursuant to authority set forth in Sections 3(b)(9) and 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(9) and (11)) (2012 Repl. & 2018 Supp.); the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code §§ 4-401 *et seq.* (2012 Repl. & 2018 Supp.)); Mayor’s Order 2009-3, dated January 15, 2009; and pursuant to the Social Security Act, approved August 22, 1996 (110 Stat. 2279; 42 USC § 618(c)); the Child Care and Development Block Grant Act of 2014 (“CCDBG Act”), approved November 19, 2014 (128 Stat. 1971; 42 USC §§ 9858 *et seq.*), and regulations promulgated thereunder at 45 CFR Parts 98 and 99, hereby amends, on an emergency basis, Chapter 2 (Child Development Facilities: District-Subsidized Child Care Services) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (“DCMR”).

I. Purpose

The purpose of this emergency and proposed rulemaking is to ensure equal access to stable, high-quality child care for low-income children in the District by: (1) implementing the Quality Rating and Improvement System (QRIS) transition from “Going for the Gold” to “Capital Quality” as the District’s tiered-rate reimbursement system; (2) updating reimbursement rates for Fiscal Year 2019 based on the results of the Office of the State Superintendent of Education (“OSSE”) 2018 cost estimation methodology; and (3) increasing reimbursement rates for subsidized child care services pursuant to a \$10 million enhancement in local funds and an increase in the federal Child Care and Development Block Grant discretionary funding, and (4) updating the sliding fee schedule to align with the “2018 Federal Poverty Guidelines for the 48 Contiguous States and the District of Columbia.” There is an immediate need to ensure the health, safety and welfare of children under the care of subsidized child care providers in the District of Columbia. This emergency rulemaking is necessary to ensure child development facilities who accept subsidies are financially equipped to offer quality and appropriate care to the District’s youngest and most vulnerable residents.

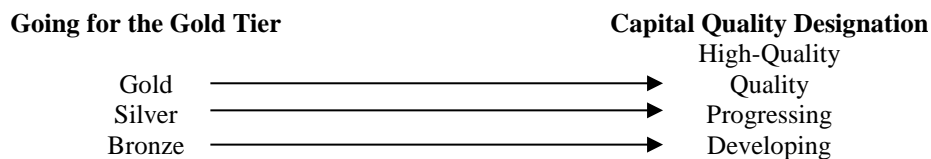
II. D.C.’s Redesigned Quality Rating and Improvement System (QRIS): Capital Quality

A Quality Rating and Improvement System (QRIS) is a systemic approach to evaluate, improve and communicate the level of quality in early care and education facilities. The five main components are: (1) ensuring and promoting quality standards for facilities and practitioners; (2) aligning supports and infrastructure to meet quality standards; (3) ensuring continuous monitoring of facilities to promote quality; (4) enhancing incentives linked to meeting quality standards; and (5) increasing consumer information to promote public transparency. OSSE launched Capital Quality, the District of Columbia’s redesigned QRIS, in April 2016. Capital Quality has three components, a designation which is determined by the use of research-based metrics, a continuous quality improvement plan (CQIP) that is aligned with research-based

quality standards and a quality profile to support families in selecting an early care and education setting that best meets their child’s needs. The previous QRIS system, Going for the Gold, was based on national accreditation. OSSE recognized the need to update Going for the Gold due to changes in the District’s early childhood and education sector, including the success of universal pre-Kindergarten, significant local investments in quality initiatives and the growing body of research that higher-quality facilities are positively associated with young children’s outcomes. Specifically, research has increasingly shown that higher-quality facilities (e.g., safe and nurturing settings, more responsive teachers and staff) are positively associated with young children’s cognitive, behavioral and social-emotional skills. Utilizing a common metric of quality that is specific to each type of early care and education setting (e.g., family child care and center-based care, school-based), Capital Quality yields valid and reliable data that can inform parents, providers, practitioners and policymakers.

In accordance with shifts in federal requirements to make facility-specific QRIS information available to parents, the quality profile will be posted on My Child Care DC, the District’s consumer website, which will allow parents to review and compare the quality of various child development facilities throughout the District, and make more informed decisions when deciding where to enroll their child. Though some information (e.g., licensing, hours of operation, accreditation status) has been available to parents since September 2017, the data available through the quality profile will enable parents to more specifically understand the extent to which the early care and education facility promotes children’s health, safety, and supportive interactions with teachers and staff.

As noted above, one of the purposes of this emergency and proposed rulemaking is to transition licensed child development facilities that provide subsidized care from their Going for the Gold rating to a Capital Quality designation by setting forth tiered reimbursement rates based on Capital Quality designations. Under the Going for the Gold QRIS, providers were tiered at Gold, Silver, or Bronze level. Effective October 1, 2018, OSSE will automatically transition all subsidized child care providers from their Going for the Gold rating to a Capital Quality Designation: (1) Quality, (2) Progressing, or (3) Developing (see below). Through this rulemaking, all subsidized child care providers will be reimbursed based on the transition Capital Quality designations.



Note, any providers who were receiving reimbursement at the Quality Improvement Network (QIN) rate for QIN enrolled children, will continue to be reimbursed at the QIN rate for those children. For additional information regarding Capital Quality, visit: <https://osse.dc.gov/page/capital-quality-qris>.

Licensed child development facilities that enter the subsidized child care program for the first time will receive a Preliminary designation, as they are still in the process of being rated to determine their Capital Quality designation.

III. The District's 2018 Cost Estimation Model

To advance the important work of serving more low-income families in high-quality care, it is federally mandated for states to periodically assess the cost of delivering high-quality early care and education services and to then use this data to inform rates for subsidized child care. Prior to 2015, the District's reimbursement rates have been determined using a statistically valid and reliable survey of the market rates; however, research shows that the child care market does not always reflect the actual cost of providing care at different levels of quality care. Therefore, in 2015, to better understand the actual cost of providing child care in the District of Columbia, OSSE, with the assistance of national financing experts, developed an alternative methodology to understand the actual cost of delivering child care services at different levels of quality in both centers and homes. This interactive model used the QRIS, the District's tiered-rate reimbursement framework, to estimate the cost of quality in both child development centers and homes. Unlike the market rate survey, this alternative methodology allows OSSE to examine how the various factors affect both revenues and expenditures including size of the center (number of classrooms), ages of children, group size and ratio, income mix of families, enrollment efficiency, fee collectability, and third-party funding (*e.g.*, the Child and Adult Care Food Program).

The 2015 alternative methodology demonstrated whether there is a gap between the cost of producing quality of a given level, and the revenue sources available to support a particular type of provider. Knowing the size of the gap at different quality levels, and for various provider types, informed the subsidy reimbursement rates, design of financial incentive packages, and supportive policies to encourage financial success. For example, based on the results of the alternative methodology and increased local funding, in Fiscal Year (FY) 2017, OSSE raised the toddler rate to align with the infant rate which has the same licensing requirements for group size and ratios and the cost estimation model revealed that infants and toddlers are the most expensive age group to serve. Another example of how OSSE has used results of the 2015 alternative methodology to inform rates is the FY18 increase to the infant and toddler rate for centers across each tier by four percent and for homes across each tier by approximately 10 percent. The greater increase to the reimbursement rates for homes was informed by the 2015 alternative methodology, which revealed that homes experience more difficulty in maintaining financial sustainability. Further, the cost model demonstrated an opportunity to provide financial stability by linking a network of homes through a shared administration, or a shared-services framework. Accordingly, in addition to increasing the reimbursement rates for homes, OSSE incentivized homes to join a Shared Services Business Alliance by authorizing those homes to collect both the full reimbursement rate from the District plus the parent co-payment.

The CCDBG Act requires that OSSE conduct either a market rate survey or an alternative cost estimation methodology, with approval, every three years. Because the District was able to use the results from the 2015 alternative cost estimation methodology to make targeted and meaningful investments in supporting providers' financial sustainability while also maintaining high-quality care, OSSE, with the support of the State Early Childhood Development Coordinating Council ("SECDCC"), submitted a request for approval to use the same alternative cost estimation methodology, with updated elements and assumptions. On May 14, 2018, the

Department of Health and Human Services, Office of Child Care, Administration for Children and Families (“ACF”), approved the District’s request to use an updated alternative cost estimation methodology to inform new subsidy reimbursement rates.

As done in 2015, using the 2018 alternative cost estimation methodology, OSSE developed a Cost Estimation Model for Child Development Centers (“Center Model”) and a Cost Estimation Model for Child Development Homes and Expanded Homes (“Home Model”). Each model is based on updated elements and assumptions that contribute to cost based on the type of setting. For example, both the Center Model and the Home Model include the changes set forth in the 2016 child development facility licensing regulations, specifically costs based on professional development training requirements and staff credential requirements; and the 2018 increases in the minimum wage, living wage and the new employer tax in accordance with the District’s Paid Family Leave Act.

In addition, both the Center Model and the Home Model includes different scenarios that vary by quality designation or participation in specific revenue driving OSSE programs such as the Pre-K Enhancement or Expansion program, the Quality Improvement Network, or Shared Services Business Alliance. Scenarios were updated to align with Capital Quality’s four designations: High-Quality, Quality, Progressing, and Developing. Additionally, both models include the increases to the subsidy reimbursement rates in FY17 and FY18 and the Center Model includes increases to the Uniform per Student Funding Formula for pre-K students and at-risk funding.

With these updated baseline elements in both the Center Model and the Home Model that accurately reflect a provider’s current experiences, OSSE analyzed how changing different variables would financially impact specific scenarios. Variables include the number of classrooms in a facility, age groups of children, income mix (number of children with private paying parents and the number of publicly funded children), participation in the Child and Adult Care Food Program (CACFP), number of classrooms participating in the Pre-K Enhancement or Expansion program, full collection of revenues, and enrollment efficiency.

The 2018 alternative cost estimation methodology revealed that, in most cases, provider’s likely cost of delivering early care and education services exceeded the revenue needed to provide care at different levels of quality. Since 2015, the costs have increased due to the new Paid Family Leave tax, increases in the minimum wage (from \$10.50 in 2015 to \$13.25 in 2018) and the living wage (from \$13.80 in 2015 to \$14.20 in 2018), the need to increase staff hours to comply with the federal health and safety training requirements while maintaining adult to child ratio and group size requirements, and the continued increase in the average rent due per square foot (our cost models assumed \$30 per square foot in 2015 and \$42 per square foot in 2018). Additionally, similar to findings in 2015, OSSE again found that centers and homes who are not fully enrolled continue to have significant revenue losses so maintaining enrollment is key to a provider’s financial sustainability. Further, the cost models demonstrate that delivering care to infants and toddlers is the most financially challenging type of program to operate without increased financial resources and other supports such as a shared services business alliance. However, the cost models also demonstrate an opportunity for providers to diversify the ages of children served by providing before and after school care and by maximizing its enrollment efficiency to ensure adequate revenues for providing safe and healthy care. For example, OSSE also found

that providing before and after care for school age children can have a positive financial impact on a provider’s bottom line. Recognizing the positive financial impact of providing before and after care is particularly relevant as the District continues to seek ways to support more families in accessing high quality care for their children before and after school, and during summer and holiday breaks. Finally, the cost models also demonstrate the importance of tapping all available funding streams to strengthen a provider’s financial sustainability.

IV. Amendments in this Emergency and Proposed Rulemaking

Section 201 sets forth the factors for determining initial eligibility for subsidized child care, establishes a minimum twelve-month eligibility period, provides a framework for maintaining eligibility and describes eligibility redeterminations. This emergency and proposed rulemaking specifically amends this section to align the age of a child with the CCDBG Act, which defines an eligible child as under thirteen (13) years old, or under nineteen (19) years of age with special needs, and expected amendments to the definition of “child” in the Day Care Act of 1979 as amended by the Birth-to-Three for All DC Amendment Act of 2018, projected Oct. 27, 2018 (D.C. Act 22-453).

Additionally, §§ 201.7 and 201.8 set forth that a family is no longer considered eligible if their income at re-determination has exceeded 85% of the state median income or 300% of the federal poverty level (FPL). However, the recent guidance from ACF has emphasized that states shall allow families to remain eligible at re-determination if their income does not exceed 85% of the state median income, regardless of what federal poverty threshold the state initially set. Therefore, OSSE strikes the phrase 300% of FPL in this rulemaking. OSSE has received feedback that the income eligibility requirements based on family size at initial determination and at re-determination are not clear given the two different standards. In response to this feedback, OSSE has provided a table setting forth the maximum income levels based on family size for initial determination and re-determination, below.

FY19 MAXIMUM INCOME GUIDELINES FOR SUBSIDIZED CHILD CARE

| Family Size | Maximum Gross Annual Income at INITIAL DETERMINATION | Maximum Gross Annual Income at RE-DETERMINATION |
|--------------------|---|--|
| 1 | \$ 30,350 | \$ 43,800 |
| 2 | \$ 41,150 | \$ 57,277 |
| 3 | \$ 51,950 | \$ 70,754 |
| 4 | \$ 62,750 | \$ 84,231 |
| 5 | \$ 73,550 | \$ 97,708 |
| 6 | \$ 84,350 | \$ 111,185 |
| 7 | \$ 95,150 | \$ 113,712 |
| 8 | \$ 105,950 | \$ 116,238 |
| 9 | \$ 116,750 | \$ 118,765 |
| 10 | \$ 121,292 | \$ 121,292 |

Section 203 establishes the rates paid by the District of Columbia to providers for the early care and education services provided to eligible children through the District’s subsidized child care program. This emergency and proposed rulemaking specifically amends this section to (1) replace the Going for the Gold tiered payment structure with the Capital Quality tiered payment structure; (2) updates the actual reimbursement rates; (3) establish reimbursement rates for new

subsidized child care providers; and (4) establish a reimbursement for initial registration fees, when applicable.

OSSE conducted the cost estimation methodology to assess the cost of delivering care in different settings, to children of different ages, and ultimately estimate the average cost of care at the varying levels of quality for both the Center Model and the Home Model. In order to determine the actual rates for FY19, OSSE balanced this estimated average cost of care, current child eligibility requirements, and actual subsidy enrollment rates against the total available local and federal funding, which included the FY19 local enhancement and federal increase. Based on these projections, OSSE estimates that the total amount of local and federal funds appropriated for subsidized child care services is sufficient to justify the rates based on the 2018 cost estimation's average cost of care. As such, OSSE amends this Section to increase rates significantly for all age groups in all settings across all Capital Quality designations.

The new FY19 subsidy reimbursement rates set forth in Section 203 were informed by the average cost of care developed in the cost models. Based on this, the Developing designation experienced the highest increase, due to the increased requirements for health and safety that were promulgated in the 2016 child care licensing regulations and the reauthorized CCDBG Act. These new requirements raised the level of care for all providers, but results in the largest increase for centers and homes designated as Developing.

For both centers and homes, the School Age rate was raised to the same dollar amount for each service type, regardless of a provider's Capital Quality designation. School age before and after care programs are currently not rated in the Capital Quality QRIS, so the District has established one rate for all school age programs. On average, centers received a 57% increase and homes received a 24% increase in tiered reimbursement rate from FY18 to FY19.

In addition to increasing the reimbursement rates, OSSE has also established reimbursement rates for new subsidy providers that have just entered the Capital Quality rating system who will be designated as Preliminary. These providers are still in the process of being rated to determine their Capital Quality designation of Developing, Progressing, Quality or High-Quality

In an effort to further ensure equal access, and because providers are prohibited from requesting any payments from parents beyond the co-payment, OSSE amended Section 203 to reimburse providers \$75 for a newly enrolled child to cover an initial registration fee that would be charged to private paying parents when enrolling their child. OSSE will only reimburse providers who charge an initial registration fee, regardless of whether the registration fee charged is more or less than \$75.

In Section 204, OSSE has also updated the sliding fee scale based on 2018 FPL.

This emergency rulemaking was adopted on October 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 January 29, 2019, 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.

Chapter 2, CHILD DEVELOPMENT FACILITIES: DISTRICT-SUBSIDIZED CHILD CARE SERVICES, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Section 201, ELIGIBILITY DETERMINATIONS is amended as follows:

Section 201.1(a) is amended to read as follows:

201.1

- (a) Be under thirteen (13) years old, or under nineteen (19) years old if the child has special needs.

Section 201.4(c) is amended to read as follows:

201.4

- (c) A change in the child’s age, including turning thirteen (13) during the eligibility period; or

Section 201.7 is amended to read as follows:

201.7

Families who are classified as being over the income threshold at the end of the twelve (12) month eligibility period are to still be considered eligible for subsidized child care services if the gross annual family income does not exceed eighty-five percent (85%) of the current SMI.

Section 201.8 is amended to read as follows:

201.8

Any family already designated as eligible for subsidized child care and receiving such services whose income reaches eighty-five percent (85%) of the current SMI shall continue to receive subsidized care for no more than three (3) months. At the end of the three (3) month period of continued assistance, if the gross annual family income is below 85% of the most current SMI, assistance cannot be terminated and the child shall continue receiving assistance until the next scheduled redetermination.

Section 202, TERMINATION OF SUBSIDIZED CHILD CARE SERVICES is amended as follows:

Section 202.3 is amended to read as follows:

202.3

An applicant who has been confirmed through investigation to have committed fraud may be permanently barred from receiving subsidized child care services through the District’s subsidy program. Recipient fraud includes, but is not limited to, the following:

- (a) With intent to deceive, withholding information regarding eligibility factors such as gross annual family income, number of family members, ages of family members, or the recipient's hours of employment or training;
- (b) Knowingly using child care services for an ineligible child; or
- (c) Intentionally failing to report any changes which would affect the child's eligibility for child care benefits.

Section 203, RATES PAID BY DISTRICT OF COLUMBIA, is amended in its entirety to read as follows:

203 RATES PAID BY DISTRICT OF COLUMBIA

203.1 The District of Columbia shall pay the rates set forth in this Section per day for child care services, less the parent fee as required by the parent sliding fee scale, to child development facilities that meet their respective requirements of the Quality Rating and Improvement System, when appropriate and funds are available.

203.2 **Developing:** The rates for child development centers, homes and expanded homes designated as Developing, for traditional, extended day, and nontraditional hours of care, shall be as follows:

| Developing - Child Development Center | | | | | | |
|---|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$65.43 | \$39.26 | \$71.97 | \$45.80 | \$81.79 | \$49.07 |
| Infant and Toddler Special Needs | \$77.78 | \$46.40 | -- | -- | -- | -- |
| Pre-school | \$48.87 | \$29.32 | \$53.76 | \$34.21 | \$61.09 | \$36.65 |
| Pre-school Before and After | \$48.87 | \$29.32 | \$53.76 | \$34.21 | -- | -- |
| School-Age Before <i>and</i> After | \$36.06 | \$21.64 | \$39.67 | \$25.24 | \$45.08 | \$27.05 |
| School-Age Before <i>or</i> After | \$36.06 | \$18.03 | -- | -- | -- | -- |
| Pre-school and School-Age Special Needs | \$61.49 | \$36.68 | -- | -- | -- | -- |

| Developing - Child Development Home and Expanded Home | | | | | | |
|---|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$50.46 | \$30.28 | \$55.51 | \$35.32 | \$63.08 | \$37.85 |
| Pre-school | \$30.84 | \$18.51 | \$33.93 | \$21.59 | \$38.55 | \$23.13 |
| Pre-school Before and After | \$30.84 | \$18.51 | \$33.93 | \$21.59 | | |
| School-Age Before <i>and</i> After | \$28.00 | \$16.80 | \$30.80 | \$19.60 | \$35.00 | \$21.00 |
| School-Age Before <i>or</i> After | \$28.00 | \$14.00 | -- | -- | -- | -- |

203.3 **Progressing:** The rates for child development centers, homes and expanded homes designated as Progressing, for traditional, extended day, and nontraditional hours of care, shall be as follows:

| Progressing - Child Development Center | | | | | | |
|---|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$68.32 | \$40.99 | \$75.15 | \$47.82 | \$85.40 | \$51.24 |
| Infant and Toddler Special Needs | \$77.78 | \$46.40 | -- | -- | -- | -- |
| Pre-school | \$50.96 | \$30.58 | \$56.06 | \$35.67 | \$63.70 | \$38.22 |
| Pre-school Before and After | \$50.96 | \$30.58 | \$56.06 | \$35.67 | -- | -- |
| School-Age Before <i>and</i> After | \$36.06 | \$21.64 | \$39.67 | \$25.24 | \$45.08 | \$27.05 |
| School-Age Before <i>or</i> After | \$36.06 | \$18.03 | -- | -- | -- | -- |
| Pre-school and School-Age Special Needs | \$61.49 | \$36.68 | -- | -- | -- | -- |

| Progressing - Child Development Home and Expanded Home | | | | | | |
|--|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$55.02 | \$33.01 | \$60.52 | \$38.51 | \$68.78 | \$41.27 |
| Pre-school | \$34.34 | \$20.61 | \$37.78 | \$24.04 | \$42.93 | \$25.76 |
| Pre-school Before and After | \$34.34 | \$20.61 | \$37.78 | \$24.04 | | |
| School-Age Before <i>and</i> After | \$28.00 | \$16.80 | \$30.80 | \$19.60 | \$35.00 | \$21.00 |
| School-Age Before <i>or</i> After | \$28.00 | \$14.00 | -- | -- | -- | -- |

203.4 **Quality:** The rates for child development centers, homes and expanded homes designated as Quality, for traditional, extended day, and nontraditional hours of care, shall be as follows:

| Quality - Child Development Center | | | | | | |
|---|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$76.78 | \$46.07 | \$84.46 | \$53.75 | \$95.98 | \$57.59 |
| Infant and Toddler Special Needs | \$77.78 | \$46.40 | -- | -- | -- | -- |
| Pre-school | \$57.05 | \$34.23 | \$62.76 | \$39.94 | \$71.31 | \$42.79 |
| Pre-school Before and After | \$57.05 | \$34.23 | \$62.76 | \$39.94 | -- | -- |
| School-Age Before <i>and</i> After | \$36.06 | \$21.64 | \$39.67 | \$25.24 | \$45.08 | \$27.05 |
| School-Age Before <i>or</i> After | \$36.06 | \$18.03 | -- | -- | -- | -- |
| Pre-school and School-Age Special Needs | \$61.49 | \$36.68 | -- | -- | -- | -- |

| Quality - Child Development Home and Expanded Home | | | | | | |
|--|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$59.78 | \$35.87 | \$65.76 | \$41.85 | \$74.73 | \$44.84 |
| Pre-school | \$39.20 | \$23.52 | \$43.12 | \$27.44 | \$49.00 | \$29.40 |

| | | | | | | |
|------------------------------------|---------|---------|---------|---------|---------|---------|
| Pre-school Before and After | \$39.20 | \$23.52 | \$43.12 | \$27.44 | | |
| School-Age Before <i>and</i> After | \$28.00 | \$16.80 | \$30.80 | \$19.60 | \$35.00 | \$21.00 |
| School-Age Before <i>or</i> After | \$28.00 | \$14.00 | -- | -- | -- | -- |

203.5 **High-Quality:** The rates for child development centers, homes and expanded homes designated as High-Quality, for traditional, extended day, and nontraditional hours of care, shall be as follows:

| High-Quality - Child Development Center | | | | | | |
|---|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$93.91 | \$56.35 | \$103.30 | \$65.74 | \$117.39 | \$70.43 |
| Infant and Toddler Special Needs | \$77.78 | \$46.40 | -- | -- | -- | -- |
| Pre-school | \$61.49 | \$36.89 | \$67.64 | \$43.04 | \$76.86 | \$46.12 |
| Pre-school Before and After | \$61.49 | \$36.89 | \$67.64 | \$43.04 | -- | -- |
| School-Age Before <i>and</i> After | \$36.06 | \$21.64 | \$39.67 | \$25.24 | \$45.08 | \$27.05 |
| School-Age Before <i>or</i> After | \$36.06 | \$18.03 | -- | -- | -- | -- |
| Pre-school and School-Age Special Needs | \$61.49 | \$36.68 | -- | -- | -- | -- |

| High-Quality - Child Development Home and Expanded Home | | | | | | |
|---|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$69.78 | \$41.78 | \$76.76 | \$48.85 | \$87.23 | \$52.34 |
| Pre-school | \$43.18 | \$25.91 | \$47.50 | \$30.23 | \$53.98 | \$32.39 |
| Pre-school Before and After | \$43.18 | \$25.91 | \$47.50 | \$30.23 | \$53.98 | \$32.39 |
| School-Age Before <i>and</i> After | \$28.00 | \$16.80 | \$30.80 | \$19.60 | \$35.00 | \$21.00 |
| School-Age Before <i>or</i> After | \$28.00 | \$14.00 | -- | -- | -- | -- |

203.6 **Quality Improvement Network:** The payment rates for infants and toddlers enrolled in a child development facility that is in the Quality Improvement Network shall be as follows:

- (a) The payment rate for infants and toddlers enrolled in a child development home in the Quality Improvement Network shall be \$65.07.
- (b) The payment rate for Quality Improvement Network enrolled infants and toddlers in a child development center shall be \$83.75.

203.7 **Preliminary:** Beginning October 1, 2018, licensed child development facilities that enter the District of Columbia’s subsidized child care program for the first time will receive a Preliminary designation in Capital Quality. The rates for child development centers, homes and expanded homes designated as Preliminary, for traditional, extended day, and nontraditional hours of care, shall be as follows:

| Preliminary - Child Development Center | | | | | | |
|---|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$65.43 | \$39.26 | \$71.97 | \$45.80 | \$81.79 | \$49.07 |
| Infant and Toddler Special Needs | \$77.78 | \$46.40 | -- | -- | -- | -- |
| Pre-school | \$48.87 | \$29.32 | \$53.76 | \$34.21 | \$61.09 | \$36.65 |
| Pre-school Before and After | \$48.87 | \$29.32 | \$53.76 | \$34.21 | -- | -- |
| School-Age Before <i>and</i> After | \$36.06 | \$21.64 | \$39.67 | \$25.24 | \$45.08 | \$27.05 |
| School-Age Before <i>or</i> After | \$36.06 | \$18.03 | -- | -- | -- | -- |
| Pre-school and School-Age Special Needs | \$61.49 | \$36.68 | -- | -- | -- | -- |

| Preliminary - Child Development Home and Expanded Home | | | | | | |
|--|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$50.46 | \$30.28 | \$55.51 | \$35.32 | \$63.08 | \$37.85 |
| Pre-school | \$30.84 | \$18.51 | \$33.93 | \$21.59 | \$38.55 | \$23.13 |
| Pre-school Before and After | \$30.84 | \$18.51 | \$33.93 | \$21.59 | | |
| School-Age Before <i>and</i> After | \$28.00 | \$16.80 | \$30.80 | \$19.60 | \$35.00 | \$21.00 |
| School-Age Before <i>or</i> After | \$28.00 | \$14.00 | -- | -- | -- | -- |

203.8 The District of Columbia shall pay child development centers in the Level II Provider program the full amount of the payment rate pursuant to Subsection 203 and shall allow such centers to collect a parent co-pay, based on the sliding fee scale set forth in Subsection 204.8, if applicable.

203.9 The District of Columbia shall pay child development homes in OSSE’s Shared Services Business Alliance the full amount of the payment rate pursuant to Subsection 203 and shall allow such homes to collect a parent co-pay, based on the sliding fee scale set forth in Subsection 204.8, if applicable.

203.10 The District of Columbia shall pay the following rates per day for child care services to relative and in-home caregivers, when appropriate and funds are available:

- (a) The rates for relative caregivers for traditional, extended day, and nontraditional hours of care shall be as follows:

| Relative Child Care Rates | | | | | | |
|------------------------------------|-------------|-----------|--------------|-----------|----------------|-----------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$ 24.18 | \$ 14.50 | \$ 26.60 | \$ 16.93 | \$ 30.23 | \$ 18.14 |
| Pre-school | \$ 14.33 | \$ 8.60 | -- | -- | -- | -- |
| Pre-school Before and After | \$ 14.33 | \$ 8.60 | -- | -- | -- | -- |
| School-Age Before <i>and</i> After | \$ 13.92 | \$ 8.35 | \$ 15.31 | \$ 9.74 | \$ 17.40 | \$ 10.44 |
| School-Age Before <i>or</i> After | \$ 13.92 | \$ 4.18 | -- | -- | -- | -- |

- (b) The rates for in-home caregivers for traditional, extended day, and nontraditional hours of care shall be as follows:

| In-Home Child Care Rates | | | | | | |
|------------------------------------|--------------------|------------------|---------------------|------------------|-----------------------|------------------|
| | Traditional | | Extended Day | | Nontraditional | |
| | Full-Time | Part-Time | Full-Time | Part-Time | Full-Time | Part-Time |
| Infant and Toddler | \$ 14.18 | \$ 8.51 | \$ 15.60 | \$ 9.93 | \$ 17.73 | \$ 10.64 |
| Pre-School | \$ 8.70 | \$ 5.22 | \$ 9.57 | \$ 6.09 | \$ 10.88 | \$ 6.53 |
| Pre-school Before and After | \$ 8.70 | \$ 5.22 | \$ 9.57 | \$ 6.09 | -- | -- |
| School-Age Before <i>and</i> After | \$ 7.54 | \$ 4.52 | \$ 8.29 | \$ 5.28 | \$ 9.43 | \$ 5.66 |
| School-Age Before <i>or</i> After | \$ 7.54 | \$ 4.14 | -- | -- | -- | -- |

203.11 The District shall pay the regular rate to providers on holidays when providers may be closed. Holidays shall include:

- (a) Labor Day
- (b) Columbus Day
- (c) Veteran's Day
- (d) Thanksgiving Day
- (e) Christmas Day
- (f) New Year's Day
- (g) Martin Luther King, Jr. Day
- (h) President's Day
- (i) Emancipation Day
- (j) Memorial Day
- (k) Independence Day
- (l) The District shall also consider as a holiday January 20th during years when there is a presidential inauguration.

203.12 The District of Columbia shall pay a provider \$75 per child to cover an initial registration fee charged to parents when enrolling a child, as follows:

- (a) The registration fee must be documented in the Parent Handbook submitted to OSSE at the beginning of the Fiscal Year; and
- (b) Fees will not be paid for children who enroll at a new site within the same multi-site provider.

Section 204, SCHEDULE OF PAYMENTS BY FAMILIES, is amended as follows:

Section 204.8 is amended to read as follows:

204.8 The following schedule of co-payments shall apply to services provided by a child development facility or relative or in-home caregiver providing child care services subsidized by the District of Columbia:

| Sliding Fee Scale FY19 | | | | | | Daily Co-Pay | | | |
|------------------------------|----------|----------|----------|----------|----------|------------------|---------|-----------|---------|
| | | | | | | Children in Care | | | |
| Annual Income by Family Size | | | | | | Full Time | | Part Time | |
| %FPG | 1 | 2 | 3 | 4 | 5 | First | Second | First | Second |
| 0-50% | \$6,070 | \$8,230 | \$10,390 | \$12,550 | \$14,710 | \$ - | \$ - | \$ - | \$ - |
| 51-60% | \$7,284 | \$9,876 | \$12,468 | \$15,060 | \$17,652 | \$ - | \$ - | \$ - | \$ - |
| 61-70% | \$8,498 | \$11,522 | \$14,546 | \$17,570 | \$20,594 | \$ - | \$ - | \$ - | \$ - |
| 71-80% | \$9,712 | \$13,168 | \$16,624 | \$20,080 | \$23,536 | \$ - | \$ - | \$ - | \$ - |
| 81-90% | \$10,926 | \$14,814 | \$18,702 | \$22,590 | \$26,478 | \$ - | \$ - | \$ - | \$ - |
| 91-100% | \$12,140 | \$16,460 | \$20,780 | \$25,100 | \$29,420 | \$ - | \$ - | \$ - | \$ - |
| 101-110% | \$13,354 | \$18,106 | \$22,858 | \$27,610 | \$32,362 | \$ 1.03 | \$ 0.37 | \$ 0.51 | \$ 0.18 |
| 111-120% | \$14,568 | \$19,752 | \$24,936 | \$30,120 | \$35,304 | \$ 1.31 | \$ 0.47 | \$ 0.65 | \$ 0.23 |
| 121-130% | \$15,782 | \$21,398 | \$27,014 | \$32,630 | \$38,246 | \$ 1.62 | \$ 0.58 | \$ 0.81 | \$ 0.29 |
| 131-140% | \$16,996 | \$23,044 | \$29,092 | \$35,140 | \$41,188 | \$ 1.96 | \$ 0.70 | \$ 0.98 | \$ 0.35 |
| 141-150% | \$18,210 | \$24,690 | \$31,170 | \$37,650 | \$44,130 | \$ 2.33 | \$ 0.83 | \$ 1.17 | \$ 0.42 |
| 151-160% | \$19,424 | \$26,336 | \$33,248 | \$40,160 | \$47,072 | \$ 2.74 | \$ 0.97 | \$ 1.37 | \$ 0.49 |
| 161-170% | \$20,638 | \$27,982 | \$35,326 | \$42,670 | \$50,014 | \$ 3.18 | \$ 1.13 | \$ 1.59 | \$ 0.56 |
| 171-180% | \$21,852 | \$29,628 | \$37,404 | \$45,180 | \$52,956 | \$ 3.64 | \$ 1.30 | \$ 1.82 | \$ 0.65 |
| 181-190% | \$23,066 | \$31,274 | \$39,482 | \$47,690 | \$55,898 | \$ 4.14 | \$ 1.47 | \$ 2.07 | \$ 0.74 |
| 191-200% | \$24,280 | \$32,920 | \$41,560 | \$50,200 | \$58,840 | \$ 4.67 | \$ 1.66 | \$ 2.33 | \$ 0.83 |
| 201-210% | \$25,494 | \$34,566 | \$43,638 | \$52,710 | \$61,782 | \$ 5.23 | \$ 1.86 | \$ 2.61 | \$ 0.93 |
| 211-220% | \$26,708 | \$36,212 | \$45,716 | \$55,220 | \$64,724 | \$ 5.82 | \$ 2.07 | \$ 2.91 | \$ 1.04 |
| 221-230% | \$27,922 | \$37,858 | \$47,794 | \$57,730 | \$67,666 | \$ 6.44 | \$ 2.29 | \$ 3.22 | \$ 1.15 |
| 231-240% | \$29,136 | \$39,504 | \$49,872 | \$60,240 | \$70,608 | \$ 7.10 | \$ 2.53 | \$ 3.55 | \$ 1.26 |
| 241-250% | \$30,350 | \$41,150 | \$51,950 | \$62,750 | \$73,550 | \$ 7.78 | \$ 2.77 | \$ 3.89 | \$ 1.38 |
| 251-260% | \$31,564 | \$42,796 | \$54,028 | \$65,260 | \$76,492 | \$ 8.50 | \$ 3.02 | \$ 4.25 | \$ 1.51 |
| 261-270% | \$32,778 | \$44,442 | \$56,106 | \$67,770 | \$79,434 | \$ 9.25 | \$ 3.29 | \$ 4.62 | \$ 1.64 |
| 271-280% | \$33,992 | \$46,088 | \$58,184 | \$70,280 | \$82,376 | \$ 10.02 | \$ 3.57 | \$ 5.01 | \$ 1.78 |
| 281-290% | \$35,206 | \$47,734 | \$60,262 | \$72,790 | \$85,318 | \$ 10.83 | \$ 3.85 | \$ 5.42 | \$ 1.93 |
| 291-300% | \$36,420 | \$49,380 | \$62,340 | \$75,300 | \$88,260 | \$ 11.67 | \$ 4.15 | \$ 5.84 | \$ 2.08 |
| 301-350% | \$42,490 | \$57,277 | \$70,754 | \$84,231 | \$97,708 | \$ 14.16 | \$ 5.04 | \$ 7.08 | \$ 2.52 |
| 351-400% | \$43,800 | | | | | \$ 16.81 | \$ 5.98 | \$ 8.40 | \$ 2.99 |

| Sliding Fee Scale FY19 | | | | | | Daily Co-Pay | | | |
|------------------------|------------------------------|-----------|-----------|-----------|-----------|------------------|---------|-----------|---------|
| | | | | | | Children in Care | | | |
| %FPG | Annual Income by Family Size | | | | | Full Time | | Part Time | |
| | 6 | 7 | 8 | 9 | 10 | First | Second | First | Second |
| 0-50% | \$16,870 | \$19,030 | \$21,190 | \$23,350 | \$25,510 | \$ - | \$ - | \$ - | \$ - |
| 51-60% | \$20,244 | \$22,836 | \$25,428 | \$28,020 | \$30,612 | \$ - | \$ - | \$ - | \$ - |
| 61-70% | \$23,618 | \$26,642 | \$29,666 | \$32,690 | \$35,714 | \$ - | \$ - | \$ - | \$ - |
| 71-80% | \$26,992 | \$30,448 | \$33,904 | \$37,360 | \$40,816 | \$ - | \$ - | \$ - | \$ - |
| 81-90% | \$30,366 | \$34,254 | \$38,142 | \$42,030 | \$45,918 | \$ - | \$ - | \$ - | \$ - |
| 91-100% | \$33,740 | \$38,060 | \$42,380 | \$46,700 | \$51,020 | \$ - | \$ - | \$ - | \$ - |
| 101-110% | \$37,114 | \$41,866 | \$46,618 | \$51,370 | \$56,122 | \$ 1.03 | \$ 0.37 | \$ 0.51 | \$ 0.18 |
| 111-120% | \$40,488 | \$45,672 | \$50,856 | \$56,040 | \$61,224 | \$ 1.31 | \$ 0.47 | \$ 0.65 | \$ 0.23 |
| 121-130% | \$43,862 | \$49,478 | \$55,094 | \$60,710 | \$66,326 | \$ 1.62 | \$ 0.58 | \$ 0.81 | \$ 0.29 |
| 131-140% | \$47,236 | \$53,284 | \$59,332 | \$65,380 | \$71,428 | \$ 1.96 | \$ 0.70 | \$ 0.98 | \$ 0.35 |
| 141-150% | \$50,610 | \$57,090 | \$63,570 | \$70,050 | \$76,530 | \$ 2.33 | \$ 0.83 | \$ 1.17 | \$ 0.42 |
| 151-160% | \$53,984 | \$60,896 | \$67,808 | \$74,720 | \$81,632 | \$ 2.74 | \$ 0.97 | \$ 1.37 | \$ 0.49 |
| 161-170% | \$57,358 | \$64,702 | \$72,046 | \$79,390 | \$86,734 | \$ 3.18 | \$ 1.13 | \$ 1.59 | \$ 0.56 |
| 171-180% | \$60,732 | \$68,508 | \$76,284 | \$84,060 | \$91,836 | \$ 3.64 | \$ 1.30 | \$ 1.82 | \$ 0.65 |
| 181-190% | \$64,106 | \$72,314 | \$80,522 | \$88,730 | \$96,938 | \$ 4.14 | \$ 1.47 | \$ 2.07 | \$ 0.74 |
| 191-200% | \$67,480 | \$76,120 | \$84,760 | \$93,400 | \$102,040 | \$ 4.67 | \$ 1.66 | \$ 2.33 | \$ 0.83 |
| 201-210% | \$70,854 | \$79,926 | \$88,998 | \$98,070 | \$107,142 | \$ 5.23 | \$ 1.86 | \$ 2.61 | \$ 0.93 |
| 211-220% | \$74,228 | \$83,732 | \$93,236 | \$102,740 | \$112,244 | \$ 5.82 | \$ 2.07 | \$ 2.91 | \$ 1.04 |
| 221-230% | \$77,602 | \$87,538 | \$97,474 | \$107,410 | \$117,346 | \$ 6.44 | \$ 2.29 | \$ 3.22 | \$ 1.15 |
| 231-240% | \$80,976 | \$91,344 | \$101,712 | \$112,080 | \$121,292 | \$ 7.10 | \$ 2.53 | \$ 3.55 | \$ 1.26 |
| 241-250% | \$84,350 | \$95,150 | \$105,950 | \$116,750 | | \$ 7.78 | \$ 2.77 | \$ 3.89 | \$ 1.38 |
| 251-260% | \$87,724 | \$98,956 | \$110,188 | \$118,765 | | \$ 8.50 | \$ 3.02 | \$ 4.25 | \$ 1.51 |
| 261-270% | \$91,098 | \$102,762 | \$114,426 | | | \$ 9.25 | \$ 3.29 | \$ 4.62 | \$ 1.64 |
| 271-280% | \$94,472 | \$106,568 | \$116,238 | | | \$ 10.02 | \$ 3.57 | \$ 5.01 | \$ 1.78 |
| 281-290% | \$97,846 | \$110,374 | | | | \$ 10.83 | \$ 3.85 | \$ 5.42 | \$ 1.93 |
| 291-300% | \$101,220 | \$113,712 | | | | \$ 11.67 | \$ 4.15 | \$ 5.84 | \$ 2.08 |
| 301-350% | \$111,185 | | | | | \$ 14.16 | \$ 5.04 | \$ 7.08 | \$ 2.52 |

Section 299, DEFINITIONS, is amended as follows:

Section 299.1 is amended as follows:

The following definitions are amended to read as follows:

Child -- an individual who is less than thirteen (13) years of age, or under nineteen (19) years of age with special needs.

Temporary change -- A temporary change shall include any of the following:

- (a) Any time limited absence from work for employed parent or guardian due to reasons such as need to care for a family member or an illness;

- (b) Any interruption in work for a seasonal worker who is not working between regular industry work seasons;
- (c) Any student holiday or break for a parent or guardian participating in training or education;
- (d) Any reduction in work, training or education hours to less than twenty hours per week, as long as the parent or guardian is still working or attending training or education;
- (e) Any other cessation of work or attendance at a training or education program that does not exceed ninety (90) calendar days;
- (f) Any change in age, including turning thirteen (13) years old during the eligibility period; and
- (g) Any change in residency within the District of Columbia.

Vulnerable child - For the purposes of eligibility:

- (a) A child with documented special needs;
- (b) A child experiencing homelessness;
- (c) A child in foster care;
- (d) A child receiving or needing to receive protective services;
- (e) A child of a parent with disabilities, either medical, psychological or psychiatric in nature that prevents them from performing a substantial amount of work; or
- (f) A child of recipients of vocational rehabilitation services.

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: FY19 Subsidy Rates, 1050 First Street, N.E. Third 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 2018-086
October 26, 2018

SUBJECT: Delegation — Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the District-owned Real Property Located at 2 Patterson Street, N.E., and Known for Tax and Assessment Purposes as Lot 0245 in Square 0672.


ORIGINATING AGENCY: Office of the Mayor

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

1. The Deputy Mayor for Planning and Economic Development ("**Deputy Mayor**") is delegated the authority to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development, or use of the District-owned real property, located at 2 Patterson Street, N.E., and known for tax and assessment purposes as Lot 0245 in Square 0672 ("**Property**"), including, but not limited to, easements, license agreements, use agreements, deeds, lease agreements, right of entry agreements, covenants, and other associated documents, and to take all actions necessary or useful for or incidental to the solicitation, disposition, and development of the Property.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

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


MURIEL BOWSER
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-087
October 26, 2018

SUBJECT: Appointment — Citizen Review Panel for Child Abuse and Neglect


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with sections 351 and 352 of the Prevention of Child Abuse and Neglect Act of 1977, effective April 12, 2005, D.C. Law 15-341; D.C. Official Code §§ 4-1303.51 and 4-1303.52 (2012 Repl.), it is hereby **ORDERED** that:

1. **JUSTIN STEPHENS** is appointed as a member of the Citizen Review Panel for Child Abuse and Neglect ("**the Panel**"), replacing Ann Franke, for a term to end September 24, 2021.
2. **JUSTIN STEPHENS** is appointed as Chairperson of the Panel, serving at the pleasure of the Mayor.
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, November 7, 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, NOVEMBER 7, 2018
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

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

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00050; Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT
ANC 1C
Failed to Comply with Board Order No. 2017-439

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00049;
Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327
18th Street NW, License #44503, Retailer CT, ANC 1C
Failed to Comply with Board Order No. 2017-439

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00041, Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #44503, Retailer CT, ANC
1C
Failed to Comply with Board Order No. 2017-439

Show Cause Hearing (Status) **9:30 AM**
Case # 18-CMP-00051; Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #44503, Retailer CT, ANC
1C
Failed to Comply with Board Order No. 2017-439

Board’s Calendar
November 7, 2018

Show Cause Hearing (Status) 9:30 AM
Case # 18-251-00111; Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #44503, Retailer CT ANC 1C
Interfered with an Investigation, Failed to Comply with Board Order No. 2017-439

Show Cause Hearing (Status) 9:30 AM
Case # 18-251-00122; Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven & Hell, 2327 18th Street NW, License #44503, Retailer CT ANC 1C
Failed to Comply with Board Order No. 2017-439

Show Cause Hearing (Status) 9:30 AM
Case # 18-CMP-00131; The Juniper Group, LLC, t/a The Blaguard, 2003 18th Street NW, License #86012, Retailer CR, ANC 1C
Violation of Settlement Agreement

Show Cause Hearing (Status) 9:30 AM
Case # 18-CIT-00216 and 18-CIT-00216(A); T Jiya Sohal Corporation, t/a Sunset Wine & Spirit, 1627 1st Street NW, License #95926, Retailer A ANC 5E
No ABC Manager on Duty, Operating After Hours, Violation of Settlement Agreement

Show Cause Hearing* 11:00 AM
Case # 18-251-00067; Lemma Holdings, LLC, t/a Bliss, 2122 24th Place NE License #95711, Retailer CT, ANC 5C
Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Failed to Follow Security Plan, Interfered with an Investigation

Show Cause Hearing* 11:00 AM
Case # 18-251-00117; Wharf 5 Hotel East TRS Leaseholder, LLC, t/a Canopy Washington DC/The Wharf, 975 7th Street SW, License #106083, Retailer CH ANC 6D
Allowed Establishment to be Used for Unlawful or Disorderly Purposes, Violation of Settlement Agreement (Two Counts), Interfered with an Investigation, Failed to Preserve a Crime Scene

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

Board's Calendar
November 7, 2018

Show Cause Hearing* **1:30 PM**

Case # 18-CMP-00111; Vira 1, LLC, t/a RASA Indian Grill, 1247 First Street SE, License #106768, Retailer CR, ANC 6D

Substantial Change (Sidewalk Café) (Two Counts)

Show Cause Hearing* **2:30 PM**

Case # 18-251-00089; Decades, LLC, t/a Decades, 1219 Connecticut Ave NW License #103505, Retailer CN, ANC 2B

Allowed a Patron to Leave the Establishment with Alcohol in an Open Container

Show Cause Hearing* **3:30 PM**

Case # 18-CMP-00150; Connexion Group, LLC, t/a 1230 DC, 1230 9th Street NW, License #100537, Retailer CR, ANC 2F

Failed to Obtain a Summer Garden Endorsement, Cover Charge Endorsement, Operating After Board Approved Hours, Exceeded Capacity

Show Cause Hearing* **4:30 PM**

Case # 18-CMP-00117; 6220 Georgia, LLC, t/a Victor Liquors, 6220 Georgia Ave NW, License #88173, Retailer A, ANC 4A

Failed to Follow Security Plan

***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 PUBLIC HEARINGS
CALENDAR

THURSDAY, NOVEMBER 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,

Fact Finding Hearing* 10:00 AM
Derrick Hampton
Application for a Manager's License

Fact Finding Hearing* 10:30 AM
Soloman Enterprises, LLC, t/a Climax Restaurant & Hookah Bar, 900 Florida
Ave NW, License #88290, Retailer CT, ANC 1B
Request to Extend Safekeeping

Fact Finding Hearing* 11:00 AM
Seven Seas, Inc., t/a Seven Seas Restaurant, 5915 Georgia Ave NW, License
#654, Retailer CT, ANC 4B
Request to Extend Safekeeping

Fact Finding Hearing* 11:30 AM
VD3, LLC, t/a To Be Determined (Formerly-Brown Street Market), (No
Location), License #108288, Retailer A
Request to Extend Safekeeping

BOARD RECESS AT 12:00 PM

Fact Finding Hearing* 1:30 PM
Balducci's Holding, LLC, t/a To Be Determined, 3201 New Mexico Ave NW
License #88667, Retailer B, ANC 3D
Request to Extend Safekeeping

Fact Finding Hearing* 2:00 PM
Hopeful, Inc., t/a To Be Determined (Formerly Bobby Lew's Saloon), (No
Location), License #91955, Retailer CR

Board's Calendar
November 8, 2018

Request to Extend Safekeeping

Fact Finding Hearing*

2:30 PM

Fresh Direct, LLC, t/a Fresh Direct, (No Location), License #104699, Retailer A
Request to Extend Safekeeping

Fact Finding Hearing*

3:00 PM

Exotic Wine and Liquors, LLC, t/a Exotic Wine and Liquors, 1550 1st Street
SW, License #105806, Retailer A, ANC 6D
Request to Extend Safekeeping

Fact Finding Hearing*

3:30 PM

**Case # 18-251-00157; CUBA LIBRE DC, LLC, t/a Cuba Libre Restaurant &
Rum Bar, 801 9th Street NW, License #82457, Retailer CR, ANC 2C
Simple Assault**

Fact Finding Hearing*

4:00 PM

456, LLC, t/a To Be Determined, 1723 Columbia Road NW, License #98732
Retailer CT, ANC 1C
Request to Extend Safekeeping

***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 – CLASS B LICENSEES

WEDNESDAY, NOVEMBER 7, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

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

ABRA-098971 - **Kabal Beer & Wine Distribution Group** – Wholesaler – B – 4221
Connecticut Avenue NW
[Licensee did not pay 2nd year payment.]

ABRA-086305 – **1101 Convenience Mart** – Retail – B – 1101 H Street NE
[Licensee did not pay 2nd year payment.]

ABRA-023329 – **A-1 Grocery** – Retail – B – 615 Division Avenue NE
[Licensee did not pay 2nd year payment.]

ABRA-073973 – **North Sea Carry-out Restaurant** – Retail – B – 2479 18th Street NW
[Licensee did not pay 2nd year payment.]

ABRA-079164 – **L Street Market** – Retail – B – 1100 4th Street NE
[Licensee did not pay 2nd year payment.]

ABRA-105191 – **Menick's Market** – Retail – B – 4401 Nannie Helen Burroughs Avenue NE
[Licensee did not pay 2nd year payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA – CLASS C RETAIL LICENSEES

WEDNESDAY, NOVEMBER 7, 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-097074 – **Parlay** – Retail – C – Tavern – 1827 M Street NW
[Licensee did not pay 3rd year payment.]

ABRA-083264 – **Music & Arts Club/Tropicalia** – Retail – C – Nightclub – 2001 14th Street NW
[Licensee did not pay 3rd year payment.]

ABRA-087685 – **Tulip** – Retail – C – Tavern – 1207 19th Street NW
[Licensee did not pay 3rd year payment.]

ABRA-089981 – **Righteous Cheese** – Retail – C – Tavern – 1309 5th Street NE
[Licensee did not pay 3rd year payment.]

ABRA-094562 – **Stonefish Grill & Lounge** – Retail – C – Tavern – 1050 17th Street NW
[Licensee did not pay 3rd year payment.]

ABRA-096484 – **The Stanton** – Retail – C – Tavern – 319 Pennsylvania Avenue SE
[Licensee did not pay 3rd year payment.]

ABRA-098174 – **Quarter & Glory** – Retail – C – Tavern – 2017 14th Street NW
[Licensee did not pay 3rd year payment.]

ABRA-105750 – **Hill Country Summer Barbecue at the National Building Museum** – Retail – C – Tavern – 401 7th Street NW
[Licensee did not pay 2nd and 3rd year payments.]

ABRA-109855 – **Aslin Beer Garden** – Retail – C – Tavern – 1299 1st Street SE
[Licensee did not pay 3rd year payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY NOVEMBER 7, 2018 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Safekeeping – Original Request. ANC 6A. SMD 6A01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Atlas Arcade/Idle Hands*, 1236 H Street NE, Retailer CT, License No. 083822.

2. Review Request for Change of Hours. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday-Thursday 11am to 1am, Friday-Saturday 11am to 2am. *Approved Hours of Live Entertainment*: Sunday-Thursday 6pm to 1am, Friday-Saturday 6pm to 2am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption*: Sunday-Thursday 11am to 1am, Friday-Saturday 11am to 3am. *Proposed Hours of Live Entertainment*: Sunday-Thursday 6pm to 1am, Friday-Saturday 6pm to 3am. ANC 2F. SMD 2F06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *1230 DC*, 1230 9th Street NW, Retailer CR, License No. 100537.

3. Review letter from attorney Andrew Kline requesting to allow the licensee to apply for a substantial change to increase occupancy to 89 patrons. ANC 4A. SMD 4A02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. The Licensee has a Settlement Agreement. *Champion Kitchen*, 7730 Georgia Avenue NW, Retailer CR, License No. 103055.

***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.**

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Special Education Teacher**

AppleTree PCS is seeking a Special Education Teacher to service students with special needs in the early childhood school setting. Essential functions and requirements are outlined in the Scope of Work section of the Request for Proposal. AppleTree is offering a one-year agreement for services commencing November 22, 2018 to July 30, 2019. The deadline for responding to the RFP is November 16 at 4pm. Contact – Allison Trentman, Director of Student Support Services, 1801 Mississippi Ave., SE, Washington, DC 20020, (202) 526-1503, atrentman@appletreeinstitute.org.

DC INTERNATIONAL SCHOOL**REQUEST FOR PROPOSALS****Financial Advisory Services**

RFP for Financial Advisory Services: DCI invites written proposals from qualified firms interested in providing financial advisory services to DCI relative to the refinancing of approximately \$60MM in construction/mini permanent debt relative to our facility. Proposals are due no later than 12:00PM on Friday, November 16. Please contact rfp@dcinternationalschool.org for the complete RFP.

Student Local Trip Transportation

RFP for Student Local Trip Transportation: DCI is seeking competitive bids for local student trip transportation options. DCI is looking for a vendor who can provide bussing for student field trips and sports game transport. Please email your proposal and any questions to rfp@dcinternationalschool.org. Proposals must be received no later than the close of business Friday, November 16, 2018.

Substitute Teacher Providers

RFP for Substitute Teacher Providers: DCI is seeking competitive bids for on-call teacher substitute providers. DCI is looking for a vendor who can provide on call substitute teachers to fill as needed vacancies. Please email your proposal and any questions to rfp@dcinternationalschool.org. Proposals must be received no later than the close of business Friday, November 16, 2018.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN****680 Rhode Island Avenue, NE
Case No. VCP2018-055**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code § 8-636.01(b) (Supp. 2005) (Act)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Cleanup Action Plan requesting to perform a remediation action for certain real property addressed as 680 Rhode Island Avenue, NE, Washington, DC 20002, is Bryant Street Partners, LLC, c/o MRP Realty, 3050 K Street, NW, Washington, DC 20007. The application identifies the presence of petroleum related organics (TPH-DRO) and polycyclic aromatic hydrocarbons (PAHs) in the soil and groundwater. The applicant intends to redevelop the subject property into three buildings: one six-story apartment building with ground floor retail, one seven-story apartment building with ground-floor retail, and a three-story cinema and retail building.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5E) for the area in which the property is located. The application is available for public review at the following location:

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

Interested parties may also request a copy of the application for a small charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2289.

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

Please refer to Case No. VCP 2018-055 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**

**1100 Eastern Avenue, NE
Case No. VCP2018-060**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 1100 Eastern Avenue, NE, Washington, DC 20019, is 1100 Eastern LLC, 3232 Georgia Ave. NW, Suite 100, Washington DC 20010. The application identifies impacted soil and groundwater associated with petroleum and dry Chlorinated solvent. Though the redevelopment plan is not known at this time, applicant intends to perform remediation action.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-7C04) for the area in which the property is located. The application is available for public review at the following location:

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

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 481-3847. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

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

Please refer to Case No. VCP2018-060 in any correspondence related to this application.

**DEPARTMENT OF HEALTH CARE FINANCE
NOTICE OF PUBLIC MEETING**

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007 hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, December 6, 2018, at 2:30 PM** in the **Main Street Conference Room 1028 (10th Floor) at 441 Fourth Street NW, Washington, DC 20001**. Please note that a government issued ID is needed to access the building. Use the North lobby elevators to access the 10th floor.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

| | |
|--|---|
| Angiotensin Modulator Combinations | Hepatitis B Agents |
| Angiotensin Modulators | Hepatitis C Agents |
| Antianginal Agents (Ranexa) | HIV and AIDS Treatments |
| Antibiotics, Topical | Immunomodulators, Atopic Dermatitis |
| Anticoagulants | Immunomodulators, Topical |
| Antihypertensives, Sympatholytics | Lipotropics, Others |
| Antipsoriatics, Oral | Lipotropics, Statins |
| Antipsoriatics, Topical | Methotrexate |
| Antiviral Agents, Oral (HSV & Influenza) | Oncology Agents-Breast (<i>Tentative</i>) |
| Antiviral Agents, Topical | Oncology Agents-Hematology (<i>Tentative</i>) |
| Beta-Blockers | Platelet Aggregation Inhibitors |
| Calcium Channel Blockers | Rosacea Agents, Topical |

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45 PM on Wednesday, November 28, 2018**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax (charlene.fairfax@dc.gov). An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes.

A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than Wednesday, November 28, 2018. Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed to arrive **no later than Wednesday, November 28, 2018** to:

Department of Health Care Finance
Attention: Charlene Fairfax, RPh, CDE
441 4th Street NW, Suite 900 South
Washington, DC 20001

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

The Department of Health Care Finance (DHCF), in accordance with the requirements set forth in Section 988 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations, published January 1, 2016 (63 DCR 40), announces changes to the codes and rates for reimbursement of medical services and procedures billed by physicians and other health care providers that will go into effect January 1, 2019.

Each year, the national HCPCS code changes are released in early to mid-November, and Medicare publishes updated fee schedules in November and December for medical services billed by physicians and other health care providers, including but not limited to physician services, physician-administered drugs, laboratory services, anesthesia, and Durable Medical Equipment (DME). Under the District of Columbia's State Plan for Medical Assistance, these services, with the exception of physician-administered chemotherapy drugs, primary care services, and certain DME items, are reimbursed at eighty percent (80%) of the Medicare rate as established by the Centers for Medicare and Medicaid Services. Due to the timing of the publications of the HCPCS code changes and Medicare fee schedules, DHCF will not be able to provide a listing of the changes to the Medicaid fee schedule thirty (30) days in advance of the changes. However, DHCF will provide a comprehensive listing of all changes on the DC Medicaid website <http://www.dc-medicaid.com> and through a transmittal no later than February 28, 2019.

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

D.C. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

NOTICE OF CLOSED MEETING

Homeland Security Commission

November 5, 2018

1:00 p.m. to 4:00 p.m.

1350 Pennsylvania Avenue, NW

Washington D.C. 20004

Room 527

On November 5, 2018 at 1:00 p.m., the Homeland Security Commission (HSC) will hold a closed meeting pursuant to D.C. Code § 2-575(b), D.C. Code § 7-2271.04, and D.C. Code § 7-2271.05, for the purpose of discussing the annual report.

The meeting will be held at 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004 in room 527.

For additional information, please contact Sarah Case-Herron, Deputy, Office of Legal Affairs, by phone at 202-481-3107, or by email at sarah.case-herron@dc.gov.

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****General Contractor Services**

KIPP DC is soliciting proposals from qualified vendors for General Contractor Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on November 20, 2018. Questions can be addressed to lorraine.ramos@kippdc.org.

Diversity, Equity & Inclusion Consulting

KIPP DC is soliciting proposals from qualified vendors for Diversity, Equity & Inclusion (DEI) consulting. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 1:00 PM EST, on November 14, 2018. Questions can be addressed to stephanie.kapsis@kippdc.org.

PAUL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Paul Public Charter School seeks bids for the construction and installation of an exterior motorized gate system for our parking lot. Bids should include proposals for electrical needs as well as all materials. Information and appointments available upon request.

Bids are due Thursday, November 8th by 4:00pm to the following location:

Paul Public Charter School
ATTN: Shelby Legel
5800 8th St NW
Washington, DC 20011
slegel@paulcharter.org

PAUL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Paul Public Charter School seeks bids for busing services for the 2018-19 school year. Paul PCS is a middle and high school of approximately 730 students. Services would be needed for athletics and field trips on an as needed basis. Respondents to this request would be a preferred vendor, but not a sole supplier of services.

Bids are due Thursday, November 8th by 4:00pm to the following location:

Paul Public Charter School
ATTN: Shelby Legel
5800 8th St NW
Washington, DC 20011
slegel@paulcharter.org

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

REPLY COMMENT EXTENSION NOTICECAPITAL GRID PROJECTFORMAL CASE NO. 1144, IN THE MATTER OF THE POTOMAC ELECTRIC POWER COMPANY'S NOTICE TO CONSTRUCT TWO 230kV UNDERGROUND CIRCUITS FROM THE TAKOMA SUBSTATION TO THE REBUILT HARVARD SUBSTATION AND FROM THE REBUILT HARVARD SUBSTATION TO THE REBUILT CHAMPLAIN SUBSTATION (CAPITAL GRID PROJECT)

1. The Public Service Commission of the District of Columbia ("Commission") gives notice extending the time until November 20, 2018, to file reply comments on the Potomac Electric Power Company's ("Pepco" or "Company") comprehensive Capital Grid Application ("Capital Grid filing") filed on June 29, 2018.¹ Initial comments were due September 27, 2018, with reply comments due October 29, 2018.² The Commission received initial comments from several interested individuals and organizations. On October 16, 2018, the District of Columbia Government ("DCG") filed a Motion requesting that the deadline for reply comments on Pepco's Capital Grid filing be extended from October 29, 2018, to November 20, 2018.³

2. On October 24, 2018, by Order No. 19727, the Commission granted DCG's Motion and extended the time for reply comments. Therefore, interested persons are invited to provide reply comments by November 20, 2018. Reply comments may be filed with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at https://edocket.dcpssc.org/public/public_comments.

3. Copies of Pepco's Capital Grid filing may be obtained by visiting the Commission's website at www.dcpssc.org. Once at the website, open the "eDocket" tab, click on "Search database" and input "FC 1144" as the case number and "51" as the item number. Copies of Pepco's Capital Grid filing may also be purchased, at cost, by contacting the Commission Secretary at (202) 626-5150 or PSC-CommissionSecretary@dc.gov. Persons with questions concerning this Notice should call 202-626-5150.

¹ *Formal Case No. 1144, In the Matter of the Potomac Electric Power Company's Notice to Construct Two 230kv Underground Circuits from the Takoma Substation to the Rebuilt Harvard Substation and from the Rebuilt Harvard Substation to the Rebuilt Champlain Substation (Capital Grid Project)* ("Formal Case No. 1144"), Potomac Electric Power Company's Formal Notice of Construction of the Capital Grid Project, filed June 29, 2018. Pepco filed its Capital Grid filing pursuant to 15 DCMR § 2111.1 and in compliance with Commission Order No. 19274.

² 65 D.C. Reg. 007618-007621 (July 20, 2018).

³ *Formal Case No. 1144*, Uncontested Motion of the District of Columbia Government for an Enlargement of Time to File Reply Comments, filed October 16, 2018.

RICHARD WRIGHT PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Design Build Services**

Richard Wright Public Charter School is seeking qualified bidders for Design/Build Services. Proposals are due no later than November 16, 2018. For the full RFP, please email alisha.roberts@richardwrightpcs.org for the full RFP.

RICHARD WRIGHT PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Legal Services**

Richard Wright Public Charter School is seeking qualified legal services to gain site control over their proposed permanent location for SY 2019/20. Submissions are due no later than November 14, 2018 by 5pm ET. Please email alisha.roberts@richardwrightpcs.org for the full RFP.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

REGULAR MEETING OF THE BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETING

The regular meeting of the University of the District of Columbia Board of Trustees will be held on Wednesday, November 7, 2018 at 6:00 p.m. in the Board Room, Third Floor, Building 39 at the Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Below is the planned agenda for the meeting. The final agenda will be posted to the University of the District of Columbia's website at www.udc.edu. For additional information, please contact: Beverly Franklin, Executive Secretary at (202) 274-6258 or bfranklin@udc.edu.

Planned Agenda

- I. Call to Order and Roll Call
- II. Approval of the Minutes – September 26, 2018
- III. Action Items
- IV. Report of the Chairperson – Mr. Bell
- V. Report of the President – President Mason
- VI. Committee Reports
 - a. Executive – Mr. Bell
 - b. Committee of the Whole – Mr. Bell
 - c. Academic and Student Affairs – Dr. Tardd
 - i. Alumni Task Force – Mr. Shelton
 - ii. Communications Task Force – Ms. Nkamgna
 - d. Audit, Budget and Finance – Dr. Jarvis
 - e. Community College – Dr. Tardd
 - f. Operations – Mr. Shelton
 - g. Student Outcomes – Mr. Wyner
- VII. Unfinished Business
- VIII. New Business
- IX. Closing Remarks

Adjournment**Expected Meeting Closure**

In accordance with Section 2-575 (b) (2) (3) (4A) and (11) of the D. C. Code, the Board of Trustees hereby gives notice that it may conduct an executive session, for the purpose of discussing, establishing, or instructing the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of a contract, including an employment contract, if an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; discussing, establishing, or instructing the public body's staff or negotiating agents concerning the position to be taken in negotiating incentives relating to the location or expansion of industries or other businesses or business activities in the District; consulting with an attorney to obtain legal advice and to preserve the attorney-client privilege between an attorney and a public body, or to approve settlement agreements; provided, that, upon request, the public body may decide to waive the privilege; and discussing trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Governance Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, November 7, 2018 at 9:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

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

DRAFT AGENDA

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|--|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Emerging Issues | Committee Chairperson |
| 3. Agenda for Upcoming Committee Meeting | Committee Chairperson |
| 4. Executive Session | Committee Chairperson |
| 5. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, November 7, 2018 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

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

DRAFT AGENDA

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|----------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. Other Business | Committee Chairperson |
| 3. Executive Session | Committee Chairperson |
| 4. Adjournment | Committee Chairperson |

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

Order No. 18233-A of Protestant Episcopal Cathedral Foundation, on behalf of National Cathedral School for Girls (“NCS”), pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance to the conditions of BZA Order No. 18233, to permit an increase in the number of students and faculty at an existing private school in the R-1-B and RA-4 Zones at premises 3101 Wisconsin Avenue N.W. and 3609 Woodley Road N.W. (Squares 1944 and 1922, Lots 25 and 17).

The original application (No. 18233) was pursuant to the Zoning Regulations of 1958¹, pursuant to 11 DCMR § 3104.1, for a special exception under § 206 to allow an increase in the number of faculty and staff at an existing private school in the R-1-B and R-5-D Districts at 3600 and 3609 Woodley Road, N.W., (Square 1944, Lot 25 and Square 1922, Lot 17).

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| HEARING DATE (Case No. 18233): | July 19, 2011 |
| DECISION DATE (Case No. 18233): | July 19, 2011 |
| FINAL ORDER ISSUANCE DATE (Case No. 18233): | August 2, 2011 |
| MODIFICATION HEARING DATE: | October 17, 2018 |
| MODIFICATION DECISION DATE: | October 17, 2018 |

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF SIGNIFICANCE

BACKGROUND

On July 19, 2011, in Application No. 18233, the Board of Zoning Adjustment (“Board” or “BZA”) approved the self-certified request by the Protestant Episcopal Cathedral Foundation, on behalf of National Cathedral School for Girls (“NCS”) (the “Applicant”) for a special exception under § 206 of the 1958 Zoning Regulations to allow an increase in the number of faculty and staff at an existing private school in the R-1-B and R-5-D (now R-1-B and RA-4) Zones. The Board issued Order No. 18233 on August 2, 2011. The approval in Case No. 18233 was subject to nine conditions as follows:

1. NCS' student enrollment shall not exceed 585 students. NCS shall employ no more than 165 full-time equivalent faculty and staff.

¹ This and all other references to the relief granted in Order No. 18233 are to provisions that were in effect the date the Application was heard and decided by the Board of Zoning Adjustment (the “1958 Zoning Regulations”), but which were repealed as of September 6, 2016 and replaced by new text (the “2016 Regulations”). New zone names also went into effect on September 6, 2016. The zone names of the property were R-1-B and R-5-D at the time of the original approval and are now R-1-B and RA-4. The repeal of the 1958 Zoning Regulations has no effect on the validity of the Board’s original decision or the validity of Order No. 18233.

2. The Applicant shall maintain 176 parking spaces on the Cathedral Close or the Woodley North campus for use by NCS faculty, staff, students, and visitors.
3. NCS shall require faculty, staff, and students who drive to the school to park on the Close in off-street parking allocated to NCS.
4. NCS shall continue to participate in parking demand management activities sponsored by the Protestant Episcopal Cathedral Foundation ("PECF") to reduce parking demand generated by students, faculty and staff. These measures include: encouraging the use of public transportation; making available reduced fare Metro passes; offering credits for bicycle commuters; and other measures as may be provided by PECF from time to time such as remote parking and shuttle service between the Close and nearby Metrorail stations.
5. NCS shall continue to require faculty, staff, and students who drive to school to register their vehicles with the school and to display an identifying sticker on each vehicle so as to facilitate compliance with the parking policy. NCS shall require each parent to agree to the parking policy when that parent signs each year's enrollment contract, including a requirement that individuals who violate the parking policy will be subject to disciplinary action by the school.
6. Visitors who drive to school events and activities shall be directed to park on the Close in off-street parking allocated to the NCS to the extent parking is available. NCS shall inform all visitor schools in writing of the location of visitor parking.
7. NCS shall maintain a neighborhood liaison committee composed of NCS staff and neighbors for the purposes of coordinating and discussing traffic and parking issues, and for yearly reporting in December on the actual number of students and the number of faculty and staff employed by the school. NCS shall provide a contact telephone number and e-mail address for persons who wish to report any failure to comply with the conditions adopted in this Order.
8. NCS shall continue its current parking policy addendum established March 31, 2008, but shall have the flexibility to amend any provision after consideration of the proposed change by the liaison committee.
9. The Applicant shall have the flexibility to modify its parking policy and vary the location of parking spaces.

MOTION FOR MODIFICATION OF SIGNIFICANCE

On June 20, 2018, the Applicant submitted a request for a Modification of Significance to the relief previously approved by the Board in Order No. 18233. (Exhibits 1-13.) In the present case,

**BZA APPLICATION NO. 18233-A
PAGE NO. 2**

Case No. 18233-A, the Applicant is requesting to modify Condition No. 1 in Order No. 18233 so as to increase the number of students to 600 (now 585) and faculty to 175 (now 165) and to add a new Condition No. 10 to reflect parking management measures negotiated between the Applicant and the Advisory Neighborhood Commission (“ANC”). The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

The Merits of the Request for Modification of Significance

Pursuant to Subtitle Y § 704.1, any request for a modification that does not meet the criteria for a minor modification or modification of consequence² requires a public hearing and is a modification of significance. The Applicant’s request complies with 11 DCMR Subtitle Y § 704, which provides the Board’s procedures for considering requests for modifications of significance.

Pursuant to Subtitle Y § 704.6, a public hearing on a request for a modification of significance shall be focused on the relevant evidentiary issues requested for modification and any condition impacted by the requested modification. Pursuant to Subtitle Y § 704.7, the scope of a hearing conducted pursuant to Subtitle Y § 704.1 is limited to the impact of the modification on the subject of the original application, and does not permit the Board to revisit its original decision. Pursuant to Subtitle Y § 704.8, a decision on a request for modification of plans shall be made by the Board on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application. Finally, pursuant to Subtitle Y § 704.9, the filing of any modification request under this section does not act to toll the expiration of the underlying order and the grant of any such modification does not extend the validity of any such order.

Notice. Pursuant to Subtitle Y §§ 704.4 and 704.5, all requests for modifications of significance must be served by the moving party on all parties in the original proceeding at the same time that the request is filed with the Board. The Applicant served the Office of Planning (“OP”), the Department of Transportation (“DDOT”), the affected ANC, ANC 3C, and the affected Single Member District ANC Commissioners 3C08 and 3C09. (Exhibits 1 and 24.)

Also, pursuant to Subtitle Y § 400.4, the Office of Zoning provides notice upon its acceptance on behalf of the Board of an application requiring a public hearing to the applicant, the affected ANC, the affected Single Member District ANC Commissioner, OP, DDOT, and the Councilmember for the ward within which the property is located. Pursuant to Subtitle Y § 402.1, the Board also provides notice of the public hearing to the applicant, the affected ANC, the affected Single Member District ANC Commissioner, all owners of property within 200 feet of the subject property, any leaseholders on the subject property, OP and all other appropriate government agencies, and the Councilmember for the ward within which the property is located.

² See, Subtitle Y §§ 703.3 and 703.4.

Proper and timely notice of the application was provided to ANC 3C, the only other party to Application No. 18233, the ANC Commissioner for Single Member District 3C08 and 3C09, OP, DDOT, the Ward Councilmember for the Property, and the Council Chairman and the At Large Councilmembers. Also, notice of the public hearing was provided to the Applicant, ANC 3C, and all owners of property within 200 feet of the subject property, and the Ward Councilmember. (Exhibits 15-26.)

Reports. ANC 3C submitted a report dated September 19, 2018, in support of the application for a modification. The ANC report indicated that at a regularly scheduled, properly noticed public meeting on September 17, 2018, at which a quorum was present, the ANC voted unanimously to support the relief requested in this application. (Exhibit 36.)

OP submitted a report, dated October 5, 2018, recommending approval of the requested special exception for a Modification of Significance. In its report, OP noted all the prior Board approvals for NCS, including Order Nos. 8000 (1964), 14282 (1985), 15691 (1992), 16433 (1999), 17759 (2008), and 18233 (2011). (Exhibit 40.)

DDOT submitted a report, dated October 5, 2018, stating that it had no objection to the granting of the request. (Exhibit 42.)

Burden of Proof. As directed by 11 DCMR Subtitle X § 901.2 and Subtitle Y § 704, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a modification of significance. With its application, the Applicant submitted the required documents in conjunction with the application, including a statement demonstrating how the application meets the burden of proof for a Modification of Significance of Order No. 18233 to increase student enrollment from 585 to 600 and full-time equivalent (“FTE”) faculty and staff from 165 to 175 at NCS, an existing private school in the R-1-B and RA-4 zones at premises 3101 Wisconsin Avenue N.W. and 3609 Woodley Road N.W. (Squares 1944 and 1922, Lots 25 and 17). (Exhibits 1-13.)

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a special exception from 11 DCMR Subtitle C §§ 901.1 and 904.2, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 901.2, 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.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board also concludes that in seeking a modification of significance to Case No. 18233, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 704.

The only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant the request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be

in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of significance of the Board's approval in Application No. 18233-A is hereby **GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AS MODIFIED:**

1. NCS' student enrollment shall not exceed 600 students. NCS shall employ no more than 175 full-time equivalent faculty and staff.
2. The Applicant shall maintain 176 parking spaces on the Cathedral Close or the Woodley North campus for use by NCS faculty, staff, students, and visitors.
3. NCS shall require faculty, staff, and students who drive to the school to park on the Close in off-street parking allocated to NCS.
4. NCS shall continue to participate in parking demand management activities sponsored by the Protestant Episcopal Cathedral Foundation ("PECF") to reduce parking demand generated by students, faculty and staff. These measures include: encouraging the use of public transportation; making available reduced fare Metro passes; offering credits for bicycle commuters; and other measures as may be provided by PECF from time to time such as remote parking and shuttle service between the Close and nearby Metrorail stations.
5. NCS shall continue to require faculty, staff, and students who drive to school to register their vehicles with the school and to display an identifying sticker on each vehicle so as to facilitate compliance with the parking policy. NCS shall require each parent to agree to the parking policy when that parent signs each year's enrollment contract, including a requirement that individuals who violate the parking policy will be subject to disciplinary action by the school.
6. Visitors who drive to school events and activities shall be directed to park on the Close in off-street parking allocated to the NCS to the extent parking is available. NCS shall inform all visitor schools in writing of the location of visitor parking.
7. NCS shall maintain a neighborhood liaison committee composed of NCS staff and neighbors for the purposes of coordinating and discussing traffic and parking issues, and for yearly reporting in December on the actual number of students and the number of faculty and staff employed by the school. NCS shall provide a contact telephone number and e-mail address for persons who wish to report any failure to comply with the conditions adopted in this Order.
8. NCS shall continue its current parking policy addendum established March 31, 2008, but shall have the flexibility to amend any provision after consideration of the proposed change by the liaison committee.
9. The Applicant shall have the flexibility to modify its parking policy and vary the location of parking spaces.
10. In addition to participating in parking demand management activities sponsored by PECF, NCS shall provide the additional parking demand management strategies:

- a. Periodically monitor neighborhood streets that are proximate to NCS to identify student and employee vehicles that are parked on neighborhood streets and take appropriate disciplinary action in accordance with the school's parking policy; and
- b. Provide an online "carpool corner" that allows NCS families interested in carpooling to find others who live near them; and
- c. Locate bicycle racks on the first level of the National Cathedral Garage and in Curran Courtyard or an alternative convenient location on the Close.

In all other respects, Order No. 18233 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON JULY 19, 2011: 5-0-0

(Meridith H. Moldenhauer, Nicole C. Sorg, Lloyd J. Jordan, Jeffrey L. Hinkle and Michael G. Turnbull to APPROVE).

VOTE ON MODIFICATION OF SIGNIFICANCE ON OCTOBER 17, 2018: 5-0-0

(Frederick L. Hill, Anthony J. Hood, Lesylleé M. White, Lorna L. John, and Carlton E. Hart to APPROVE.)

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

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

FINAL DATE OF ORDER: October 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.

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

Order No. 18606-A of The Family Place, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to three of the conditions of BZA Order No. 18606, to permit a community service center in the R-5-B (now RA-2) District at premises 3309 16th Street N.W. (Square 2676, Lot 469).

The original application (No. 18606) was pursuant to 11 DCMR § 3104.1, for a special exception for a community service center under § 334, (last approved by BZA Order No. 17728) in the R-5-B District at premises 3309 16th Street, N.W. (Square 2676, Lot 469).¹

| | |
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| HEARING DATE (Case No. 18606): | September 17, 2013 |
| DECISION DATE (Case No. 18606): | September 17, 2013 |
| ORDER ISSUANCE DATE (18606): | September 25, 2013 |
| MODIFICATON DECISION DATE: | September 12 ² and October 17, 2018 |

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE

BACKGROUND

On September 17, 2013, in Application No. 18606, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by The Family Place (the “Applicant”) for a special exception for a community service center under § 334, (last approved by BZA Order No. 17728) in the R-5-B District at premises 3309 16th Street, N.W. (Square 2676, Lot 469). The approval was subject to 11 conditions. In the original case, the affected Advisory Neighborhood Commission (“ANC”), ANC 1A, submitted a report in support of the application. (Exhibit 24 in Case No. 18606.)

The Board issued Order No. 18606 on September 25, 2018. (Exhibit 4 in Case No. 18606-A.³)

MOTION FOR MODIFICATION OF CONSEQUENCE

¹ The 1958 Zoning Regulations were in effect when BZA Case No. 18606 was heard and decided by the Board. The 1958 Zoning Regulations were repealed and replaced in their entirety by the 2016 Zoning Regulations on September 6, 2016. Pursuant to Subtitle A § 102 of the 2016 Zoning Regulations, the use authorized by BZA Order No. 18606 is vested under the provisions of the 1958 Zoning Regulations. The zone districts were renamed in the 2016 Zoning Regulations. Thus, the R-5-B District is now the RA-2 District under the 2016 Regulations. This is reflected on the Zoning Map. This change in nomenclature has no effect on the vesting or validity of the original application.

² At the September 12, 2018 public meeting, the Board continued its decision to allow the full ANC to consider the modification.

³ The exhibits cited in this order from here on are to the record of Case No. 18606-A.

On June 19, 2018, the Applicant submitted a request to modify the approval of Application No. 18606, to change three of the 11 conditions in the order for that application. The Applicant submitted the request as a Modification of Consequence. (Exhibits 1-7.)

A “modification of consequence” means a proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board. (11-Y DCMR § 703.4.) This process does not require holding a public hearing. A decision on a request for a minor modification or a modification of consequence shall be made by the Board on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application. (11-Y DCMR § 703.12.) In its deliberations, the Board determined that the request should be classified as a modification of consequence, as it met the definition of Subtitle Y § 703.4.

In the original order dated September 25, 2013, the Board granted a special exception for a community service center use under § 334 in the R-5-B (now RA-2) District at premises 3309 16th Street, N.W. (Square 2676, Lot 469). The approval was subject to 11 conditions, including a term of eight years:

1. Approval shall be for a period of eight (8) years.
2. The hours of operation shall be from 9:00 AM to 7:30 PM, Monday through Friday, with occasional meetings on weekends or week nights.
3. The number of full time employees shall not exceed 13.
4. There shall not be more than 45 persons participating at the center at one time.
5. Two (2) parking spaces shall be provided on-site.
6. All loading and trash pick-up shall occur at the rear of the building from the public alley.
7. Trash shall be picked up from the center two (2) times a week. Bulk trash shall not be placed outside more than 24 hours prior to its scheduled removal.
8. Dusk-to-dawn lighting shall be maintained at the front and rear of the building.
9. Bilingual signage shall be maintained at the front door indicating the times that donations are accepted and that loitering is not permitted.
10. The Family Place shall hold meetings to discuss the center’s operations on a quarterly basis with the neighbors in the 3300 block of 16th Street, the Advisory Neighborhood Commission and the Single Member District Commissioner. The meetings shall be advertised through hand-delivered flyers and electronic media.

11. The applicant shall offer a commute incentive to employees/or transit use.

The Applicant proposes to increase its service offerings after receiving a dedicated source of funding; no structural changes to the three-story building are planned. The use was first authorized by the BZA in 1987 (Order No. 14327, seven conditions, including a maximum of 30 participants and eight staff, two-year term), and was renewed in 1991 (Order No. 15530, six conditions; 45 participants, 13 staff, 10-year term), in 2002 (Order No. 16910, eight conditions; 45 participants, 13 staff, five-year term), in 2008 (Order No. 17728, nine conditions; 45 participants, 13 staff, five-year term), and 2013 (Order No. 18606, 11 conditions; 45 participants, 13 staff, eight-year term).

The modifications would eliminate the term of approval (*i.e.* delete Condition No. 1) and change two other conditions (Nos. 2 and 4) to allow the community service center to remain open longer and to accept more participants. Specifically, Condition No. 2 would be altered to extend hours of operation by two hours: “The hours of operation shall be from 8:30 am – 9:00 pm, Monday through Friday, with occasional meetings on weekends or week nights” (currently 9:00 AM to 7:30 PM), and Condition No. 4 would allow an increase of 15 in the number of participants: “There shall not be more than 60 persons participating at the center at one time” (currently 45). The other conditions adopted in 18606 would remain in effect.

In the modification request, the Applicant stated that the modification was needed, given that the Applicant had received a dedicated funding stream from the District for its adult education programs which will allow the Applicant to expand its free services in order to further assist those community members who already rely on the community center and to reach new members of the community who would benefit from the Applicant’s programs. In order to capitalize on this new dedicated funding stream by expanding its services to the community, the Applicant proposes to extend its hours of operation and increase the number of on-site participants. Also, the Applicant proposes to remove any term of approval for the CSC. (Exhibit 3.)

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

Pursuant to Subtitle Y §§ 703.8-703.9, the request for a modification of consequence shall be served on all other parties to the original application and those parties are allowed to submit comments within ten days after the request has been filed with the Office of Zoning and served on all parties. The Applicant provided proper and timely notice of the request for modification of consequence to Advisory Neighborhood Commission (“ANC”) 1A, the only other party to Application No. 18606. ANC 1A submitted a report stating its support for the modification. The ANC’s report indicated that at a duly noticed, regular public meeting on October 10, 2018, at which a quorum was present, the ANC voted unanimously (8-0-0) to recommend approval of the modification. (Exhibit 11.)

The Applicant also served its request on OP. OP submitted a report dated August 30, 2018, recommending the Board approve the modification requested by the Applicant. (Exhibit 9.) DDOT submitted a report dated August 24, 2018, recommending no objection to approval of the application. (Exhibit 8.)

On October 17, 2018, the Board deliberated on and approved the modification request.

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a modification of consequence. Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking a modification of consequence to the approval in Case No. 18606, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

As noted, the only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant the request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application for modification of consequence of the Board's approval in Application No. 18606-A is hereby **GRANTED SUBJECT TO MODIFIED CONDITIONS, TO READ AS FOLLOWS:**

1. The hours of operation shall be from 8:30 AM to 9:00 PM, Monday through Friday, with occasional meetings on weekends or week nights.
2. The number of full time employees shall not exceed 13.
3. There shall not be more than 60 persons participating at the center at one time.
4. Two (2) parking spaces shall be provided on-site.
5. All loading and trash pick-up shall occur at the rear of the building from the public alley.
6. Trash shall be picked up from the center two (2) times a week. Bulk trash shall not be placed outside more than 24 hours prior to its scheduled removal.
7. Dusk-to-dawn lighting shall be maintained at the front and rear of the building.

8. Bilingual signage shall be maintained at the front door indicating the times that donations are accepted and that loitering is not permitted.
9. The Family Place shall hold meetings to discuss the center’s operations on a quarterly basis with the neighbors in the 3300 block of 16th Street, the Advisory Neighborhood Commission and the Single Member District Commissioner. The meetings shall be advertised through hand-delivered flyers and electronic media.
10. The applicant shall offer a commute incentive to employees/or transit use.

In all other respects, Order No. 18606 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON SEPTEMBER 17, 2013: 4-0-1

(Lloyd L. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE with one Board seat vacant.)

VOTE ON MODIFICATION OF CONSEQUENCE ON OCTOBER 17, 2018: 5-0-0

(Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Peter G. May (by absentee vote) to APPROVE.)

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

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

FINAL DATE OF ORDER: October 19, 2018

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

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

Application No. 19521-A of David Hunter Smith, pursuant to 11 DCMR Subtitle Y § 704, for a modification of significance to the relief approved by BZA Order No. 19521 to include a variance from the accessory building requirements of Subtitle D § 1209.4, to construct a second story accessory apartment above an existing garage in the R-20 Zone at premises 3520 S Street, N.W. (Square 1303, Lot 29).

HEARING DATE: July 25, 2018
DECISION DATE: July 25, 2018

DECISION AND ORDER

This self-certified application was submitted on May 1, 2018, by David Hunter Smith, the owner of the property that is the subject of the application (the “Applicant”). The application requested a modification of significance to the relief approved by BZA Order No. 19521 to include a variance from the accessory building requirements of Subtitle D § 1209.4, to construct a second story accessory apartment above an existing garage in the R-20 Zone at premises 3520 S Street, N.W. (Square 1303, Lot 29). Following a public hearing, the Board of Zoning Adjustment (“Board” or “BZA”) voted to grant the application.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated June 4, 2018, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 2 as well as the Chairman and the four at-large members of the D.C. Council; Advisory Neighborhood Commission 2E (the “ANC”), the ANC in which the subject property is located; and Single Member District/ANC 2E01. Pursuant to 11 DCMR Subtitle Y § 402.1, on June 4, 2018 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, the Councilmember for Ward 2, ANC 2E, and the owners of all property within 200 feet of the subject property. Notice was published in the *District of Columbia Register* on June 7, 2018 (65 DCR 23).

Party Status. The Applicant and ANC 2E were automatically parties in this proceeding. No additional requests for party status were filed.

Applicant’s Case. The Applicant provided evidence and testimony about the proposed two-story accessory building. The witnesses presenting testimony for the Applicant consisted of the Applicant and the Applicant’s architect, Catarina Ferreira, AIA, NCARB.

OP Report. By memorandum dated July 12, 2018, the Office of Planning recommended approval of the zoning relief requested by the Applicant. (Exhibit 46.) At the public hearing, OP also recommended approval of the zoning relief requested by the Applicant. (Hearing Transcript (“Tr.”) of July 25, 2018 at 90.)

ANC Report. By a report dated July 17, 2018, ANC 2E indicated that, at a properly noticed public meeting on July 2, 2018 with a quorum present, the ANC adopted a resolution in opposition to the application. The ANC also provided testimony at the public hearing.

In its resolution, ANC 2E expressed the views that the condition affecting the Applicant’s property is not unique because the R-20 Zone contains other alley-facing garages, that granting the variance would result in a substantial detriment to the public good by opening the door to second-story living units adjacent to alleys throughout the R-20 zone, and that the Burleith neighborhood, in which the Applicant’s property is located, faces impacts from the parking demands caused by area schools and hospitals. (Exhibit 50.)

At the hearing, ANC 2E was represented by Commissioner Rick Murphy.

Persons in support. The Board received letters from persons in support of the application. The persons in support generally cited the need for additional rental housing in the Burleith neighborhood, the desirability of having people living directly on alleys to increase the perception of safety of the alleys, and the lack of negative impact from the zoning relief sought.

Persons in opposition. The Board also received letters from persons in opposition to the application. In addition, the Board heard testimony from one person in opposition to the application. The persons in opposition expressed concerns about the quality-of-life impact that may occur as a result of increased density and the aesthetics of the proposed accessory building. Letters in opposition also expressed the view that the height of the proposed accessory building exceeds the maximum height allowed by the zoning regulations.

FINDINGS OF FACT

Subject Property

1. The subject property is located on the south side of S Street, N.W., in between 35th and 36th Streets, N.W. (Square 1303, Lot 29).
2. The subject property is located in the R-20 Zone. Though the R-20 Zone is a Georgetown Residential House Zone (see 11 DCMR Subtitle D § 1200), the subject property is not located within the Georgetown Historical District. Instead, it is located within the Burleith neighborhood, which is not subject to any official designation as historical.

3. The subject property is rectangular, with frontage on S Street and on the alley running between R and S Streets, N.W. The lot area is 2,281 square feet.
4. The subject property is improved with a two-story principal building and a one-story detached accessory building. The principal building is an attached building typical of the Burleith neighborhood and is the Applicant's primary residence. The accessory building was built as a garage but is not currently in usable condition; the accessory building is located on the rear of the lot, adjacent to the alley.
5. The immediately adjacent properties (Square 1303, Lots 28 and 30) are also rowhouses with detached accessory garages fronting on the alley. Lot 28 has a two-story detached accessory garage.

Procedural History

6. The Applicant had considered replacing the existing one-story garage with a one-story building containing an accessory apartment. As the Applicant testified, no one in his household owns a car and building a one-story accessory building containing an accessory apartment would have reduced design and construction costs.
7. On May 5, 2017, the Applicant applied for a special exception under the accessory apartment requirements of Subtitle U § 253.4, to construct an accessory apartment above an existing garage in the R-20 Zone at premises 3520 S Street, N.W (Square 1303, Lot 29).
8. The Application was granted through BZA Order No, 19521, which stated:

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 10.) 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.
9. The Applicant applied for a building permit on August 14, 2017. (Exhibit 12 at p. 2.) On September 25, 2017 DCRA completed its review of the zoning discipline, approving the project as having obtained all the zoning relief required. (Exhibit 12 at p. 2; Exhibit 61.)
10. Shortly thereafter, DCRA completed review of all outstanding disciplines aside from structural review. The structural reviewer had extensive comments, but the Applicant believed they were addressable and that a building permit would issue imminently. (Tr. at pp. 70-71.)

11. In reliance on DCRA zoning approval, the Applicant began to incur costs in anticipation of the permit approval and the beginning of construction. The Applicant had recently had a second child and had intended to complete the accessory apartment as soon as possible so that it could be used as a lodging for a nanny or other childcare worker. The costs that the Applicant incurred in reliance on DCRA's zoning approval include: (1) signing a contract with an over \$30,000 deposit with a general contractor; (2) ordering kitchen cabinets costing \$7,845.59 for the accessory apartment; and (3) signing a \$20,900.90 contract to install solar panels on the proposed accessory building and the existing principal dwelling. (Exhibit 12 at p. 5.) In addition, the Applicant obtained a raze permit for the existing garage and incurred further design costs as the Applicant responded to permit comments, including DCRA's request for soil testing as part of its structural review. (Tr. at pp. 70-71; Exhibit 12 at p. 5.)
12. On December 4, 2017, DCRA notified the Applicant that the permit was ready to be issued, upon payment of the applicable fees. The Applicant was ready to begin construction as soon as the permit was issued. (Tr. at p. 71.)
13. In the meantime, DCRA's Zoning Administrator, Matthew LeGrant, had requested a meeting with the Applicant's architect. The meeting was scheduled for December 4, 2017. Mr. LeGrant did not inform the Applicant or his architect of the subject of the meeting in advance. (Tr. at p. 71.)
14. At the meeting, Mr. LeGrant expressed concern that the project did not conform with the 15-foot limitation on the height of detached accessory buildings in the R-20 Zone provided for in Subtitle D § 1209.4. Mr. LeGrant stated there was tension between this height requirement and the requirement that an accessory apartment in the R-20 Zone "shall only be permitted on the second story of a detached accessory building." (Subtitle U § 253.9.) It is generally difficult to construct a two-story building that does not exceed 15 feet in height and Mr. LeGrant stated he was not sure of the proper zoning analysis, given the apparent tension between Subtitle D § 1209.4 and Subtitle U § 253.9. (Tr. at pp. 71-72.)
15. Mr. LeGrant requested that the Applicant submit a written explanation of his position as to whether Subtitle D § 1209.4's height limitation applied to the project. The Applicant submitted that explanation on December 11, 2017. (Tr. at p. 72.)
16. The Applicant did not receive a response from DCRA. On December 26, 2017, the Applicant sent an email to Mr. LeGrant asking if he had any objection to the Applicant picking up the permit from DCRA. The Applicant did not receive a response to that inquiry, so on January 3, 2018, the Applicant paid the permit fees and picked up the permit. (Tr. at p. 72.)
17. DCRA determined that the permit had not been properly issued. On January 9, 2018,

DCRA issued a “notice of cancellation of permit.” (Exhibit 8.) The notice stated that DCRA was cancelling the permit because “the Permit authorized the construction of an accessory building that exceeds the allowable height in violation of Section D-1209.4 of the Zoning Regulations.” (Exhibit 8.)

18. On January 17, 2018, the Applicant submitted revised plans to the Zoning Administrator that reflected a decreased building height. The Zoning Administrator replied on March 9, 2018, stating that the revised plans now complied with the 15-foot height limitation in Subtitle D § 1209.4. The Zoning Administrator, however, stated that further zoning relief is required because Subtitle D § 1209.4 also limits accessory buildings in the R-20 Zone to one story. (Exhibit 9, Tr. at p. 73.)
19. On May 1, 2018, the Applicant filed the present application for a modification of significance to add a variance from the one-story limitation in Subtitle D § 1209.4.

The proposed detached accessory building

20. The Applicant’s revised architectural plans and elevations (Exhibit 7) are unchanged from the plans submitted as part of Case No. 19521 (Case No. 19521, Exhibit 6), except that the proposed detached accessory building’s height has been reduced to comply with the 15-foot height restriction in Subtitle D § 1209.4.
21. The proposed detached accessory building would face the alley between S and R Streets, N.W. It would not be visible from either S or R Streets.
22. The proposed detached accessory is designed with a mansard roof that extends from the top of the structure to below the second story. The mansard roof obscures the existence of the second story from the exterior.
23. The proposed detached accessory building is the only economically feasible location on Applicant’s property to construct an accessory apartment. While accessory apartments are permitted in the principal building (Subtitle U § 253.4), such an accessory apartment would require the construction of a separate entrance at below ground level (see Subtitle U § 253.7(d)) and expensive underpinning. (Exhibit 12 at 6.)

Applicant’s good faith

24. The Applicant acted in a good faith belief that, as DCRA initially found, the only zoning relief required for the proposed project was the special exception under Subtitle U § 253.4. (Exhibit 12 at pp. 1, 3; Tr. at pp. 69-70.)
25. While the Applicant’s and DCRA’s initial reading of the Zoning Regulations of 2016 (“ZR 16”) as requiring only a special exception under Subtitle U § 253.4 for the proposed

project to proceed was mistaken, the mistake was reasonable. ZR 16 became effective on September 6, 2016 and therefore had been in place for only seven months when the Applicant filed for the special exception. As of the date of the instant application, no application or appeal that would have required the Board to address the interaction of Subtitle U § 253.9 and Subtitle D § 1209.4 has been filed. Furthermore, two-story accessory apartments are allowed in all R-zones except the R-20 zone and nothing on the face of the Zoning Code provision concerning accessory buildings in R Zones indicates that it does not apply in the R-20 Zone. See Subtitle D § 5002.1 (“The maximum height of an accessory building in an R zone shall be two (2) stories and twenty feet (20 ft.)”).¹ In addition, the lot immediately adjacent to the Applicant’s contains a two-story detached accessory building, making his belief that erecting a similar structure on his property reasonable. (Exhibits 37 & 51.)

Persons in support and in opposition

26. Several letters in support of the proposed project were submitted into the record. The letters in support primarily came from individuals living on the same block of S Street as the proposed project. (Exhibits 28 & 40, 37, 39, 47, 48, and 53.) A resident of R Street whose property is adjacent to the alley on which the proposed project would be constructed also submitted a letter in support. (Exhibit 45.)
27. Several letters in opposition were submitted into the record. No letters in opposition, however, were received from any property owners within 200 feet of the subject property, nor from any residents of S or R Streets. At the public hearing, Ms. Gail Juppenlatz testified in opposition to the proposed project, expressing concerns about increased density and the aesthetics of the proposed detached accessory building. Ms. Juppenlatz lives “a couple of blocks away” from the proposed building. (Tr. at p. 103.)
28. The immediately adjacent neighbor to the West (3522 S Street N.W.) submitted a letter in support of the project. (Exhibit 37.) The immediately adjacent neighbor to the East (3518 S Street, N.W.) did not submit a letter concerning the project.
29. On July 2, 2018, ANC 2E adopted the following resolution in opposition to the application:

¹ What is more, the fact that a variance - as opposed to a special exception - is required to construct a two-story accessory building in the R-20 Zone becomes apparent only after examining three different and distant provisions of the Code. See Subtitle D § 1209.4 (accessory building limited to one story in the R-20 Zone); Subtitle D § 1210.10 (special exceptions permitted to these development standards, except as limited by Subtitle D §§ 5201 and 5205); Subtitle D § 5201.6 (“This section shall not be used to permit the introduction or expansion of nonconforming height or number of stories as a special exception”). The Applicant was mistaken, but understandably so, to focus on Subtitle U § 253.9’s specific and clear requirement that accessory apartments be located in a two-story detached accessory building, and without noticing these three provisions of Subtitle D, which appear to prohibit two-story detached accessory buildings in the R-20 Zone.

WHEREAS, the condition affecting the applicant's property is not unique because there are numerous alley-facing garages already in existence throughout the R-20 zone, including accessory buildings with respect to which homeowners have sought zoning relief to permit the addition of a second story containing an accessory apartment,

WHEREAS, issuance of the variance requested by the applicant would result in a substantial detriment to the public good and the integrity of the R-20 zone plan because it would open the door to the construction of second story living units adjacent to alleys throughout the R-20 zone in derogation of the explicit and unambiguous prohibition on two story accessory buildings in the R-20 zone contained in the 2016 Zoning Regulations,

WHEREAS, Subtitle 253.8 (f) (1) of the 2016 Zoning Regulations states that “the accessory building shall be located such that it is not likely to become objectionable to neighboring properties because of noise, traffic parking, or other objectionable conditions,” and

WHEREAS, the Burleith Community is impacted by daytime and evening on-street parking from three schools, including the Duke Ellington School of the Arts, which includes a state of the art 800-seat auditorium, Hardy Middle School, the Washington International School, nearby Georgetown University, and MedStar Georgetown University Hospital.

THEREFORE, BE IT RESOLVED that ANC 2E opposes the issuance of a variance from the accessory building requirements to permit the construction of a two story accessory building at 3520 S Street NW.

(Exhibit 50.)

30. The Applicant submitted a rebuttal to the ANC’s report, in which, among other things, he contended that the ANC’s concerns about parking impacts are not germane to the zoning relief requested and that, in any event, a recent community survey found that only eight percent of respondents found it difficult to find parking near their homes. (Exhibit 51.) The survey was entered into the record by a member of the public. (Exhibit 40.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks a modification of a significance to the relief approved by BZA Order No. 19521. A public hearing on a modification of significance “shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.” (Subtitle Y § 704.7.) Accordingly, the subject of the public hearing - and of the Board’s decision - is limited to Applicant’s request for a variance from the one-story

limitation in Subtitle D § 1209.4. The Board will not revisit its decision to grant a special exception pursuant to Subtitle U § 253.

The Board is authorized under § 8 of the Zoning Act to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. (*See* 11 DCMR Subtitle X § 1000.1.)

Based on the findings of fact, the Board concludes that the Applicant has met the requirements for a variance from the accessory building requirements of Subtitle D § 1209.4.²

Extraordinary or exceptional situation. For purposes of variance relief, the “extraordinary or exceptional situation” need not inhere in the land itself. *Clerics of St. Viator, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 320 A.2d 291, 294 (D.C. 1974). Rather, the extraordinary or exceptional conditions that justify a finding of uniqueness can be caused by subsequent events extraneous to the land at issue, provided that the condition uniquely affects a single property. *Capitol Hill Restoration Society, Inc. v. District of Columbia Bd. of Zoning Adjustment*, 534 A.2d 939, 942 (D.C. 1987); *De Azcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233, 1237 (D.C. 1978) (the extraordinary or exceptional condition that is the basis for a variance need not be inherent in the land but can be caused by subsequent events extraneous to the land itself.... [The] term was designed to serve as an additional source of authority enabling the Board to temper the strict application of the zoning regulations in appropriate cases....); *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091, 1097 (D.C. 1979) (for purposes of approval of variance relief, “extraordinary circumstances” need not be limited to physical aspects of the land). The extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; the critical requirement is that the extraordinary condition must affect a single property. *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1082-1083 (D.C. 2016), citing *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1168 (D.C. 1990).

“Good faith detrimental reliance on zoning actions” can be “taken into account in the uniqueness facet of the variance test.” *Monaco*, 407 A.2d at 1098. For example, *De Azcarate* involved a “dispute [that] was due to the actions of the zoning officials which were later found to be in error.” 388 A.2d at 1238. Zoning officials had “implicitly found” that a proposed project

² The Applicant also requested that the Board approve the revisions to the drawings and elevations upon which the special exception was premised. That revision, as reflected in Exhibit 7, consists solely of decreasing the proposed accessory building’s height to 15 feet and may have been processed as a minor modification under Subtitle Y § 703.3. There was no objection to this revision and the Board approves it.

complied with the zoning code. *Id.* The property owners proceed “in good faith” on reliance on these approvals, only for the error to be detected later. *Id.* The Board found that these circumstances met the uniqueness test for a variance to allow the project to be completed, and the Court of Appeals affirmed. *Id.* In *Monaco*, the Board again found -- and the Court of Appeals affirmed -- that property owners had satisfied the uniqueness test through “the same type of good faith detrimental reliance on zoning actions” as in *De Azcarate*. *Monaco*, 407 A.2d at 1098; *see also Oakland Condo. v. D.C. Bd. of Zoning Adjustment*, 22 A.3d 748, 754 (D.C. 2011) (good faith reliance on issuance on “actions of city officials,” including issuance of building permit, satisfied first branch of variance test).

The Board finds that an exceptional situation exists as a result of the property’s unique zoning history. First, the Board has found (see findings of fact above) that the Applicant relied in good faith on the erroneous actions of DCRA in clearing the building permit for zoning.

Second, this case is unique because it is apparently the first involving these provisions: the Board is unaware of any case involving the interaction of Subtitle U § 253.9 and Subtitle D § 1209.4. The Applicant – and, in addition, DCRA - made a reasonable mistake in concluding that a special exception was sufficient zoning relief to construct the proposed project. DCRA is unlikely to repeat that mistake, in part because of the experience it has gained through this case. Future property owners will have the benefit of DCRA’s experience and this opinion when they analyze the zoning regulations to determine whether they can construct an accessory apartment in the R-20 zone.³ These considerations affect only a single property, which is the “critical requirement” in the first prong of the variance test. *Metropole Condominium Ass’n*, 141 A.3d at 1083.

Practical difficulties. An applicant for area variance relief is required to show that the strict application of the zoning regulations would result in “practical difficulties.” *French v. District of Columbia Bd. of Zoning Adjustment*, 658 A.2d 1023, 1035 (D.C. 1995), quoting *Roumel v. District of Columbia Bd. of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980). A showing of practical difficulty requires “[t]he applicant [to] demonstrate that ... compliance with the area restriction would be unnecessarily burdensome....” *Metropole Condominium Ass’n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1084 (D.C. 2016), quoting *Fleishman v. District of Columbia Bd. of Zoning Adjustment*, 27 A.3d 554, 561-62 (D.C. 2011). The Board “may ... consider a wide range of factors in determining whether there is an ‘unnecessary burden’ or ‘practical difficulty.’” *St. Mary’s Episcopal Church v. D.C. Zoning Comm’n*, 174 A.3d 260, 271 (D.C. 2017) (quoting *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1171 (D.C. 1990)). These factors include “[i]ncreased expense and inconvenience to applicants

³ The Applicant has argued that the mere fact a special exception was granted under Subtitle § U 253.4 also constitutes an exceptional condition concerning the property and that this reading is one way of reconciling the apparent tension between Subtitle § U 253.9 and Subtitle D § 1209.4. (Exhibit 51 at p. 2, Tr. at p. 108.) The Applicant has also argued that his need to provide housing for his sister-in-law, who has been diagnosed with cancer and has recently moved to the Burleith neighborhood constitutes a unique hardship. (Exhibit 51 at p. 2.) The Board does not reach these arguments.

for a variance,’ and ‘the severity of the variance(s) requested.’” *St. Mary’s Episcopal Church v. D.C. Zoning Comm’n*, 174 A.3d 260, 271 (D.C. 2017) (quoting *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1171 (D.C. 1990)).

The showing of “practical difficulties” required for an area variance is a “lower” standard than the undue hardships required for a use variance. *See, e.g., Fleischman v. D.C. Bd. of Zoning Adjustment*, 27 A.3d 554, 562 (D.C. 2011); *Palmer v. Bd. of Zoning Adjustment*, 287 A.2d 535, 541–42 (D.C.1972). In the context of the more demanding showing for use variances, “[g]ood faith, detrimental reliance on the zoning authorities informal assurances may be taken into account in assessing . . . undue hardship.” *Monaco v. D.C. Bd. of Zoning Adjustment*, 407 A.2d 1091, 1101 (D.C. 1979). It therefore stands to reason that such good faith detrimental reliance may be taken into account in assessing the less demanding practical difficulties test for an area variance as well.

The Board concludes that the strict application of the Zoning Regulations would result in practical difficulties for the Applicant. The Applicant has incurred expenses in reliance on the DCRA clearance of the building permit application for zoning, including (1) signing a contract with an over \$30,000 deposit with a general contractor; (2) ordering kitchen cabinets costing \$7,845.59 for the accessory apartment; and (3) signing a \$20,900.90 contract to install solar panels on the proposed accessory building and the existing principal dwelling.

These expenditures would have been for nothing if the Board were to deny the variance, because doing so would effectively prohibit the construction of an accessory apartment on the premises. The detached accessory building is the only economically feasible location for the accessory apartment on the Applicant’s property and Subtitle U § 253.9 requires accessory apartments to be located on the second story of such detached accessory buildings in the R-20 Zone. While it may theoretically have been possible to seek a special exception from Subtitle U § 253.9’s second-story requirement and to have constructed the accessory apartment on the first story of where the garage is now located, that would have eliminated the lot’s only parking space and may have necessitated further zoning relief and exacerbated the ANC’s concerns about the availability of parking in the neighborhood. Therefore, the Board concludes that the substantial expenditures made by the Applicant would have been for naught if this variance was denied, and this loss would be unnecessarily burdensome.

The Board will weigh these practical difficulties against “the severity of the variance(s) requested.” *St. Mary’s Episcopal Church v. D.C. Zoning Comm’n*, 174 A.3d 260, 271 (D.C. 2017) (quoting *Gilmartin v. D.C. Bd. of Zoning Adjustment*, 579 A.2d 1164, 1171 (D.C. 1990)); *Fleischman v. D.C. Bd. of Zoning Adjustment*, 27 A.3d 554, 562–63 (D.C. 2011). The zoning relief requested by Applicant is far from severe. Indeed, it pertains only to whether the interior of the proposed detached accessory building may be divided into two stories or one: the building otherwise complies with the “by right” height limitation set forth in Subtitle D § 1209.4. The accessory building will not be visible from S or R Streets. Further, the existence of a second story will be disguised, in part, by the use of a mansard roof. The R-20 Zone does allow

accessory apartments and, in fact, expresses a preference for such units to be constructed on the second story of the detached accessory building. (*See* Subtitle U § 253.9.) For all these reasons, it is hard to imagine a less “severe” form of variance than the one Applicant seeks here. The Board concludes that the practical difficulties that the Applicant would face from denial of the variance outweigh the severity of the variance sought.

No substantial detriment or impairment. The Board finds that approval of the requested variance relief would not result in substantial detriment to the public good or cause any impairment of the zone plan.

As discussed above, the variance sought is far from severe and pertains only to the number of stories in the interior of the detached accessory building. Thus, as the Office of Planning noted in its report, “the accessory structure would be no taller or larger than what is permitted, while still maintaining the first floor for automobile parking.” (Exhibit 46 at p. 3.) For that reason, as the Office of Planning concluded, the proposed accessory structure “would not increase the appearance of bulk.” (Exhibit 46 at p. 3.) Moreover, the use of a mansard roof helps disguise the existence of the second floor.

The very reason that the Applicant is seeking this relief from Subtitle D § 1209.4 is his attempt to comply with another provision of the Zoning Code, namely, Subtitle U § 253.9. In the past, this Board and the Court of Appeals have considered the fact that a “requested variance[] [was] born from [the Applicant’s] considerations of ‘the zone plan’” as a factor supporting the grant of the variance. *Fleischman v. D.C. Bd. of Zoning Adjustment*, 27 A.3d 554, 563 (D.C. 2011). The Board does so here as well. The Board also considers it a relevant factor that no immediately adjacent neighbors objected to the zoning relief sought.

Great weight

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2012 Repl.)) For the reasons discussed above, the Board concurs with OP’s recommendation that the application should be approved in this case.

The Board is also required to give “great weight” to the written issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.)) In this case ANC 2E, the affected ANC, submitted a resolution in opposition to the Applicant’s request for an area variance and a representative of the ANC also testified in opposition to the variance at the public hearing. The Board has considered the ANC’s concerns, and was not persuaded that they warrant disapproval of the zoning relief requested in this application.

The ANC expressed concern that granting the variance would “open the door” to the construction of second-story living units adjacent to alleys throughout the R-20 Zone. (Exhibit

50.) But for the reasons discussed above, the Board has considered whether the Applicant has satisfied the extraordinary or exceptional circumstances prong of the variance test and has concluded that he does. In other words, the Board has concluded that the Applicant's case is unique and will not result in the widespread granting of similar zoning relief throughout the R-20 Zone.⁴

The ANC's resolution also expressed concern about the parking impacts that the Burleith neighborhood faces from the presence of nearby schools and hospitals. Strictly speaking, however, parking impacts do not pertain to the zoning relief requested - i.e., whether the proposed detached accessory building may have one or two stories - and instead were properly addressed as part of the special exception proceeding. (*See* Subtitle Y § 704.7.) In any event, the Board is not persuaded that the parking impacts of allowing a second-story living unit are a reason to disapprove the project. The Board concurs with the District Department of Transportation's report in the special exception proceeding that there will be "no adverse impacts on the travel conditions of the District's transportation network" and that any increase in parking utilization from the addition of one dwelling unit would constitute at most a "minor potential impact." (Case No. 19521, Exhibit 48.)

Finally, the ANC has expressed the view that zoning relief should be denied because the prohibition on two-story accessory buildings is "explicit and unambiguous" and the Applicant faces hardship only as a result of his own mistake. (Exhibit 50; Tr. at p. 111.) For the reasons described and in the findings of facts, however, we find the Applicant's mistake to have been reasonable and thus should not bar him from relief. In any event, the ANC's argument may be understood as an invocation of the self-created hardship doctrine. While courts have held that "[a] self-inflicted hardship . . . will not support the grant of a *use variance*," *Salsbery v. District of Columbia Bd. of Zoning Adjustment*, 357 A.2d 402, 404 (D.C.1976) (emphasis added), Applicant is seeking an area variance and "the rule of self-created hardship does not apply to the grant of area variances...." *Washington Canoe Club v. D.C. Zoning Comm'n*, 889 A.2d 995, 1001 (D.C. 2005). *See, e.g., Ass'n for the Preservation of 1700 Block of N Street v. District of Columbia Bd. of Zoning Adjustment*, 384 A.2d 674 (D.C. 1978) (grant of a parking variance was upheld even though the property owner, a YMCA, had "full knowledge" of all problems with the shape of the land, zoning, and costs of putting in parking before buying the property; the YMCA had no feasible alternative method to provide both a pool and all required parking spaces, and its self-created hardship was not a factor to be considered in an application for an area variance, as that factor applies only to a use variance.); *Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1169 (D.C. 1990) (Prior knowledge or constructive knowledge or that the difficulty is self-imposed is not a bar to an area variance.); *A.L.W. v. District of*

⁴ The ANC's resolution also stated that the R-20 Zone contains other "accessory buildings with respect to which homeowners have sought zoning relief to permit the addition of a second story containing an accessory apartment." (Exhibit 50.) The ANC, however, did not identify any specific examples of such accessory buildings, much less cases concerning the interaction of Subtitle D § 1209.4 and Subtitle U § 253.9 under the ZR 16. As such, the ANC's resolution provides no reason to doubt the Board's finding that Applicant's case is unique in being the first to proceed under the new code.

Columbia Bd. of Zoning Adjustment, 338 A.2d 428, 431 (D.C. 1975) (prior knowledge of area restrictions or self-imposition of a practical difficulty did not bar the grant of an area variance). Furthermore, we have also concluded that unique hardships that Applicant faces are not solely of his own creation, but also arise from his “reliance on actions of the zoning authorities.” *Monaco v. D.C. Bd. of Zoning Adjustment*, 407 A.2d 1091, 1101 (D.C. 1979). In such circumstances, the self-created hardship rule is inapplicable. *See id.*

Conclusion

Good-faith reliance on erroneous actions of the DCRA will not always entitle a property owner to variance relief. Factors such as the reasonableness of the mistake, the degree of the hardship, and the severity of the variance relief requested are all relevant factors that, in addition to others will need to be considered in a future case. Here, for the reasons expressed above, the Board concludes that the Applicant has met his burden of proof.

Based on the findings and fact and the conclusions of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the modification of significance to the relief approved by BZA Order No. 19521 to include a variance from the accessory building requirements of Subtitle D § 1209.4, to construct a second story accessory apartment above an existing garage in the R-20 Zone at premises 3520 S Street N.W. (Square 1303, Lot 29). Accordingly, it is **ORDERED** that the application is **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7 – APPLICANT’S ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **4-1-0** (Frederick L. Hill, Robert E. Miller, Lesylleé M. White, and Lorna L. John to APPROVE; Carlton E. Hart opposed.)

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

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

FINAL DATE OF ORDER: October 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

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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. 19696 of 1001-1003 Rhode Island Avenue NE, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use restrictions of Subtitle U § 421.1, to construct a new 18-unit apartment house in the RA-1 Zone at premises 1001-1003 Rhode Island Avenue N.E. (Square 3870, Lots 47 and 46).¹

HEARING DATES: February 21, April 25, May 30, July 25, and October 17, 2018²
DECISION DATE: October 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 55C (Updated); Exhibit 6 (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") 5C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5C, which is automatically a party to this application. ANC 5C did not file a report to the record.

The Office of Planning ("OP") submitted a timely report recommending approval of the application, but requested that the Applicant revise its design to locate dumpsters outside of the building restriction line area and to reconcile inconsistencies in the elevation drawings and renderings. (Exhibit 57.) The Applicant addressed OP's concerns in its revised plans.

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application, but requested continued coordination on public space issues.

¹ The Applicant originally proposed to construct a 23-unit apartment house, (Exhibit 7.) but later revised the project and submitted updated plans reflecting an 18-unit apartment house. (Exhibit 59A.) The caption has been revised accordingly.

² The public hearing on this application was originally scheduled for February 21, 2018, but was postponed four times at the Applicant's request. The application was heard and decided on October 17, 2018.

(Exhibit 46.) Specifically, DDOT indicated that “all elements of the project proposed in public space, including the aforementioned fencing, paving, and trash containers, as well as the building’s steps, balconies, window wells, and required short-term bicycle parking rack, require the Applicant to pursue a public space permit through DDOT’s permitting process.” (Exhibit 46.) As noted above, the Applicant addressed certain elements in public space in its revised plans, but also acknowledged at the public hearing that it would pursue any required public space permits through the appropriate permitting process.

Raymond Chandler, a former ANC Commissioner for 5B03, submitted a letter in opposition to the project as originally proposed. (Exhibit 49.) After revisions to the Applicant’s proposal were made, a petition in support signed by 34 neighbors was submitted for the record. (Exhibit 55A.) On October 17, 2018, Wayne Van Buren testified in opposition to the application, and Patricia Gray provided testimony in support.

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 U § 421.1, to construct a new 18-unit apartment house in the RA-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 OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle U § 421.1, 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 § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law when granting an application with no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 59A, AND WITH THE FOLLOWING CONDITIONS:**

1. Construction shall be completed in conformance with the plans at Exhibit 59A, including, but not limited to, the following:
 - a. The use of brick on the main portion of the façade;
 - b. The use of a cornice at the top of the bays and the main parapet;

- c. The bays shall terminate at the roof level, with the parapet extending above them;
and
- d. The parking area shall be of a pervious surface.

2. The Applicant shall provide the maximum possible number of vehicular parking spaces on site, but no less than six spaces, subject to the approval of the Public Space Committee for the areas under their jurisdiction.

VOTE: **4-0-1** (Carlton E. Hart, Lorna L. John, Lesylleé M. White, and Anthony J. Hood 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: October 19, 2018

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

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

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART

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THERE TO, 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.

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

Application No. 19829 of RUPSHA 2011 LLC, pursuant to 11 DCMR Subtitle X, Chapter 10, for area variances from the lot dimension requirements of Subtitle D § 302.1 and the side yard requirements of Subtitle D § 307.1, to construct a new detached principal dwelling unit in the R-2 Zone at premises 4417 A Street S.E. (Square 5350, Lot 38).

HEARING DATE: October 24, 2018

DECISION DATE: October 24, 2018

SUMMARY ORDER

SELF-CERTIFIED

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 7E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application. The ANC did not submit a report or testify regarding the application. The Applicant testified about receiving a text communication from the Single Member District member that was supportive and that the ANC was planning to submit a letter later this week. However, once the case was decided, the record would be closed and an ANC letter could not be submitted to the record.

The Office of Planning ("OP") submitted a timely report recommending approval of the application. In its report, OP noted that lot dimension relief is not necessary for the development of an existing record lot. (Exhibit 31.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 32.)

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for area variances from the lot dimension requirements of Subtitle D § 302.1 and the side yard requirements of Subtitle D § 307.1, to construct a new detached principal dwelling unit 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 the 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 filed in this case, the Board concludes that in seeking an area variance from 11 DCMR Subtitle D §§ 302.1 and 307.1, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 28.**

VOTE: **3-0-2** (Carlton E. Hart, Lorna L. John, and Peter G. May to APPROVE; Frederick L. Hill and Lesylleé M. White, not present or 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: October 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.

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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. 19835 of Application of Maria Naranjo, as amended¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for special exception relief under the use provisions of Subtitle U § 251.1(b)(3) to expand an existing child development home, and under Subtitle U § 251.6(b) to waive the sign size requirement of Subtitle U § 251.4(b), for property in the R-3 Zone at premises 2909 North Capitol Street N.E. (Square 3500, Lot 37).

HEARING DATE: October 17, 2018
DECISION DATE: October 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5; Exhibit 36 (amended relief).) 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") 5E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 18, 2018, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 30.) The ANC expressed no issues or concerns regarding the application.

The Office of Planning ("OP") submitted a timely report recommending approval of the application, the waiver, and the conditions proposed by the Applicant. (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.)

¹ The Applicant amended the application by adding a request under Subtitle U § 251.6(b) to waive the sign size requirement under Subtitle U § 251.4(b) to allow an existing sign that is larger than what is permitted. (See Exhibit 36, p. 2.)

Three letters of support were submitted by clients of the facility. (Exhibits 28, 31 (duplicate), 32, and 33.) A letter of support was also filed by the Stronghold Civic Association (Exhibit 34.)

One person, testifying at the public hearing on behalf of the adjacent property owner at 2911 N. Capitol Street, N.E., expressed concerns that the use interferes with the resident's quiet use and enjoyment of his property. The Board noted the modest increase in the number of children at the home, and encouraged the Applicant to communicate with the adjacent neighbor to ameliorate any of his concerns.

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 exception relief under the use provisions of Subtitle U § 251.1(b)(3), and under Subtitle U § 251.6(b), a waiver from the sign size requirement of Subtitle U § 251.4(b), to expand an existing child development home in the R-3 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 U §§ 251.1(b)(3), 251.6(b), and 251.4(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 § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 11C - BURDEN OF PROOF: TAB C (ARCHITECTURAL PLANS) - AND WITH THE FOLLOWING CONDITIONS:**

1. Enrollment shall not exceed 12 children, age 15 years or less.
2. There shall be a maximum of five staff.
3. The days and hours of operation shall be Monday through Friday from 7:00 A.M. to 6:00 P.M.
 - a. Drop-off hours shall be between 7:00 a.m. to 9:00 a.m.
 - b. Pick-up hours shall be from 3:00 p.m. to 6:00 p.m.

4. One parking space shall be reserved on-site for use by staff.
5. Trash collection shall be scheduled at least once a week.

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

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

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

FINAL DATE OF ORDER: October 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 THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF

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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.

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

Application No. 19836 of Kevin Dwyer, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5007.1 and Subtitle E § 5201 from the alley centerline setback requirements of Subtitle E § 5000.3, to replace an existing one-story accessory garage structure with a new two-story accessory garage structure in the RF-1 Zone at premises 325 10th Street, N.E. (Square 963, Lot 53).

HEARING DATE: October 17, 2018

DECISION DATE: October 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.) 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 report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 13, 2018, at which a quorum was present, the ANC voted 7-0 to support the application. (Exhibit 16.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 33.)

Five neighbors signed a petition in support of the application. (Exhibit 10.) The Applicant also received letters in support from both the Historic Preservation Committee and the Zoning Committee of the Capitol Hill Restoration Society (Exhibits 11 and 36.) At the hearing, Doug Clapp presented testimony in opposition to the project.

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 §§ 5007.1 and 5201 from the alley centerline setback requirements of Subtitle E § 5000.3, to replace an existing one-story accessory garage

structure with a new two-story accessory garage structure 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 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 E §§ 5007.1, 5201, and 5000.3, 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 § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

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

1. The Applicant shall provide translucent or obscuring film on any windows facing the alley for the purpose of addressing potential privacy impacts.

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

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

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

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

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, 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. 19857 of Deon George, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the rear yard requirements of Subtitle F § 305.1, to construct a rear deck addition to an existing principal dwelling unit in the RA-1 Zone at premises 5036 Kimi Gray Court S.E. (Square 5318, Lot 233).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: October 17, 2018 (Expedited Review Calendar)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated August 3, 2018, from the Zoning Administrator, certifying the required relief. (Exhibit 4.)

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") 7E, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7E, which is automatically a party to this application. The ANC did not submit a report or testify regarding this application. The ANC commissioner representing Single Member District ("SMD"), ANC 7E04, in which the Applicant's property is located, filed a letter in support of the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a timely report, dated October 5, 2018, in support of the application. (Exhibit 34.) The District Department of Transportation ("DDOT") submitted a report, dated September 28, 2018, of no objection to the approval of the application. (Exhibit 32.)

Three letters of support from neighbors were submitted to the record. (Exhibits 13, 14, and 30.) The Applicant submitted an email of support to the record from the Board of Directors of the Glenncrest Residence Association. (Exhibit 31.)

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 F § 5201 from the rear yard requirements of Subtitle F § 305.1, to construct a rear deck addition to an existing principal dwelling unit in the RA-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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, and Subtitle F §§ 5201 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 8.**

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

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

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

FINAL DATE OF ORDER: (Let Esther insert date)

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. 19858 of Alexandra Lewin-Zwerdling and Alexander Zwerdling, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1, to construct a two-story rear addition to an existing principal dwelling unit in the R-1-B Zone at premises 3400 McKinley Street N.W. (Square 1996, Lot 13).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: October 17, 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.) 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") 3/4G, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3/4G, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on September 24, 2018, at which a quorum was in attendance, ANC 3/4G voted 7-0-0 to support the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a timely report, dated October 5, 2018, in support of the application. (Exhibit 37.) The District Department of Transportation ("DDOT") submitted a report, dated September 28, 2018, of no objection to the approval of the application. (Exhibit 36.)

Six letters of support from neighbors were submitted to the record. (Exhibits 12-17.)

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 D § 5201 from the rear yard requirements of Subtitle D § 306.1, to construct a two-story rear addition to an existing principal dwelling unit in the R-1-B 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, and Subtitle D §§ 5201 and 306.1, 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 § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

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

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

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

FINAL DATE OF ORDER: October 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

BZA APPLICATION NO. 19858

PAGE NO. 2

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

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

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

BOARD OF ZONING ADJUSTMENT FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC MEETINGS

DATES AND TIMES: Monday, November 26, 2018 at 3:00 p.m.
Monday, December 3, 2018 at 3:00 p.m.
Monday, December 10, 2018 at 3:00 p.m.
Monday, December 17, 2018 at 3:00 p.m.
Monday, January 7, 2019 at 3:00 p.m.
Monday, January 14, 2019 at 3:00 p.m.
Monday, January 28, 2019 at 3:00 p.m.

TELE-CONFERENCE NUMBER: (712) 770-4708
TELE-CONFERENCE ACCESS CODE: 344154

The Board of Zoning Adjustment (the “Board” or “BZA”) hereby provides notice to hold a public meeting via telephone conference on the dates and times listed above, for the purpose of considering whether to hold a closed meeting in order to seek legal advice from counsel on cases scheduled for hearing and decision on its upcoming agenda, as permitted by § 405(b)(4) of the Open Meetings Act (D.C. Official Code § 2-575(b)(4)) or in order to deliberate upon, but not vote upon, cases scheduled for hearing and decision on its upcoming agenda, as permitted by § 405(b)(13) of the Open Meetings Act (D.C. Official Code § 2-575(b)(13)).

Members of the public wishing to listen to the Board’s deliberation and decision as to whether to convene a closed meeting for these stated purposes may call (712) 770-4708 and enter access code 344154. No public testimony will be taken on the tele-conference. If the Board determines to hold a closed meeting, under the provisions of the Open Meetings Act cited above, the Board will close the public meeting and convene its closed meeting on a separate tele-conference line.

It is recommended that members of the public check the BZA hearing and meeting calendar at the Office of Zoning website to confirm that the date and time of the public meeting tele-conference have not been modified: <https://app.dcoz.dc.gov/Calendar/Calendar.aspx>

Do you need assistance to participate?

Amharic

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Chinese

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

French

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

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
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
ZONING COMMISSION ORDER NO. 17-14
Z.C. Case No. 17-14
UM 500 Penn Street NE, LLC & UDR, Inc.
(Consolidated Planned Unit Development and Related Zoning Map Amendment
@ Square 3594, Lot 5)
September 17, 2018

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on June 14, 2018 to consider an application of UM 500 Penn Street N.E., LLC and UDR, Inc. (together, the “Applicant”) for the review and approval of a consolidated planned unit development (“PUD”) and a related Zoning Map amendment (“Application”). The Commission considered the Application pursuant to Chapters 3 and 5 of the District of Columbia Zoning Regulations, Title 11-X of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11-Z DCMR Chapter 4. The Commission approves the Application, subject to the conditions below.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The property that is the subject of the Application is located in Square 3594, Lot 5, with an address of 500 Penn Street, N.E. (“Property”).
2. On June 22, 2017, the Applicant filed the Application. With the Application, the Applicant sought approval to develop a mixed-use 12-story building. (Exhibits [“Ex.”] 1, 1A-1E.)
3. On February 16, 2018, the Office of Planning (“OP”) filed a report recommending that the Application be set down for a public hearing. (Ex. 12.)
4. During its public meeting on February 26, 2018, the Commission voted to set down the Application for a public hearing. At the public meeting, the Commission requested that the Applicant provide the following: more refined and detailed drawings; additional perspective drawings; detailed signage plan; additional drawings of the penthouse and roof; information about the penthouse adjacent to the court on the east side of the building; a rendering of the alley; site plan showing access to parks and open space; include solar panels; information about the LEED-Gold version; information about coordination with DOEE for stormwater requirements, incorporating energy efficiency into building, and recycling initiatives; analysis of traffic and loading in the alley; elements of the transportation demand management plan that exceed mitigations; detailed streetscape plans; provision of more permanent of PDR uses; information about the continued use of the Property for PDR activities; more information about the Maurice Office; more information about future PUDs and PDR proffers; definition of PDR to include food hubs and incubators; more information about how the project will further the Ward 5 Works Study; more information about the public benefits and amenities; more information about potential rooftop community gardens; more information about the lot;

- more information about the design's compliance with deaf design principles; and clarification if residential units are rental or for sale. (2/26/18 Transcript ["Tr."] at pp. 29-35.)
5. On April 6, 2018, the Applicant filed its pre-hearing submission responding to the issues raised by the Commission at its public meeting and requested the scheduling of a public hearing. The Applicant updated its Application with a supplemental submission filed on May 25, 2018. (Ex. 14, 14A, 14B, 27, 27A, 27B, 27C.)
 6. Notice of the public hearing was mailed to Advisory Neighborhood Commission ("ANC") 5D and to owners of property within 200 feet of the Property on April 18, 2018 and was published in the *D.C. Register* on April 27, 2018. (Ex. 19.)
 7. The Commission held a public hearing on the Application on June 14, 2018. On behalf of the Applicant, the Commission accepted Eric Colbert as an expert in architecture and Jami Milanovich as an expert in traffic engineering. The Applicant provided testimony from these experts as well as from others.
 8. In addition to the Applicant, ANC 5D was automatically a party in this proceeding. There were no other parties in the proceeding.
 9. At the hearing, the Commission heard testimony from OP and the District Department of Transportation ("DDOT") regarding the Application.
 10. No persons or parties testified either in support of or opposition to the Application at the public hearing.
 11. At the close of the public hearing, the Commission requested that the Applicant provide more information about the following: architectural treatment of existing building façade as a continuation of new building; inclusionary zoning ("IZ") unit commitment derived from the penthouse; proposed IZ unit distribution; up-lighting on the penthouse; reconfiguring loading and parking access on ground floor; additional detail regarding the existing Maurice Electric sign; constructing a sidewalk adjacent to a nearby site (response to DDOT); increase the time commitment for PDR/Maker uses (response to OP); master utility plan for DC Water (response to OP); specify how funds to the Department of Parks and Recreation ("DPR") will be used; and allowing access to the alley through project site for the adjacent site to the east (response to DDOT).
 12. On June 21, 2018, the Applicant filed its post-hearing submission addressing the Commission's requests described above. (Ex. 35, 35A-35E.)
 13. On June 28, 2018, OP and DDOT filed responses to the Applicant's post-hearing submission. (Ex. 36, 37, 37A.)
 14. At its public meeting on July 9, 2018, the Commission took proposed action to approve the Application.

15. On July 31, 2018, the Applicant submitted its list of proffers and draft conditions pursuant to Subtitle X § 308.8, and on August 9, 2018, the Applicant submitted its final list of proffers and draft conditions pursuant to Subtitle X § 308.12. (Ex. 41, 42.)
16. The proposed action of the Commission was referred to the National Capital Planning Commission (“NCPC”) pursuant to § 492 of the Home Rule Act. NCPC’s Executive Director, by delegated action dated September 17, 2018, found that the proposed PUD would not be not inconsistent with the Comprehensive Plan for the National Capital, nor would it adversely affect any other identified federal interests.
17. The Commission took final action to approve the Application on September 17, 2018.

Overview of the Property

18. The Property is located at the northern end of the Union Market District in Ward 5. The Property is currently zoned PDR-1.
19. The Property contains a total of approximately 37,450 square feet of land area. The Property is irregular in shape. (Ex. 1, 1E.)
20. The Property is primarily bounded by an eight-story hotel to the north; Penn Street, N.E. to the south; the remaining portion of a two-story former showroom building (now used as offices, known as Maurice Office) to the east; a 20-foot-wide public alley to the west; and the intersection of Penn Street, N.E. and 4th Street, N.E. to the southwest. Another 11-story hotel with arts space is planned for the parcel immediately across the alley from the Property. A small commercial building located at the corner of 4th Street and New York Avenue is also located across the alley from the Property. New York Avenue, N.E., which is a gateway into the Union Market District, is located approximately 210 feet to the northwest of the Property. (Ex. 1, 1E.)
21. The mix of uses and buildings surrounding the Property is eclectic. To the east of Maurice Office are re-purposed warehouses containing a movie theater and a gelato factory and retail space. Directly south of the Property across Penn Street are a motel and a surface parking lot. The Union Market Historic District is located further south of those two uses. Further to the east are a National Park Service maintenance facility and Brentwood Park, and Gallaudet University is located beyond that. Across New York Avenue to the north and west, the neighborhood is largely industrial with train tracks occupying most of the land. (Ex. 1, 1E.)
22. To the south of the Property in the Union Market District, many high-density mixed-use residential and/or commercial projects are planned, approved as PUDs, or under construction. (Ex. 1, 1E.)
23. The immediate neighborhood includes a mixture of zones. Most properties immediately surrounding the Property are zoned PDR-1, but most of the new nearby projects in the

Union Market District have been rezoned to C-3-C (MU-9) as components of their PUD approvals. The National Park Service area and park to the east are zoned RF-1. (Ex. 1, 1E.)

24. The Property contains part of a one- and two-story brick building formerly used by the Maurice Electric Supply Company (“Maurice Electric”). The one-story portion of the building functioned as the warehouse for the Maurice Electric Supply Company and was constructed as a later addition to the two-story showroom building. Part of the showroom building is on the Property and part of it is on the adjacent property to the east. The warehouse portion of the building will be demolished for the proposed project. (Ex. 1, 1E.)

The Project

25. The proposed project will be a 12-story mixed-use building with residential use on the upper 11 stories, a habitable penthouse, retail/PDR/Maker uses at the ground floor, three levels of below-grade parking, and at-grade loading (“Project”). The Project will be achieved by rezoning the Property to MU-9, as requested in this Application. (Ex. 1, 27B, 35, 35A-E.)
26. The total gross floor area included in the Project will be approximately 314,724 square feet (equivalent to density of 8.4 floor area ratio [“FAR”]). The Project will have a maximum height of 130 feet and a maximum lot occupancy of approximately 73.9% for the residential portion of the Project. (Ex. 27B.)
27. At its ground floor, the Project will include approximately 22,714 square feet of retail/PDR/Maker space, a residential lobby, and back-of-house functions. The retail/PDR/Maker area will be comprised of two spaces separated by the residential lobby. Each retail/PDR/Maker space will have the ability to be further divided if warranted by particular tenants. The residential lobby will contain a front desk, package rooms, a mail room, and the elevator lobby. The trash room, loading area, and entrance to the parking area will all be located at the rear of the ground floor. The trash room and loading area will also be directly accessible from the retail/PDR/Maker spaces and the residential lobby. (Ex. 27B, 35E.)
28. The ground-floor retail/PDR/Maker space will contribute to the pedestrian-oriented street-activation throughout the Union Market District. At least five percent of the non-residential gross floor area of the ground floor will be reserved for “PDR/Maker” uses (defined below) for a term of five years. In addition, at least 50% of the ground floor shall be constructed to “PDR/Maker Specifications” (defined below). (Ex. 11A, 27B, 35E.)
29. Above the ground floor will be 11 stories of residential plus a habitable penthouse and roof deck. This residential portion of the building will be a “T” shape, in plan view, with large courts along both the east and west sides of the building to provide ample light and air to the residential units. These courts, which will be on the roof of the ground floor,

will be partially accessible as outdoor space from the second floor. Unit types will be studios, one-bedrooms, one-bedrooms plus den, two-bedrooms, and three-bedrooms. In total, the Project will contain 295-325 residential units. (Ex. 27B, 35B.)

30. The entrances to the loading area and the parking garage will be at the rear of the ground floor on the building's west side from the alley. Within the building, the parking entrance will be a ramp to the parking spaces below grade. The loading facilities will be adjacent to the parking entrance on the ground floor. The parking will be located in three below-grade levels to serve both the residential and retail/PDR/Maker uses. The residential spaces will be access controlled, but the non-residential spaces will be available to the public. The total number of parking spaces will be between 145-230. In addition, the first below-grade level will include secure bicycle storage rooms for at least 103 total long-term bicycle spaces. Included in this total is bicycle parking for the non-residential uses (employees). The bicycle storage rooms will be accessed via the parking ramp from the alley. (Ex. 27B, 35.)
31. The composition of the Penn Street façade will include two central projecting bays with a setback center portion that will punctuate the residential lobby below. These central glass bays will divide the façade into two segments. On the east side, the first and second floors will contain the existing façade from the Maurice Electric showroom, which will preserve and enhance the existing nearby Union Market District structures with new construction that captures the feeling of and complements the existing industrial fabric. The new structure above the Maurice Electric façade will be set back to enhance the presence of this existing industrial edifice. On the west side of the central bays will be a double height masonry façade element that will balance the old Maurice Electric façade on the east side and will have the appearance five retail/PDR/Maker bays to create better a pedestrian scale. The building's retail/PDR/Maker base will be primarily comprised of brick, steel and concrete, which will underscore the industrial/commercial feel of the Union Market District. The retail/PDR/Maker portion of the façades will include dramatic industrial canopies along with substantial green wall elements. Above the second floor, generous balconies for the residential units will provide depth to the façade and will capitalize on the excellent views to the south. (Ex. 1, 27B, 35A.)
32. The Project will incorporate a series of sustainable features that will reduce the impact of the redevelopment, including an extensive green roof. The Project will attain LEED-Gold certification under the v2009 standard and will include solar panels on the roof that will provide at least one percent of the energy for the residential portion of the Project. (Ex. 14, 27B, 42.)
33. As part of the Project, the Applicant will construct improvements in public space to promote pedestrian activity and enliven the streetscape. The public space improvements along the Project's frontage will conform to the Union Market Streetscape Guidelines. (Ex. 1, 27B.)

34. The Applicant will implement mitigation measures to offset the Project's impacts on the surrounding transportation network. These mitigation measures will include a comprehensive transportation demand management ("TDM") plan, a loading management plan, paying the cost of a new Capital Bikeshare station, signalization of the intersection of 4th and Penn Streets, wayfinding signage, pedestrian improvements at nearby intersections and on nearby streets, and others. (Ex. 22, 32.)

PUD Flexibility

35. The Applicant requested flexibility from the rear yard requirement in Subtitle G § 405.3. The Property is irregularly shaped and narrows to the rear. If a rear yard is provided, then this condition does not allow for a design that provides a significant amount of light and air to all units and to surrounding properties. As proposed, one bar of the Project will extend northeast to the rear property line. This allows for a "T"-shaped building layout that will allow for more light and air to both the Project and to the surrounding buildings from large open spaces. As designed, the building will have generous courts on both its east and west sides that allow for much more open space than if the building were designed to the side property lines with a rear yard. The resulting court on the east side of the building will be approximately 126 feet long and 32 feet wide, and the court on the west side will be approximately 126 feet long and 63 feet wide at its deepest point. In addition, the Project density and residential lot occupancy will be well below what is allowed and provide for the significant open space. Thus, the requested relief will not result in greater bulk or density but allows for a better design with more open space than a building with a conforming rear yard might otherwise have.
36. The Applicant also requested flexibility with respect to the design of the Project, which is described in the conditions of approval below.

Project Amenities and Public Benefits

37. With the Project, the Applicant will provide specific benefits and amenities commensurate with and proportional to the additional density and height gained through PUD and Zoning Map amendment.
38. As detailed in the Applicant's testimony and written submissions, the proposed Project will include the following project amenities and public benefits:
- a. Superior urban design and architecture, and landscaping, including use of high-quality materials, building articulation and modulation, preservation of the Maurice Electric showroom façade, green elements on the façade, and context-specific design features that will distinguish this building from typical residential development. The Project will deliver a signature mixed-use building with active ground-floor retail/PDR/Maker uses near the northwest entrance to the Union Market District;

- b. Site planning, and efficient land utilization, through the creation of a new mixed-use development on an underutilized site in a transit-oriented location specifically targeted for such uses. The Project will capitalize on its location near a Metrorail station, New York Avenue, and myriad (planned) services and retailers to provide a mix of residential and retail uses of appropriate higher levels of height and density that the District has identified as goals for this neighborhood. Thus, the Project will efficiently use the land in the Union Market District to provide an appropriate amount of residential and retail/PDR/Maker density that will support the continued growth of the neighborhood;
- c. Streetscape and public realm improvements along Penn Street in accordance with the approved standards in the Union Market Streetscape Guidelines;
- d. For the life of the Project, the Applicant will provide at least 15 three-bedroom units, and at least one of the three-bedroom units will be affordable;
- e. For the life of the Project, the Applicant will reserve 12% of the residential floor area (excluding the penthouse and core and common areas) for inclusionary zoning units. Seventy percent of the IZ floor area shall be reserved for households earning up to 60% of the median family income (“MFI”), and 30% of the IZ floor area shall be reserved for households earning up to 50% of the MFI. At least one of the IZ units shall be a three-bedroom unit;
- f. Environmental and sustainable features, including certification of the Project at the LEED-Gold level (v2009). Also, the Project will include environmentally-sustainable features such as a green roof, green walls, electric vehicle charging stations, and solar panels to provide at least one percent of the energy for the residential portion;
- g. The Applicant will contribute \$30,000 to Jubilee Jobs for the establishment of a jobs readiness program targeting ANC 5D residents. Ten thousand dollars of the contribution shall be for program administration and job readiness skills, \$10,000 shall be for scholarships targeted at ANC 5D residents for construction trades, and \$10,000 shall be for SmarTrip cards for program participants who are placed and maintain employment through Jubilee Jobs; and
- h. Uses of special value to the neighborhood, including the following:
 - i. “Life Quality Enhancement Fund” – The Applicant will contribute \$25,000 per year for three years to provide enhanced street cleaning and security for the Union Market District prior to the formation of a formal Business Improvement District;
 - ii. Art Display – For a period of 10 years, the Applicant will display art in an area of at least 80 square feet in the residential lobby. In selecting the art for this display, the Applicant shall give preference to local artists;

- iii. Contribution to DPR – Contribute \$10,000 to DPR for the purchase of new computers for the Trinidad Recreation Center computer lab; and
- iv. PDR/Maker Use Commitment – Commit at least five percent of the non-residential ground floor gross floor area to PDR/Maker uses (defined below) for five years from the initial certificate of occupancy for the ground-floor retail/PDR/Maker space, and at least 50% of the non-residential ground floor gross floor area will be built to PDR/Maker Specifications (defined below). In addition, the Applicant will preserve and commit 20,000 square feet in Maurice Office for PDR/Maker uses commencing on the effective date of this order and continuing until March 1, 2023.

Compliance with the Comprehensive Plan and Other Planning Guidance

39. The Project will be not inconsistent with the Comprehensive Plan (“Plan”), including the Future Land Use Map (“FLUM”), Generalized Policy Map (“GPM”), and multiple written policies as further described below.
40. The Property is located in the Mixed-Use High-Density Residential/High-Density Commercial/Production, Distribution, and Repair land use categories on the FLUM. As described in detail below in the Conclusions of Law, the MU-9 zone and the Project are not inconsistent with this FLUM designation.
41. The Property is located in the Multi-Neighborhood Center category on the GPM, which encourages the provision of new retail and service uses, and additional housing and job opportunities. The Construction of a new 12-story mixed-use building with multifamily residential use and ground-floor retail/PDR/Maker uses where there currently is no such use is consistent with this category on the GPM.
42. As found by OP, the Project will advance the following policies from the Land Use Element of the Plan:
 - a. **Policy LU-1.3.1: Station Areas as Neighborhood Centers** – Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area

Elements (and in some cases Small Area Plans) provide more detailed direction for each station area;

- b. **Policy LU-1.3.3: Housing Around Metrorail Stations** – Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations;
- c. **Policy LU-1.3.6: Parking Near Metro Stations** – Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all-day commuters;
- d. **Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods** – Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others;
- e. **Policy LU-2.1.4: Rehabilitation Before Demolition** – In redeveloping areas characterized by vacant, abandoned, and underutilized older buildings, generally encourage rehabilitation and adaptive reuse of existing buildings rather than demolition;
- f. **Policy LU-2.2.4: Neighborhood Beautification** – Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements;
- g. **Policy LU-2.2.7: Alley Closings** Discourage the conversion of alleys to private yards or developable land when the alleys are part of the historic fabric of the neighborhood and would otherwise continue to perform their intended functions, such as access to rear garages and service areas for trash collection;
- h. **Policy LU-2.4.1: Promotion of Commercial Centers** – Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents;

- i. **Policy LU-2.4.5: Encouraging Nodal Development** – Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them;
 - j. **Policy LU-2.4.10: Use of Public Space within Commercial Centers** – Carefully manage the use of sidewalks and other public spaces within commercial districts to avoid pedestrian obstructions and to provide an attractive and accessible environment for shoppers. Where feasible, the development of outdoor sidewalks cafes, flower stands, and similar uses which “animate” the street should be encouraged. Conversely, the enclosure of outdoor sidewalk space with permanent structures should generally be discouraged;
 - k. **Policy LU-3.1.4: Rezoning of Industrial Areas** – Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDR activities or is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations, sites within historic districts, and small sites in the midst of stable residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas; and
 - l. **Policy LU-3.1.5: Mitigating Industrial Land Use Impacts** – Mitigate the adverse impacts created by industrial uses through a variety of measures, including buffering, site planning and design, strict environmental controls, performance standards, and the use of a range of industrial zones that reflect the varying impacts of different kinds of industrial uses.
43. As found by OP, the Project will advance the following policies of the Transportation Element of the Plan:
- a. **Policy T-1-1.3: Context-Sensitive Transportation** – Design transportation infrastructure to support current land uses as well as land use goals for compact, accessible neighborhoods. Make the design and scale of transportation facilities compatible with planned land uses;
 - b. **Policy T-1.1.4: Transit-Oriented Development** – Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points;
 - c. **Policy T-2.3.3: Bicycle Safety** – Increase bicycle safety through traffic-calming measures, provision of public bicycle parking, enforcement of regulations

requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist;

- d. **Policy T-2.4.2: Pedestrian Safety** – Improve safety and security at key pedestrian nodes throughout the city. Use a variety of techniques to improve pedestrian safety, including textured or clearly marked and raised pedestrian crossings, pedestrian-actuated signal push buttons, and pedestrian count-down signals;
 - e. **Policy T-2.4.4: Sidewalk Obstructions** – Locate sidewalk cafes and other intrusions into the sidewalk so that they do not present impediments to safe and efficient pedestrian passage. Maintain sidewalk surfaces and elevations so that disabled or elderly pedestrians can safely use them;
 - f. **Policy T-2.6.1: Special Needs** – Address the transportation needs of all District residents, including those with special physical requirements and trip needs, such as access to medical centers or senior centers;
 - g. **Policy T-3.1.1: Transportation Demand Management (TDM) Programs** – Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system; and
 - h. **Policy T-3.2.1: Parking Duration in Commercial Areas** – Encourage the supply and management of public parking in commercial areas to afford priority to customers and others on business errands, and discourage the use of these spaces by all-day parkers, including establishment employees.
44. As found by OP, the Project will advance the following policies of the Housing Element of the Plan:
- a. **Policy H-1.1.1: Private Sector Support** – Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives;
 - b. **Policy H-1.1.4: Mixed Use Development** – Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations;
 - c. **Policy H-1.1.5: Housing Quality** – Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should

address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood;

- d. **Policy H-1.2.3: Mixed Housing** – Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing;
 - e. **Policy H-1.2.7: Density Bonuses for Affordable Housing** – Support the activities of the District’s Housing Finance Agency to finance new construction and rehabilitation of affordable rental and owner units, including vacant and abandoned units;
 - f. **Policy H-1.3.1: Housing for Families** – Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments; and
 - g. **Policy H-1.3.2: Tenure Diversity** – Encourage the production of both renter-occupied and owner-occupied housing.
45. As found by OP, the Project will advance the following policies of the Environmental Protection Element of the Plan:
- a. **Policy E-1.1.1: Street Tree Planting and Maintenance** – Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District’s neighborhoods;
 - b. **Policy E-1.1.2: Tree Requirements in New Development** – Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance;
 - c. **Policy E-1.1.3: Landscaping** – Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity;
 - d. **Policy E-2.1.1: Promoting Water Conservation** – Promote the efficient use of existing water supplies through a variety of water conservation measures, including the use of plumbing fixtures designed for water efficiency, drought-tolerant landscaping, and irrigation systems designed to conserve water;

- e. **Policy E-2.2.1: Energy Efficiency** – Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption by DC residents and employees;
- f. **Policy E-2.2.2: Energy Availability** – Improve energy availability and buffer District consumers from fluctuations in energy supply and prices. This should be achieved through the District’s energy purchasing policies, financial assistance programs for lower income customers, incentives for “green” power, and regulatory changes that ensure that local energy markets are operating efficiently;
- g. **Policy E-2.2.4: Alternative Energy Sources** – Support the development and application of renewable energy technologies such as active, passive, and photovoltaic solar energy, fuel cells, and other sustainable sources. Such technology should be used to reduce the dependence on imported energy, provide opportunities for economic and community development, and benefit environmental quality. A key goal is the continued availability and access to unobstructed, direct sunlight for distributed-energy generators and passive-solar homes relying on the sun as a primary energy source;
- h. **Policy E-2.2.5: Energy Efficient Building and Site Planning** – Include provisions for energy efficiency and for the use of alternative energy sources in the District’s planning, zoning, and building standards. The planning and design of new development should contribute to energy efficiency goals;
- i. **Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff** – Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces;
- j. **Policy E-3.1.3: Green Engineering** – Promote green engineering practices for water and wastewater systems. These practices include design techniques, operational methods, and technology to reduce environmental damage and the toxicity of waste generated;
- k. **Policy E-3.2.1: Support for Green Building** – Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities; and
- l. **Policy E-3.4.1: Mitigating Development Impacts** – Take measures to ensure that future development mitigates impacts on the natural environment and results in environmental improvements wherever feasible. Construction practices which result in unstable soil and hillside conditions or which degrade natural resources without mitigation shall be prohibited.

46. As found by OP, the Project will advance the following policies of the Economic Development Element of the Plan:
- a. **Policy ED-1.1.3: Diversification** – Diversify the District’s economy by targeting industries with the greatest potential for growth, particularly technology-based and creative industries, retail, international business, and the building trades;
 - b. **Policy ED-2.2.1: Expanding the Retail Sector** – Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas;
 - c. **Policy ED 2.2.3: Neighborhood Shopping** – Create additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences;
 - d. **Policy ED-2.2.4: Destination Retailing** – Continue to encourage “destination” retail districts that specialize in unique goods and services, such as furniture districts, arts districts, high-end specialty shopping districts, and wholesale markets. Support the creative efforts of local entrepreneurs who seek to enhance the District’s destination retailing base;
 - e. **Policy ED-2.2.7: Planning For Retail** – Coordinate neighborhood planning efforts with the District’s economic development planning and implementation programs in order to improve retail offerings in local commercial centers;
 - f. **Policy ED-3.1.1: Neighborhood Commercial Vitality** – Promote the vitality and diversity of Washington’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents;
 - g. **Policy ED-3.1.3: Commercial District Associations** – Encourage business improvement districts, merchant associations, Main Street organizations, and other commercial associations that enhance economic development and commercial revitalization efforts, particularly in underserved and/or rapidly gentrifying neighborhoods;
 - h. **Policy ED-4.2.1: Linking Residents to Jobs** – Promote measures which increase the number of District jobs held by District residents. According to the 2000 Census, 71 percent of the jobs in the city were held by non-residents, up from 67 percent in 1990. While recognizing that some imbalance is inevitable due to the relatively large number of jobs and small number of residents in the city, the

District should work to increase the percentage of resident workers through its job training and placement programs; and

- i. **Policy ED-4.2.6: Entry-Level Opportunities** – Support the creation of entry level career opportunities, particularly for lower income youth and adults, and persons with special needs. Recognize the need for complementary efforts to provide affordable child care options, transportation, counseling, and other supportive services.
47. As found by OP, the Project will advance the following policies of the Parks, Recreation, and Open Space Element of the Plan:
- a. **Policy PROS-1.2.2: Improving Access** – Improve access to the major park and open space areas within the city through pedestrian safety and street crossing improvements, bike lanes and storage areas, and adjustments to bus routes; and
 - b. **Policy PROS-4.3.3: Common Open Space in New Development** – Provide incentives for new and rehabilitated buildings to include “green roofs,” rain gardens, landscaped open areas, and other common open space areas that provide visual relief and aesthetic balance.
48. As found by OP, the Project will advance the following policies of the Urban Design Element of the Plan:
- a. **Policy UD-2.2.5: Creating Attractive Façades** – Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street;
 - b. **Policy UD-2.2.6: Maintaining Façade Lines** – Generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing façades of adjacent buildings. Avoid violating this pattern by placing new construction in front of the historic façade line, or by placing buildings at odd angles to the street, unless the streetscape is already characterized by such variations. Where existing façades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm;
 - c. **Policy UD-2.3.5: Incorporating Existing Assets in Large Site Design** – Incorporate existing assets such as historic buildings, significant natural landscapes, and panoramic vistas in the design of redeveloped large sites. For sites that were originally planned as integrated complexes of multiple buildings, historic groupings of structures should be conserved where possible;

- d. **Policy UD-3.1.1: Improving Streetscape Design** – Improve the appearance and identity of the District’s streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street “furniture”, and adjacent building façades;
- e. **Policy UD-3.1.2: Management of Sidewalk Space** – Preserve the characteristically wide sidewalks of Washington’s commercial districts. Sidewalk space should be managed in a way that promotes pedestrian safety, efficiency, comfort, and provides adequate space for tree boxes. Sidewalks should enhance the visual character of streets, with landscaping and buffer planting used to reduce the impacts of vehicle traffic;
- f. **Policy UD-3.1.4: Street Lighting** – Provide street lighting that improves public safety while also contributing to neighborhood character and image;
- g. **Policy UD-3.1.5: Streetscape and Mobility** – Ensure that the design of public space facilitates connections between different modes of travel, including walking, public transit, bicycling, and driving. Transit shelters, benches, bicycle parking, safe pedestrian connections, and clear way-finding signage should be provided to facilitate multi-modal travel;
- h. **Policy UD-3.1.6: Enhanced Streetwalls** – Promote a higher standard of storefront design and architectural detail along the District’s commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort;
- i. **Policy UD-3.1.7: Improving the Street Environment** – Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless façades and gaps in the street wall;
- j. **Policy UD-3.1.8: Neighborhood Public Space** – Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the “activation” of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas;
- k. **Policy UD-3.1.11: Private Sector Streetscape Improvements** – As appropriate and necessary, require streetscape improvements by the private sector in conjunction with development or renovation of adjacent properties; and
- l. **Policy UD-3.1.13: Signage** – Encourage high standards of signage throughout the District, particularly for signs that designate landmarks, historic districts, and other areas of civic importance.

49. As found by OP, the Project will advance the following policies of the Arts and Culture Element of the Plan:
- a. **Policy AC-2.2.1: Using Art to Create Identity** – Use art as a way to help neighborhoods express unique and diverse identities, promoting each community’s individual character and sense of place; and
 - b. **Policy AC-4.2.1: Private Sector Partnerships** – Develop partnerships with the private sector to encourage monetary and non-monetary support for the arts, as well as sponsorships of arts organizations and events.
50. As found by OP, the Project will advance the following policies of the Upper Northeast Area Element of the Plan:
- a. **Policy UNE-1.1.6: Neighborhood Shopping** – Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12th Street, N.E. in Brookland as a walkable neighborhood shopping street and encourage similar pedestrian-oriented retail development along Rhode Island Avenue, Bladensburg Road, South Dakota Avenue, West Virginia Avenue, Florida Avenue, and Benning Road. New pedestrian-oriented retail activity also should be encouraged around the area’s Metro stations;
 - b. **Policy UNE-1.1.8: Untapped Economic Development Potential** – Recognize the significant potential of the area’s commercially and industrially-zoned lands, particularly along the New York Avenue corridor, V Street, N.E., and Bladensburg Road, and around the Capital City Market, to generate jobs, provide new shopping opportunities, enhance existing businesses, create new business ownership opportunities, and promote the vitality and economic well-being of the Upper Northeast community. The uses, height, and bulk permitted under the existing M and CM-1 zones are expected to remain for the foreseeable future;
 - c. **Policy UNE-1.1.9: Production, Distribution, and Repair Uses** – Retain the existing concentration of production, distribution, and repair (PDR) uses in Upper Northeast, but encourage the upgrading of these uses through higher design standards, landscaping, and improved screening and buffering. Emphasize new uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas;
 - d. **Policy UNE-1.2.1: Streetscape Improvements** – Improve the visual quality of streets in Upper Northeast, especially along North Capitol Street, Rhode Island Avenue, Bladensburg Road, Eastern Avenue, Michigan Avenue, Maryland Avenue, Florida Avenue, and Benning Road. Landscaping, street tree planting, street lighting, and other improvements should make these streets more attractive community gateways;

- e. **Policy UNE-1.2.4: Linking Residents to Jobs** – Improve linkages between residents and jobs within Upper Northeast so that more of the area’s 40,000 working age adults fill the approximately 40,000 jobs located within the Planning Area. Achieve this linkage by developing additional vocational and trade schools within Upper Northeast, encouraging apprenticeships and internships, and creating new partnerships between the area’s major employers the District, the public and charter schools, local churches, and major institutions;
 - f. **Policy UNE-1.2.5: Increasing Economic Opportunity** – Create new opportunities for small, local, and minority businesses within the Planning Area, and additional community equity investment opportunities as development takes place along New York Avenue, Bladensburg Road, Benning Road, and around the Metro Stations; and
 - g. **Policy UNE-2.1.2: Capital City Market** – Redevelop the Capital City Market into a regional destination that may include residential, dining, entertainment, office, hotel, and wholesale food uses. The wholesale market and the adjacent DC Farmers Market are important but undervalued amenities that should be preserved, upgraded, and more effectively marketed.
51. As found by OP and described by the Applicant, the Project will be consistent with and will advance goals and polices from the Florida Avenue Market Small Area Plan (“FAMSAP”). The Project’s height will be consistent with the greater heights north of Penn Street identified in the FAMSAP. The Project will contribute to the goal of a mixed-use neighborhood that serves a variety of purposes, including the creation of a unique retail/PDR/Maker and residential neighborhood. The Project will advance the goal of expanding the number and variety of retail/PDR/Maker business, which are likely to be food or food-related. The design of the Project will complement the “new, modern-style” of buildings constructed or anticipated in the vicinity, but it will incorporate an element – preservation of an existing façade – that will tie it to the Market’s history. The LEED-Gold design will promote the goal of sustainability. Furthermore, the Project’s program and contemporary architecture with street-activating features, such as extensive ground floor glazing, will promote polices for high density development, appropriate urban design, and a vibrant public realm. The Project will promote the goals of neighborhood connectedness and creating a mix of uses in a neighborhood that is and will continue to grow as a hub of commerce and activity. Finally, the public realm adjacent to the Project will be improved consistent with the Union Market Streetscape Guidelines that will implement the guidance for Penn Street in the FAMSAP. (Ex. 1, 28.)
52. The Project will be consistent with and advance the goals of the *Ward 5 Works Industrial Land Transformation Study* (“Ward 5 Works Study”). The Project will further the Ward 5 Works Study by honoring the industrial character and heritage of the site, provide numerous new jobs in Ward 5 and the Union Market District and will specifically support a vibrant and diverse commercial market with particular attention and value placed on

PDR/Maker uses. In addition, the project will advance multiple specific goals and objectives in the Ward 5 Works Study as follows: creating “great spaces” within Ward 5 by improving the physical appearance and enhancing connectivity of the site; encouraging the Florida Avenue Market as a creative hub by providing retail and supporting PDR/Maker uses; providing community amenities; and by providing retail outlets in industrial areas. (Ex. 14, 28.)

Agency Reports

53. By report dated June 4, 2018, and by testimony at the public hearing, OP recommended approval of the consolidated PUD and related Zoning Map amendment with a request for additional information and conditions on five topics. OP requested floor plans for the ground-floor PDR/Maker space; a commitment from the Applicant for PDR/Maker space for the life of the Project or a significant period of time; the provision of a complete Master Utility Plan to DC Water; details about how the proffered \$10,000 to DPR will be used; and concurrence with DDOT’s conditions. OP made additional recommendations in its report. At the public hearing, the Applicant provided responses to OP’s requested information and OP’s recommendations regarding the following: PDR/Maker space floor plans; proposed sign placement area; certification of LEED-Gold under v4; time commitment for the PDR/Maker uses in Maurice Office; description of elements of the Project that are superior architecture and urban design; a commitment that the Jubilee Jobs program spend half of the funds ANC 5D residents that are returning citizens; providing PDR/Maker space at no cost to community groups when the space is vacant; a commitment to provide at least 17 three-bedroom units; offering the PDR/Maker space at below-market rents; and a larger contribution to the artist community. OP and the Commission found the Applicant’s responses to be acceptable. Also, after the hearing, the Applicant indicated that the \$10,000 proffer to DPR will be used for new computers at the Trinidad Recreation Center. Otherwise, the Applicant’s responses to OP’s requests are described in the “Contested Issues” section below. (Ex. 28, 35; 6/14/18 Tr. at 71-74.)
54. By its June 4, 2018 report and testimony at the public hearing, OP found the relief from the Zoning Regulations and design flexibility that the Applicant requested to be acceptable. Except for the PDR/Maker clarification described below in the “Contested Issues,” OP concluded that the consolidated PUD and Zoning Map amendment to the MU-9 zone would be not inconsistent with the Comprehensive Plan, including the FLUM and GPM, and would further the objectives of the Land Use, Transportation, Housing, Environmental Protection, Economic Development, Parks Recreation and Open Space, Urban Design, Infrastructure, Arts and Culture, and Upper Northeast elements. OP further found that the Project would advance policies in the Ward 5 Works Study and the FAMSAP. OP evaluated the Application under the standards set forth in Subtitle X, Chapter 3 of the Zoning Regulations and concluded that the Project satisfies the standards. OP found that the benefits and amenities proffered for the Project are commensurate with the amount of development and flexibility sought by the Project. (Ex. 28; 6/14/18 Tr. at 71-74.)

55. OP stated that it coordinated an interagency meeting with DC Water, the Department of Energy and the Environment ("DOEE"), Fire and EMS ("FEMS"), Department of Housing and Community Development ("DHCD"), DPR, and DDOT in attendance.¹ Each of these agencies provided comments to which the Applicant responded in a written submission. Except for the request from DC Water for the Mater Utility Plan, OP and the Commission found the Applicant's responses sufficient to address agency concerns and requests. (Ex. 28, 27A.)
56. By report dated June 4, 2018 and testimony at the public hearing, DDOT found that the conclusions and analysis in the Applicant's comprehensive transportation review ("CTR") were sound with respect to site design and travel assumptions and stated that it did not object to the Application, with conditions for additional mitigation. DDOT concluded that the Project will generate a disproportionately high number of vehicle trips that will lead to congestion due to the amount of parking in the Project. DDOT agreed with the Applicant's TDM plan and loading management plan but found that those plans would be insufficient to fully mitigate adverse traffic impacts. However, DDOT stated that, with the Applicant's adoption of DDOT's additional seven conditions, the Project's adverse traffic impacts would be fully mitigated. DDOT also recommended further coordination of the design for improvements in public space adjacent to the Project site, development of a curbside management plan, and location of electric vehicle charging stations. At the public hearing, the Applicant agreed to all of DDOT's conditions except constructing the missing sidewalk along the west side of 4th Street, to charge market rate for retail/PDR/Maker parking, and to provide access to the alley through the Property for future development on the site to the east. A discussion of the resolution of these issues is discussed below in the "Contested Issues" section. (Ex. 29; 6/14/18 Tr. At 15-20, 79-84.)

ANC 5D Report

57. By report dated May 17, 2018, ANC 5D indicated its enthusiastic support for the Application. In particular, the ANC stated its support for the Project's design, program, unit mix (including three-bedroom units), number of parking spaces, and ground floor uses. In addition, the ANC lauded the Project's proffered benefits and amenities, including the affordable units and the employment program, as particularly responsive to the community's needs. The ANC also noted the extensive community engagement by the Applicant and the improvement that the Project will bring to the Union Market District. (Ex. 26.)

Testimony in Support

58. Vasudav, Inc., the owner the adjacent property to the north of the Property, filed a letter in support of the Application. In particular, the letter stated that the adjacent property

¹ In addition to the attendees, OP invited the following agencies to attend the interagency meeting: Metropolitan Police Department, Department of Employment Services, D.C. Public Schools, Deputy Mayor for Planning and Economic Development, and the Mayor's Office.

owner, which is the most affected, is comfortable with the Applicant's request for flexibility from the rear yard requirement. (Ex. 33.)

Contested Issues

Maurice Electric Façade Treatment

59. The Commission requested that the Applicant study how to provide a treatment to the Maurice Electric façade/entrance to continue the building eastern edge line of new construction. The Applicant provided additional information about how the Project's design responds to the condition of continuing the line of the new construction to the façade of Maurice Electric. The Applicant described how the most elegant method to extend the eastern edge of the new building to the ground is to remove the existing white cinder block column on the Maurice Electric façade, and treat it similar to the metal panel edge of the new building. The Commission's response was that the Applicant's proposed design treatment was acceptable. (Ex. 35, 35A.)

IZ Unit Distribution Plan

60. The Commission requested that the proposed IZ unit distribution plan be more random and evenly distributed throughout the building. The Applicant responded by providing a revised draft IZ unit distribution plan that is more random and places IZ units in more areas of the building. The Commission's response was that this was acceptable. (Ex. 35, 35B.)

Up-Lighting on Penthouse

61. The Commission requested that the Applicant confirm that the penthouse not have any up-lighting. The Applicant confirmed that the penthouse would not have any up-lighting unless required by applicable building, fire, or life safety codes. The Commission's response was that this was acceptable. (Ex. 35.)

Loading and Parking Access on Ground Floor

62. The Commission requested that the Applicant study loading and parking access on the ground floor so that they are not both through the same entrance from the alley. The Applicant responded that it studied multiple parking ramp and access layouts to the building and that the solution proposed in the Project is the best. The Applicant explained that it had to contend with multiple constraints in designing the ground-floor parking and loading access, including the following: avoiding conflicts with the back-in loading movements for the building across the alley; maintaining adequate room for front-in and out loading movements; and limiting the number of egress points on the alley. The Applicant found that the proposed design of shared access is the most efficient at responding to these constraints to provide the greatest safety, avoid conflicts with loading movements at other buildings, avoid losing retail/PDR/Maker space on the

ground floor, and is consistent with other projects in the District. The Commission's response was that this was acceptable. (6/14/18 Tr. at 47-48; Ex. 35.)

Maurice Electric Sign

63. The Commission requested that the Applicant provide more information about the existing Maurice Electric sign. The Applicant responded that the sign would be retained in its existing location as part of the Project and included updated drawings illustrating its location. The Commission's response was that this was acceptable. (Ex. 35, 35C.)

Transportation Issues

64. DDOT requested that, as a mitigation condition, the Applicant construct the continuation of the sidewalk along the west side of 4th Street adjacent to the PNC Bank property. The Applicant responded that it will install multiple improvements to increase pedestrian safety along 4th Street and generally in the vicinity of the Project. It will install a high-visibility crosswalk running north to south across 4th Street at its intersection with New York Avenue. In addition, the Applicant will install a sidewalk commencing at the southeast corner of New York Avenue and 4th Street, and running southeasterly approximately 120 feet to the existing ramp at the southwest corner of 4th Street and Penn Street. The curb ramps at the southeast corner of 4th and Penn Streets shall be ADA-compliant in accordance with DDOT's recommendation. Further, the Applicant will install a pedestrian crosswalk running east to west across 4th Street and north to south across Penn Street, N.E. The Applicant will install ADA compliant curb ramps for the west leg of the intersection of 5th and Penn Streets, provided no relocation of utilities is required. Finally, the Applicant will design and install a traffic signal at the intersection of Penn Street and 4th Street. DDOT and the Applicant agreed that the ADA ramps at the southeast corner of 4th Street and Penn Street, and at the southwest corner of 5th Street and Penn Street, to be constructed by the Applicant shall be constructed in a manner which avoids any utilities or public infrastructure and is subject to existing site constraints, and as such, may not comply with all standard dimensions. DDOT responded that it found the Applicant's alternative proposal acceptable provided the installation of a sidewalk commencing at the southeast corner of New York Avenue and 4th Street, and running southeasterly approximately 120 feet to the existing ramp at the southwest corner of 4th Street and Penn Street was if it was built to DDOT standards, including six-foot-wide sidewalks and a four-foot tree box. The Applicant agreed to this stipulation. (Ex. 35, 35D, 36.)
65. DDOT requested that, as a mitigation condition, the Applicant confirm that retail/PDR/Maker parking in the Project should be priced at market rates. The Applicant responded that affordable parking is critical to the access of the retail/PDR/Maker in the Project and the Union Market District, especially given the Project's proximity to major arterial streets. DDOT responded that it continued to believe market rate pricing was an important mitigation. (Ex. 35.)

66. DDOT requested that, as a mitigation condition, the Applicant agree to provide access through the Property to the alley for the adjacent site to the east. In response, the Applicant agreed to provide a knock-out panel on the east side of the Project's parking/loading entrance area to accommodate potential future vehicular access to and from the alley for the parcel to the east. The Applicant stated that if such access is feasible with a future project on the adjacent site, then any easement related to such access will be reviewed and discussed at that time. DDOT's response was that the Applicant's proposal was sufficient. (Ex. 35.)
67. The Commission finds that the Project will not impose adverse or objectionable impacts on the surrounding transportation and pedestrian network. The Commission credits the findings of the Applicant's traffic expert that the Project will not create any adverse impacts when compared with future background conditions and when appropriately mitigated with the proposed transportation improvements. The Commission finds that the scope and methodology of the transportation study, including the identified impacted intersections, was adequate.
68. Based on the testimony from the Applicant's transportation expert and DDOT, the Commission finds that the Applicant's proposed mitigation measures, including the TDM plan, loading plan, and signalization of 4th and Penn Streets, and agreement to nearly all of DDOT's conditions, should sufficiently offset the adverse impacts of the Project and adequately address all of DDOT's concerns regarding the necessity of further mitigation.

Master Utility Plan

69. OP requested, on behalf of DC Water, that the Applicant provide a Master Utility Plan ("MUP") for the entire Union Market District. The Applicant responded that the MUP is developed in coordination with multiple property owners and all utilities, including DC Water. The Applicant also stated that the MUP is an area-wide plan that will support the needs of the entire Union Market District and not a specific individual project or PUD site; as such, significant coordination between the various owners, agencies, stakeholders, and utilities is required. The Applicant stated that no single developer or property owner has control over the MUP's development and progression, so it cannot be tied to one individual project. The Applicant confirmed that the MUP is at 30% design and has been provided to DC Water and that it will continue to work on developing the MUP with the other stakeholders. Further, the Applicant stated that even though the existing utilities have the capacity to service this Project, the Applicant will work with the utility providers to incorporate specific upgrades along the Project site's frontage based on age and condition of the existing infrastructure, and to align with the upgrades recommended in the MUP. OP responded that it had contacted DC Water for comments in response to the Applicant's assertions regarding the MUP, but that DC Water did not respond, and that it encourages the Applicant to continue to work with DC Water to provide the requisite information. Accordingly, the Commission finds that the Applicant has adequately addressed its own, current obligations with respect to the MUP. The

Commission encourages the Applicant to continue to work with DC Water to provide the requisite information. (Ex. 35.)

PDR/Maker Use Commitment

70. OP requested that the Applicant provide a more significant commitment for PDR/Maker uses in the Project and stated that without it, the Project would be inconsistent with the FLUM. Both in written submissions and with testimony at the public hearing, the Applicant responded that it is unable to increase its commitment but that the Project's commitments with respect to PDR/Maker uses are not inconsistent with the FLUM, satisfy the goals of street activation, and are necessary for the success of the ground floor uses. In particular, the Applicant stated that, in accordance with the Framework Element of the Plan, the mix of uses on the FLUM are "encouraged" and "desired," so the Applicant's proffers of PDR/Maker use for five years and the build-out of at least 50% of the retail/PDR/Maker space to PDR/Maker Specifications satisfies that goal. Also, the Applicant stated, that under the terms of the Framework Element of the Plan, the FLUM is not parcel-specific and does not require designated uses on every site. Further, the Applicant described its long history in the Union Market District and its success in assisting and delivering a significant amount of PDR/Maker uses, and it described the market challenges risk to the Union Market District's success that would accompany mandating too much PDR/Maker use in the area. OP responded that it met with the Applicant, and the Applicant made certain commitments with respect to the PDR uses and maker spaces, namely, that it would commit at least five percent of the non-residential ground-floor gross floor area to PDR/Maker uses (defined below) for five years from the initial certificate of occupancy for the ground-floor retail/PDR/Maker space, and at least 50% of the non-residential ground floor gross floor area will be built to PDR/Maker Specifications (defined below). In addition, the Applicant will preserve and commit 20,000 square feet in Maurice Office for PDR/Maker uses for five years, beginning on March 1, 2018. OP stated that it supported the commitments. Accordingly, the Commission finds this acceptable. As described below in the Conclusions of Law, the Commission finds that the Project, and the PDR/Maker proffer in particular, are not inconsistent with the FLUM or the Comprehensive Plan. (Ex. 35E.)

CONCLUSIONS OF LAW

1. The Applicant requested approval, pursuant to Subtitle X, Chapter 3; Subtitle X, Chapter 5; and Subtitle Z, Chapter 3, of a consolidated PUD and related Zoning Map amendment. The Commission is authorized under the Zoning Act to approve a planned unit development and Zoning Map amendment consistent with the requirements set forth in Subtitle X §§ 304 & 500 of the Zoning Regulations.
2. The proposed PUD meets the minimum area requirements of Subtitle X § 301.1 of the Zoning Regulations.
3. Proper notice of the proposed PUD and Zoning Map amendment was provided in accordance with the requirements in Subtitle Z § 402 of the Zoning Regulations.

4. Based on the above Findings of Fact, the Commission concludes that the Applicant has satisfied the burden of proof for approval of the consolidated PUD under the PUD evaluation standards in Subtitle X § 304 of the Zoning Regulations. Approval of this Project will provide a high-quality development that provides specific public benefits and project amenities, does not result in unacceptable impacts that are capable of being mitigated and are acceptable given the quality of public benefits, and is not inconsistent with the Comprehensive Plan.
5. The Applicant has proposed a consolidated PUD and Zoning Map amendment that will rezone the Property to the MU-9 zone and increase the total density in the PUD by an additional approximately 4.9 FAR over the matter-of-right limit. In evaluating a PUD application, the Commission must “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects.” The Commission finds that additional development incentives, flexibility, and related rezoning are appropriate and fully justified by the public benefits and project amenities proffered by the Applicant. In particular, the Commission credits the report of ANC 5D, which acknowledged the strength of the benefits and amenities provided by the Project.
6. In approving the PUD, the Commission may grant flexibility from the matter-of-right development standards pursuant to Subtitle X § 303.11 of the Zoning Regulations. Accordingly, the Commission concludes that the requested flexibility from the rear yard requirements can be granted without detriment to surrounding properties and without detriment to the Zone Plan or Map.
7. The development of this PUD will carry out the purposes stated in Subtitle X § 300 of the Zoning Regulations to encourage higher quality developments that will result in a project “superior to what would result from the matter-of-right standards,” offering “a commendable number or quality of public benefits” and by protecting and advancing “the public health, safety, welfare, and convenience.” The character, scale, mix of uses, and design of the proposed PUD will satisfy these purposes, and the proposed development is compatible with the citywide and area plans of the District of Columbia.
8. The Commission concludes that the Project will provide specific project benefits and public amenities that will benefit the surrounding neighborhood and the public in general to a significantly greater extent than a matter-of-right development on the Property would provide. The Commission finds that the urban design and architecture; three-bedroom units; significant affordable housing, site planning and economical land utilization; employment and training opportunities; environmentally sustainable elements; streetscape and public realm improvements; and uses of special value to the neighborhood, such as a contribution to DPR, all are significant public benefits that will be provided to a considerably greater extent than a matter-of-right development would.
9. The Commission finds that the Project will not result in unacceptable impacts on the surrounding area or on the operation of city services and facilities as follows:

- a. For the reasons detailed in this Order, the Commission credits the testimony of the Applicant's transportation expert and DDOT and finds that the traffic, parking, pedestrian, and other transportation impacts of the Project on the surrounding area are capable of being mitigated through the measures proposed by the Applicant as well as those proposed by DDOT and accepted by the Applicant; and the impacts are acceptable given the quality of the public benefits of the PUD. The Commission credits the findings of the Applicant's transportation expert that the Applicant's proposed and enhanced TDM plan, loading management plan, intersection signalization, roadway improvements, wayfinding signage, and pedestrian infrastructure improvements will mitigate vehicular and pedestrian impacts from the Project. The Commission was not persuaded by DDOT that the market-rate pricing of retail/PDR/Maker parking would have a material mitigating effect beyond what the Applicant proposed and agreed to; and
 - b. For the reasons described in this Order, the Commission credits the Applicant's testimony and finds that the public utility infrastructure impacts from the Project will be sufficiently addressed with the development of the MUP. The Commission credits the Applicant's testimony that there is sufficient utility capacity to support this project but that the MUP will continue to be developed with the input from all stakeholders, including the Applicant, and will be developed to address all utility infrastructure needs for the Union Market District. The Commission understands OP's and DC Water's request for the complete MUP now, but the Commission disagrees since the MUP is an area-wide plan with multiple stakeholders involved, so it is not possible or reasonable to tie it solely to this Project or to any single project.
10. The Commission concludes that approval of the PUD is not inconsistent with the Comprehensive Plan and other relevant planning guidance documents. The Commission agrees with the determination of OP and finds that the Project is not inconsistent with the Property's High-Density Commercial and High-Density Residential designations on the Future Land Use Map and its Multi-Neighborhood Center designation on the Generalized Policy Map, and that it will further numerous goals and policies of the Comprehensive Plan, Ward 5 Works Study, and FAMSAP, as described above.
 11. The Commission recognizes OP's testimony that the Project will be inconsistent with the PDR designation on the FLUM, but the Commission disagrees and credits the Applicant's testimony that the Project will be not inconsistent with the FLUM. The Framework Element of the Plan provides guidelines for using the FLUM and GPM. This Element states that the FLUM is not parcel-specific and should be interpreted "broadly." (10-A DCMR 226.1(a).) The mixed-use FLUM designation that includes PDR striping for the Project site encompasses a much larger area of the Union Market District. Accordingly, PDR use is not strictly required on this specific parcel for the Project to be not inconsistent with the FLUM, especially since PDR use will be provided by the Project for a term in any event, and PDR use will be provided in the broader area with the same FLUM designation. (*See Wisconsin-Newark Neighborhood Coalition v. D.C.*

Zoning Comm'n, 33 A.3d 382, 395-96 (D.C. 2011).) Further, the FLUM does not mandate or require all three designated uses on the Property in order for the Project to be not inconsistent with the FLUM. The Framework Element of the Comprehensive Plan states: “The [FLUM] indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns...” (10-A DCMR 225.18.) As long as the Project encourages such PDR uses and includes uses that are not inconsistent with the FLUM designation, the Project will be not inconsistent with the FLUM. The PDR/Maker commitments in the Project, as described above, will encourage such uses, and retail use is not inconsistent with the PDR designation since it is permitted in PDR zones. Notwithstanding the above, the Applicant is making a PDR use commitment in perpetuity by constructing at least 50% of the ground floor non-residential GFA to the PDR/Maker Specifications. Therefore, the Commission finds that the Applicant’s proffered PDR/Maker commitments are commensurate with the requirements for uses designated on the FLUM, and, ultimately, that the Project is not inconsistent with the FLUM and the Comprehensive Plan.

12. The Commission credits the determination of OP and concludes that the proposed PUD-related Zoning Map amendment from the PDR-1 to the MU-9 zone is not inconsistent with the Comprehensive Plan, and is appropriate given the superior features of the PUD, the benefits and amenities provided through the PUD, the goals and policies of the Comprehensive Plan, and other District of Columbia policies and objectives.
13. The Commission has judged, balanced, and reconciled the relative value of the Project amenities and public benefits offered, the degree of development incentives and flexibility requested, and any potential adverse effects, and concludes approval is warranted.
14. 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) to give great weight to OP’s recommendations. OP recommended approval, with certain requests and conditions. The Commission concludes that the Applicant adequately agreed to or responded to these requests and conditions as described above. Accordingly, the Application should be approved.
15. In accordance with § 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)), the Commission must give great weight to the written issues and concerns of the affected ANC. As noted by the Court of Appeals, the ANC Act “does not require the BZA to give ‘great weight’ to the ANC’s recommendation but requires the BZA to give great weight to any issues and concerns raised by the ANC in reaching its decision ... While it may be helpful to an applicant seeking a variance or a special exception to have the support of the local ANC, that body’s recommendation in favor of a project does not provide any substantial support to justify the BZA’s decision.” (*Metropole Condo. Ass’n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).) In this case, ANC 5D recommended approval of the Application. The Commission fully credits the unique

vantage point that ANC 5D holds with respect to the impact of the Application on the ANC's constituents and includes the ANC's recommendation as a piece of the Commission's overall conclusion to approve the Application.

DECISION

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

A. Project Development

1. The Project shall be developed in accordance with the plans marked as Exhibit 27B1-27B5 of the record, as modified by the plans marked as Exhibits 35A-35D of the record, and as modified by guidelines, conditions, and standards herein (collectively, the "Plans").
2. The Project shall have a total of approximately 314,724 square feet of gross floor area (excluding the penthouse area), equivalent to an 8.4 FAR. The Project shall include approximately 285,482 square feet of gross floor area devoted to residential use including approximately 13,828 feet of gross floor area of habitable penthouse space subject to such reductions in that space as are required based upon the final demising plan for the penthouse space and approximately 22,714 feet of ground floor gross floor area devoted to retail/PDR/Maker space. The Project shall have a maximum of height of 12 stories and 130 feet, plus an additional 20 feet for the penthouse, and a maximum lot occupancy of approximately 73.9% for the residential portion of the Project (i.e., floors two through 12).
3. The Property shall be rezoned from the PDR-1 zone to the MU-9 zone. Pursuant to 11-X DCMR § 311.4, the change in zoning shall be effective upon the recordation of the covenant discussed in Condition No. D.1.
4. The Project shall include a mixed-use building including uses permitted in the MU-9 zone, provided:
 - a. At least five percent of the non-residential ground floor gross floor area shall be reserved for PDR/Maker uses for a period of five years from the date of the first certificate of occupancy for the ground floor retail/PDR/Maker space as follows:
 - i. PDR/Maker uses shall be defined as the following: production, sale, and/or distribution of food and beverages (provided that the onsite consumption of food and beverages shall only be permitted

- when associated with such production, sale, and/or distribution user); food incubators and food hubs; robotics and 3-D manufacturing; small-scale production, distribution or repair of goods and related accessory sales; curation and sale of small-scale production goods; or new and locally-owned small businesses as certified with the Department of Small and Local Business Development;
- ii. PDR/Maker uses also shall include “Creative economy” uses, which shall be defined as the following: incubators; graphic design; product or industrial design; engineering and design; technology design and production; design and product curation; fashion design; horticultural design; green businesses and sustainable design; specialty sports and recreation uses; media/communications production and distribution; and
 - iii. PDR/Maker uses further shall include “Arts” uses, which shall be defined as the following: arts, design and creation uses as defined in Subtitle B § 200.2(e) of the Zoning Regulations and entertainment, assembly and performing arts as defined in Subtitle B § 200.2(n) of the Zoning Regulations;
- b. At least 50% of the non-residential ground floor gross floor area shall be built to PDR/Maker Specifications, defined below. Compliance shall be demonstrated by self-certification to the Zoning Administrator prior to the issuance of the first certificate of occupancy for the ground-floor retail/PDR/Maker space:
- i. Structural Slab Load (Ground Floor) live load of 125 pounds per square inch;
 - ii. Clear height of approximately 16 feet from ground-floor slab to bottom of structure above;
 - iii. Electrical supply of 50 watts per square foot;
 - iv. Loading Dock will include a 48-inch raised loading dock and/or levelers;
 - v. Open floor plan layout;
 - vi. Sound attenuation for mixed-use that satisfies NC-25 minimum noise criteria and includes seven-inch-thick minimum concrete podium slab;
 - vii. HVAC designed for one ton per 300 square feet; and

- viii. Ventilation (Fresh Air/Make-Up Air) louvers at façade;
 - c. At least 15 of the residential units will be three-bedrooms; and
 - d. The east side of the Project's parking/loading entrance area shall include a knock-out panel to accommodate potential future vehicular access to and from the alley for the parcel to the east.
5. The Project shall have flexibility from the rear yard requirements of the Zoning Regulations, as shown on the Plans.
6. The Applicant shall have flexibility with the design of the PUD in the following areas:
- a. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
 - b. To vary the final selection of the colors of exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Plans;
 - c. To make refinements to exterior materials, details and dimensions including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, venting, window mullions and spacing, or any other changes that do not substantially alter the exterior design shown on the Plans to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals;
 - d. To vary the final landscaping materials of the Project based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of DC Water, DDOT, Department of Energy and Environment, Department of Consumer and Regulatory Affairs, or other applicable regulatory body;
 - e. To vary the location and type of green roof, solar panels, and paver areas to meet stormwater requirements and sustainability goals or otherwise satisfy any permitting requirements;
 - f. To vary the final streetscape design and materials in the public right-of-way, including canopies, in response to direction received from District public space permitting authorities;

- g. To vary the final design of the retail/PDR/Maker storefronts and signage, including the number, size, design, and location of retail/PDR/Maker entrances, awnings, canopies, materials, and similar features, to accommodate the needs of specific retail/PDR/Maker tenants within the parameters set forth in Retail Signage Guidelines included in Exhibit 27B3 in the Record and provided that variations do not modify the building footprint or reduce the quality of the materials used on the exterior of the ground floor;
- h. To add openings to the ground-floor façade of the Project facing the alley to accommodate specific retail/PDR/Maker tenants;
- i. To vary the locations of the at-risk windows on the north elevation to accommodate interior configurations;
- j. To vary the number of automobile parking spaces from 145-230 and to remove one level or expand the third level of underground automobile parking;
- k. To vary the final number of residential units from 295-325; and
- l. To vary the distribution of residential unit types, provided the Applicant complies with the affordable housing conditions of this Order.

B. Public Benefits

- 1. Affordable Housing. Except as provided in B.1.c, the Project shall include the affordable housing in the following chart:

a. Chart:

| Residential Unit Type | GFA/Percentage of Total Residential GFA | Units | Reserved for household earning equal to or less than: | Affordable Control Period | Tenure (rental or sale) |
|-----------------------|---|-------------|---|---------------------------|-------------------------|
| Total | Approx. 285,482 sq. ft. of GFA + approx. 13,828 sq. ft. of penthouse habitable floor area/100% | Approx. 299 | NA | NA | Rental |
| Market Rate | Approx. 250,118 sq. ft. of GFA + approx. 13,828 sq. ft. of penthouse habitable floor area/equivalent to 87.6% (base building) plus 100% (penthouse) | TBD | Market Rate | NA | Rental |

| Residential Unit Type | GFA/Percentage of Total Residential GFA | Units | Reserved for household earning equal to or less than: | Affordable Control Period | Tenure (rental or sale) |
|-----------------------|---|-------|---|---------------------------|-------------------------|
| IZ | Approx. 11,383 sq. ft. of GFA/equivalent to no less than 3.6% (base building) plus 8% (penthouse) | TBD | 50% MFI | Life of the project | Rental |
| IZ | Approximately 23,980 sq. ft. of GFA/no less than 8.4% (base building) | TBD | 60% MFI | Life of the project | Rental |

- b. At least one of the IZ units shall be a three-bedroom unit; and
 - c. The Applicant is granted the flexibility to reduce the size of the penthouse habitable space based upon the final demising plan for the penthouse. If, as a result of any such reduction of the size of the habitable penthouse, the Zoning Administrator determines that the Project qualifies for the exemption from the set-aside required for penthouse habitable space pursuant to 11-C DCMR 1006.10(c), then the Applicant may either set aside the equivalent of at least eight percent of the penthouse habitable space for households earning equal to or less than 50% of the MFI or make a contribution to the housing trust fund, consistent with the provisions of Subtitle C §§ 1505.13 through 1505.16.
2. Three bedroom units. **For the life of the Project,** at least 15 of the residential units will be three-bedroom units, one of which shall be an Inclusionary Zoning unit.
 3. Jobs Readiness Program. **Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors two-12,** the Applicant shall contribute \$30,000 to Jubilee Jobs for the establishment of a jobs readiness program targeting ANC 5D residents. Ten thousand dollars of the contribution shall be for program administration and job readiness skills, \$10,000 shall be for scholarships targeted at ANC 5D residents for construction trades, and \$10,000 shall be for SmarTrip cards for program participants who are placed and maintain employment through Jubilee Jobs. The Applicant shall demonstrate to the Zoning Administrator that: the Job Readiness program and the scholarships have been established and that the SmarTrip cards have been purchased.
 4. Recreation Improvements. **Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors 2–12,** the Applicant shall contribute \$10,000 to DPR for the purchase of new computers for the Trinidad Recreation Center. Compliance with this condition shall be demonstrated by a letter from DPR evidencing that the contribution has been received and allocated for the purchase of the computers or that DPR has an established plan for the purchase of the computers.

5. Life Quality Enhancement Fund. Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors two-12 and annually for two years thereafter (a total of three years), the Applicant will contribute \$25,000 (for a total payment of \$75,000 to “Union Market Coalition” (or other entity administering a Union Market District security and/or maintenance program) for enhanced street cleaning and security for the Union Market District and shall demonstrate to the Zoning Administrator that the enhanced street cleaning and security measures are being provided.
6. Sustainability Improvements. Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors two-12, the Applicant shall:
 - a. Demonstrate to the Zoning Administrator that it has registered the Project with the USGBC to commence the LEED certification process;
 - b. Furnish a copy of its LEED certification application submitted to the USGBC to the Zoning Administrator. The application shall indicate that the building has been designed to include at least the minimum number of points necessary to achieve LEED-Gold certification under the v2009 standard; and
 - c. Install solar panels on the roof of the Project sufficient to generate one percent of the projected energy for the residential portion of the Project.
7. Streetscape Improvements. Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors two-12, the Applicant shall construct the streetscape improvements as shown on pages L-02 to L-06 in Exhibit 14A6 of the record, subject to the flexibility granted in Condition A(6)(f).
8. Art Display. Commencing on the issuance of the first Certificate of Occupancy for the Project that includes floors two-12 and for 10 years thereafter, the Applicant shall display visual art in an area of at least 80 square feet in the residential lobby of the Project.
9. For a period of five years from the date of the first Certificate of Occupancy for the ground floor retail/PDR/Maker space, the Project shall reserve at least five percent of the non-residential ground floor gross floor area for “PDR/Maker Uses,” defined as follows:
 - a. PDR/Maker Uses shall be defined as the following: production, sale, and/or distribution of food and beverages (provided that the onsite consumption of food and beverages shall only be permitted when associated with such production, sale, and/or distribution user); food incubators and food hubs; robotics and 3-D manufacturing; small-scale production, distribution or repair of goods and related accessory sales; curation and sale of small-scale production goods; or new and locally-owned small businesses as certified with the Department of Small & Local Business Development;

- b. PDR/Maker Uses also shall include “Creative economy” uses, which shall be defined as the following: incubators; graphic design; product or industrial design; engineering and design; technology design and production; design and product curation; fashion design; horticultural design; green businesses and sustainable design; specialty sports and recreation uses; media/communications production and distribution; and
 - c. PDR/Maker Uses further shall include “Arts” uses, which shall be defined as the following: arts, design and creation uses as defined in Subtitle B § 200.2(e) of the Zoning Regulations and entertainment, assembly and performing arts as defined in Subtitle B § 200.2(n) of the Zoning Regulations.
10. PDR/Maker uses at Maurice Office. Commencing on the effective date of this Order and continuing until March 1, 2023, the Applicant shall reserve 20,000 square feet of floor area in Maurice Office for PDR/Maker Uses, as defined above in Condition B.9.c.
 11. Prior to the issuance of the first Certificate of Occupancy for the ground-floor retail/PDR/Maker space, at least 50% of the non-residential ground-floor gross floor area shall be built to PDR/Maker Specifications, defined below. Compliance shall be demonstrated by self-certification to the Zoning Administrator that the reserved area has been constructed to include:
 - a. A Structural Slab Load (Ground Floor) live load of 125 pounds per square inch;
 - b. Clear height of approximately 16 feet from ground-floor slab to bottom of structure above;
 - c. An electrical supply of 50 watts per square foot;
 - d. A loading dock that includes a 48-inch raised loading dock and/or levelers;
 - e. An open floor plan layout;
 - f. A sound attenuation for mixed-use that satisfies NC-25 minimum noise criteria and includes seven-inch-thick minimum concrete podium slab;
 - g. HVAC designed for one ton per 300 square feet; and
 - h. Ventilation (Fresh Air / Make-Up Air) louvers at façade.

C. Mitigation

1. Penthouse Affordable Housing. The Applicant shall either provide affordable housing or pay into the affordable housing trust fund for the habitable space in the

penthouse. The Applicant shall provide the affordable housing in accordance with the requirements of Subtitle C, Chapter 10. Alternatively, the Applicant shall be permitted to make the payment into the affordable housing trust fund, in accordance with Subtitle C §§ 1505.13-1505.16, as long as the criteria of Subtitle C § 1006.10(c) apply.

2. **Prior to the issuance of the first Certificate of Occupancy for the Project that includes floors two-12,** if not completed or under construction by others, the Applicant shall pay the costs of and complete the following, subject to approval by all applicable regulatory authorities:
- a. Signalization of the intersection of 4th and Penn Streets, N.E. The timing of installation, traffic engineering, exact placement of the signal, and construction parameters shall be subject to final approval from DDOT;
 - b. Construct new sidewalk on Penn Street along the frontage of the Property, up to the western crosswalk at the 5th and Penn Streets intersection;
 - c. Install southbound right turn overlap phase at the Florida Avenue, N.E. and 4th Street, N.E. intersection;
 - d. Install wayfinding signage in the garage and at the intersection of 4th and Penn Streets, N.E. directing northbound and southbound traffic to New York Avenue, N.E. eastbound via Brentwood Parkway;
 - e. Design and install a new striping plan on 5th Street, N.E. between Morse and Penn Streets, N.E. to convert 5th Street, N.E. to two-way operation between Morse and Penn Streets, N.E.;
 - f. Remove mid-block crosswalk on Penn Street, N.E. between 4th and 5th Streets, N.E.;
 - g. Install a high-visibility crosswalk across 4th Street, N.E. at its intersection with New York Avenue, N.E.;
 - h. Construct missing sidewalk, consistent with DDOT standards, commencing at the southeast corner of New York Avenue, N.E. and 4th Street, N.E., and running southeasterly approximately 120 feet to the existing ramp at the southwest corner of 4th and Penn Streets, N.E.;
 - i. Install a pedestrian crosswalk running east to west across 4th Street at its intersection with Penn Street. The curb ramp at the southeast corner of 4th and Penn Streets shall be a blended transition to avoid potential conflicts with public infrastructure, and a minimum four-foot sidewalk may be

provided in lieu of the six-foot sidewalk as shown in Standard Drawing 606.13; and

- j. Install ADA compliant curb ramps for the west leg of the intersection of 5th and Penn Streets, provided no relocation of utilities is required.
3. **For the life of the Project**, the Applicant shall implement the Loading Management Plan and Transportation Demand Management Plan described on pages 32 and 42-44, respectively, in Exhibit 22 in the record, with the following additional provisions:
 - a. The Applicant shall offer new residents within the first five years the building is open a one-time, one-year Capital Bikeshare membership; and
 - b. The Applicant shall supply 10 shopping carts for residential tenants to use for daily errands.

D. Miscellaneous

1. No building permit shall be issued for this Project until the owner of the Property has recorded a covenant among the land records of the District of Columbia between the owners and the District of Columbia that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs. Such covenant shall bind the owner of the Property and all successors in title to construct on or use the Property in accordance with this Order and any amendment thereof by the Zoning Commission.
2. The Application approved by the Commission shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit as specified in 11-Z DCMR § 702.2. Construction must commence no later than three years after the effective date of this Order.
3. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
4. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 *et seq.*, ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability,

source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the applicant to comply shall furnish grounds for denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On July 30, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the Application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

On September 17, 2018, upon the motion of Commissioner Turnbull, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the Application at its public meeting by a vote of **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 *DC Register*; that is on November 2, 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 FINAL RULEMAKING
AND**

Z.C. ORDER NO. 18-02

(Text Amendments to - 11-U DCMR)

**(To Allow Veterinary Hospitals and Veterinary Boarding Hospitals as Special Exceptions
when Abutting an Existing Residential Use in a Mixed-Use Building and to Permit such
Hospitals to Board Domesticated Dogs)**

June 25, 2018

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 18-19
(Poplar Point RBBR, LLC – Map Amendment @ Squares 5860 and 5861)
October 17, 2018

THIS CASE IS OF INTEREST TO ANC 8A and 8C

On October 10, 2018, the Office of Zoning received a petition from Poplar Point RBBR, LLC (the “Petitioner”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this petition consists of Lots 97, 1025-1031, 1036, and 1037 in Square 5860 and Lots 89 and 991 in Square 5861 in southeast Washington, D.C. (Ward 8), on properties located at 632, 633, 701, 740, 744, 748, 752, 756, 760, 764, and 822 Howard Road, S.E. The property is currently zoned MU-14. The Petitioner is proposing a map amendment to rezone the property to the Northern Howard Road (“NHR”) zone. The NHR zone is being established concurrently in Z.C. Case No. 18-18.

The MU-14 zone provides for mixed-use development that permit a broad range of commercial, institutional, and multiple dwelling unit residential development at varying densities. The MU-14 is intended to permit high-density mixed-use development generally in the vicinity of the waterfront. The MU-14 zone allows a maximum height of 900 feet (100 for Inclusionary Zoning [“IZ”]); maximum lot occupancy of 75% (80% for IZ); and density of 6.0 floor area ratio (“FAR”) (7.2 FAR for IZ).

The proposed NHR zone would be a Special Purpose zone (Subtitle K) that applies to the northernmost stretch of Howard Road, S.E., within the area adjacent to Poplar Point and between Suitland Parkway and the Anacostia Freeway/I-295. The purpose of the zone would be to allow high-density development in the subject location, in conformance with the Comprehensive Plan, and to ensure a mix of uses with a substantial affordable housing component and a high degree of sustainability and pedestrian and bicycle mobility. The NHR zone would allow a maximum height of 130 feet; maximum lot occupancy of 100%; and density of 9.0 FAR (6.5 for non-residential).

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

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