

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Law 22-168 Fiscal Year 2019 Budget Support Act of 2018
- D.C. Council passes Law 22-189 Revised Uniform Law on Notarial Acts Act of 2018
- D.C. Council passes Law 22-191 Office of and Commission on Nightlife and Culture Establishment Act of 2018
- Department of For-Hire Vehicles schedules a public hearing on the proposed amendments to add a new Title 31 (Vehicles for-Hire) to the District of Columbia Municipal Regulations
- Office of Tax and Revenue updates regulations regarding exemptions from personal property taxes
- District Department of Transportation establishes regulations for managing dockless vehicle operating companies
- Office of the Chief Financial Officer releases notice of increase in the annual Homestead Deduction amount for tax year 2019
- Office of the State Superintendent of Education announces funding availability for the Fiscal Year 2019 - Gateway to Careers Grant

# DISTRICT OF COLUMBIA REGISTER

## Publication Authority and Policy

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

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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VICTOR L. REID, ESQ.  
ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-164

"Vital Records Modernization Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-250 on first, second, and third readings April 10, 2018, June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-438 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9324). Act 22-438 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-438 is now D.C. Law 22-164, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	17, 18, 19, 20, 21, 24, 25, 26, 27, 28
October	1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-165

"Omnibus Alcoholic Beverage Regulation Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-537 on first and second readings June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-439 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9366). Act 22-439 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-439 is now D.C. Law 22-165, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28  
October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 22-166

**"Redevelopment of the Center Leg Freeway (Interstate 395) Amendment Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-632 on first and second readings June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-440 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9384). Act 22-440 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-440 is now D.C. Law 22-166, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	17, 18, 19, 20, 21, 24, 25, 26, 27, 28
October	1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-167

"Homeless Shelter Replacement Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-635 on first and second readings June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-441 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9386). Act 22-441 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-441 is now D.C. Law 22-167, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

- September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28
- October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

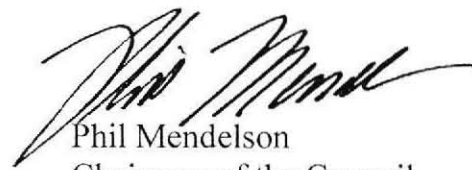
NOTICE

D.C. LAW 22-168

"Fiscal Year 2019 Budget Support Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-753 on first and second readings May 15, 2018, and June 26, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-442 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9388). Act 22-442 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-442 is now D.C. Law 22-168, effective October 30, 2018.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28  
October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-169

"Fiscal Year 2018 Revised Local Budget Temporary Adjustment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-757 on first, and second readings May 29, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-443 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9528). Act 22-443 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-443 is now D.C. Law 22-169, effective October 30, 2018.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28  
October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 22-170

**"Anacostia River Toxics Remediation Temporary Amendment Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-831 on first and second readings June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-444 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9536). Act 22-444 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-444 is now D.C. Law 22-170, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	17, 18, 19, 20, 21, 24, 25, 26, 27, 28
October	1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29



## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 22-171

**"Credit Protection Fee Waiver Temporary Amendment Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-860 on first and second readings June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-445 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9538). Act 22-445 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-445 is now D.C. Law 22-171, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	17, 18, 19, 20, 21, 24, 25, 26, 27, 28
October	1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-172

"At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-867 on first and second readings June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-446 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9540). Act 22-446 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-446 is now D.C. Law 22-172, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28  
October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 22-173

**"Southwest Waterfront Park Bus Prohibition Temporary Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-869 on first and second readings June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-447 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9542). Act 22-447 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-447 is now D.C. Law 22-173, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	17, 18, 19, 20, 21, 24, 25, 26, 27, 28
October	1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-174

"Southwest Waterfront Parking Enforcement Temporary Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-871 on first and second readings June 26, 2018, and July 10, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-448 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9544). Act 22-448 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-448 is now D.C. Law 22-174, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28  
October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 22-175

**"Traffic and Parking Ticket Penalty Amendment Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-204 on first and second readings June 26, 2018, and July 10, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-449 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9546). Act 22-449 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-449 is now D.C. Law 22-175, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September	17, 18, 19, 20, 21, 24, 25, 26, 27, 28
October	1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-176

"East End Certificate of Need Maximum Fee Establishment Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-405 on first and second readings June 26, 2018, and July 10, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-450 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9552). Act 22-450 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-450 is now D.C. Law 22-176, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28  
October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-178

"Campaign Finance Reform and Transparency Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-863 on first and second readings June 26, 2018, and July 10, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-452 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9567). Act 22-452 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-452 is now D.C. Law 22-178, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28  
October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-179

"Birth-to-Three for All DC Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-203 on first and second readings April 10, 2018, and June 26, 2018, respectively. Following the signature of the Mayor on September 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-453 and was published in the September 14, 2018 edition of the D.C. Register (Vol. 65, page 9569). Act 22-453 was transmitted to Congress on September 17, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-453 is now D.C. Law 22-179, effective October 30, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

September 17, 18, 19, 20, 21, 24, 25, 26, 27, 28  
October 1, 2, 3, 4, 5, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-180

"Targeted Historic Preservation Assistance Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-434 on first and second readings July 10, 2018, and September 18, 2018, respectively. Following the signature of the Mayor on October 3, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-454 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11198). Act 22-454 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-454 is now D.C. Law 22-180, effective November 27, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31  
November 1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-181

"Farmer's Market Meter Fee Elimination Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-454 on first and second readings July 10, 2018, and September 18, 2018, respectively. Following the signature of the Mayor on October 3, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-455 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11200). Act 22-455 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-455 is now D.C. Law 22-181, effective November 27, 2018.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31  
November 1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 22-182

**"Housing Production Trust Fund Board Nominee Confirmation Clarification  
Amendment Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-655 on first and second readings July 10, 2018, and September 18, 2018, respectively. Following the signature of the Mayor on October 3, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-456 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11202). Act 22-456 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-456 is now D.C. Law 22-182, effective November 27, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-183

"Eviction Procedure Reform Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-896 on first and second readings July 10, 2018, and September 18, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-463 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11372). Act 22-463 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-463 is now D.C. Law 22-183, effective November 27, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31  
November 1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-184

"Nonbinary Identification Cards Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-331 on first and second readings July 10, 2018, and September 18, 2018, respectively. Following the signature of the Mayor on October 9, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-466 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11402). Act 22-466 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-466 is now D.C. Law 22-184, effective November 27, 2018.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31  
November 1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 22-185

"Specialty License Plate Omnibus Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-500 on first and second readings July 10, 2018, and September 18, 2018, respectively. Following the signature of the Mayor on October 9, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-467 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11404). Act 22-467 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-467 is now D.C. Law 22-185, effective November 27, 2018.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31  
November 1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-186

"Healthy Parks Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-681 on first and second readings July 10, 2018, and September 18, 2018, respectively. Following the signature of the Mayor on October 9, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-468 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11408). Act 22-468 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-468 is now D.C. Law 22-186, effective November 27, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31  
November 1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-187

"Office of Public-Private Partnerships Delegation of Authority Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-894 on first and second readings July 10, 2018, and September 18, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-469 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11410). Act 22-469 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-469 is now D.C. Law 22-187, effective November 27, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31  
November 1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-188

"D.C. General Resident Relocation Temporary Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-898 on first and second readings July 10, 2018, and September 18, 2018, respectively. Pursuant to Section 404(e) of the Charter, the bill became Act 22-470 and was published in the October 12, 2018 edition of the D.C. Register (Vol. 65, page 11412). Act 22-470 was transmitted to Congress on October 12, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-470 is now D.C. Law 22-188, effective November 27, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31  
November 1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26

COUNCIL OF THE DISTRICT OF COLUMBIA

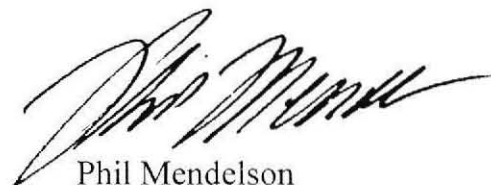
NOTICE

D.C. LAW 22-189

"Revised Uniform Law on Notarial Acts Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-324 on first and second readings July 10, 2018, and September 18, 2018, respectively. Following the signature of the Mayor on October 15, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-471 and was published in the October 19, 2018 edition of the D.C. Register (Vol. 65, page 11606). Act 22-471 was transmitted to Congress on October 19, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-471 is now D.C. Law 22-189, effective December 4, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	19, 22, 23, 24, 25, 26, 29, 30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-190

"Public Housing Resident Bill of Rights Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-444 on first and second readings July 10, 2018, and September 18, 2018, respectively. Following the signature of the Mayor on October 15, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-472 and was published in the October 19, 2018 edition of the D.C. Register (Vol. 65, page 11624). Act 22-472 was transmitted to Congress on October 19, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-472 is now D.C. Law , effective December 4, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	19, 22, 23, 24, 25, 26, 29, 30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-191

"Office of and Commission on Nightlife and Culture Establishment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-508 on first and second readings September 18, 2018, and October 2, 2018, respectively. Following the signature of the Mayor on October 18, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-473 and was published in the October 26, 2018 edition of the D.C. Register (Vol. 65, page 11868). Act 22-473 was transmitted to Congress on October 30, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-473 is now D.C. Law 22-191, effective December 13, 2018.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3, 4, 5, 6, 7, 10, 11, 12

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 22-192

**"Mazie Washington Way Designation Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-697 on first and second readings September 18, 2018, and October 2, 2018, respectively. Following the signature of the Mayor on October 22, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-474 and was published in the November 2, 2018 edition of the D.C. Register (Vol. 65, page 12018). Act 22-474 was transmitted to Congress on October 30, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-474 is now D.C. Law 22-192, effective December 13, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3, 4, 5, 6, 7, 10, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-193

"Outlaw Way Designation Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-746 on first and second readings September 18, 2018, and October 2, 2018, respectively. Following the signature of the Mayor on October 22, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-475 and was published in the November 2, 2018 edition of the D.C. Register (Vol. 65, page 12020). Act 22-475 was transmitted to Congress on October 30, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-475 is now D.C. Law 22-193, effective December 13, 2018.

  
Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3, 4, 5, 6, 7, 10, 11, 12

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-194

"Rev. W.W. Flood Way Designation Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-787 on first and second readings September 18, 2018, and October 2, 2018, respectively. Following the signature of the Mayor on October 22, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-476 and was published in the November 2, 2018 edition of the D.C. Register (Vol. 65, page 12022). Act 22-476 was transmitted to Congress on October 30, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-476 is now D.C. Law 22-194, effective December 13, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3, 4, 5, 6, 7, 10, 11, 12

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 22-195

**"Ben's Chili Bowl Way Designation Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-793 on first and second readings September 18, 2018, and October 2, 2018, respectively. Following the signature of the Mayor on October 22, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-477 and was published in the November 2, 2018 edition of the D.C. Register (Vol. 65, page 12024). Act 22-477 was transmitted to Congress on October 30, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-477 is now D.C. Law 22-195, effective December 13, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3, 4, 5, 6, 7, 10, 11, 12



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-196

"Tipped Wage Workers Fairness Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-913 on first and second readings October 2, 2018, and October 16, 2018, respectively. Following the signature of the Mayor on October 23, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-489 and was published in the November 2, 2018 edition of the D.C. Register (Vol. 65, page 12049). Act 22-489 was transmitted to Congress on October 30, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-489 is now D.C. Law 22-196, effective December 13, 2018.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

October	30, 31
November	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 23, 26, 27, 28, 29, 30
December	3, 4, 5, 6, 7, 10, 11, 12

ENROLLED ORIGINAL

AN ACT  
**D.C. ACT 22-534**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 13, 2018**

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the compensation of the Mayor, Chairman of the Council, and Attorney General for the District of Columbia.

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

Sec. 2. Section 1109(a-1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.09(a-1)), is amended by striking the phrase “January 2, 2007, the Mayor shall receive annual compensation in the amount of \$200,000,” and inserting the phrase “January 2, 2019, the Mayor shall receive annual compensation in the amount of \$220,000,” in its place.

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.

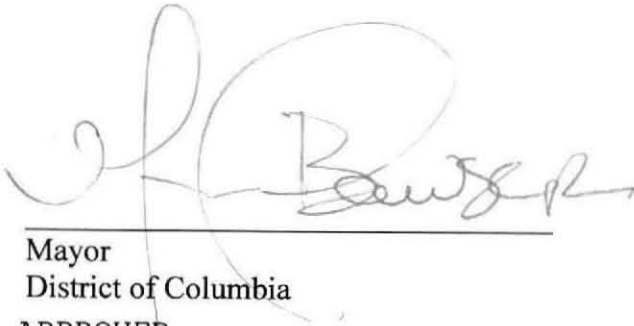
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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  
December 13, 2018

ENROLLED ORIGINAL

## A RESOLUTION

22-669

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To reappoint Ms. Meridel Bulle-Vu to the Child Support Guideline Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Child Support Guideline Commission Meridel Bulle-Vu Reappointment Resolution of 2018”.

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

Ms. Meridel Bulle-Vu  
3816 Military Road, N.W.  
Washington, D.C. 20015  
(Ward 3)

as a District of Columbia Bar member of the Child Support Guideline Commission, established by D.C. Official Code § 16-916.02, for a term to end December 20, 2022.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the chairperson of the Child Support Guideline Commission, and to the Office of the Mayor.

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

ENROLLED ORIGINAL

A RESOLUTION

22-671

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To confirm the reappointment of Mr. Douglas A. Warshof to the Public Employee Relations Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Public Employee Relations Board Douglas A. Warshof Confirmation Resolution of 2018”.

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

Mr. Douglas A. Warshof  
3958 Georgetown Court, N.W.  
Washington, D.C. 20007  
(Ward 2)

as a neutral public member of the Public Employee Relations Board, established by section 501 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-605.01), for a term to end December 12, 2021.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

22-674

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To confirm the appointment of Mr. Paul Kihn as the Deputy Mayor for Education of the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Deputy Mayor for Education Paul Kihn Confirmation Resolution of 2018”.

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

Mr. Paul Kihn  
1246 27th Street, N.W.  
Washington, D.C. 20007

as the Deputy Mayor for Education, in accordance with section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), to serve at the pleasure of the Mayor.

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

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

22-676

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To approve the disposition of District-owned real property, known as the Eastern Branch Boys and Girls Club, located at 261 17th Street, S.E., and known for taxation and assessment purposes as Lot 0802 in Square 1088.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Eastern Branch Boys and Girls Club Disposition Approval Resolution of 2018”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Act” means An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801 *et seq.*).

(2) “CBE Act” means the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

(3) “Certified Business Enterprise” means a business enterprise or joint venture certified pursuant to the CBE Act.

(4) “Developer” means Capitol Hill Cohousing, LLC, a District of Columbia limited liability company, with a business address of 608 6th Street, N.E., Washington, D.C. 20002, and its successors, assignees, sublessees, or affiliates, as approved by the Mayor.

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

(6) “Project” means a mixed-use development, including affordable residential units for seniors, market-rate residential units for seniors, community space that is available to residents and the public, and any ancillary uses allowed under applicable law, and as further described in the term sheet submitted with this resolution.

(7) “Property” means the real property and improvements located at 261 17th Street, S.E., known for taxation and assessment purposes as Lot 0802 in Square 1088.

## ENROLLED ORIGINAL

## Sec. 3. Findings.

(a) The Property consists of an 11,125-square-foot lot and existing building of approximately 32,450 square feet.

(b) The intended use of the Property is a mixed-use development as further described in section (2)(6).

(c) The Developer shall comply with the requirements of the Act, including dedicating at least 30% of all residential units in the Project as affordable housing units pursuant to section 1(b-3) of the Act.

(d) The Developer will comply with the requirements of the Act.

(e) The Developer shall enter into an agreement that shall require the Developer to, at a minimum, contract with Certified Business Enterprises for at least 35% of the contract dollar volume of the Project, and shall require at least 20% equity and 20% development participation of Certified Business Enterprises in the Project, in accordance with section 2349a of the CBE Act and section 1(b)(6) of the Act.

(f) The Developer shall enter into a First Source Agreement.

(g) The proposed method of disposition is a fee simple transfer, as further described in the documents submitted with this resolution.

(h) The District has satisfied the public hearing requirements of section 1(b-5) of the Act.

(i) The Land Disposition and Development Agreement for the disposition of the real property shall not be inconsistent with the substantive business terms of the transaction submitted by the Mayor with this resolution in accordance with section 1(b-1)(2) of the Act, unless revisions to those substantive business terms are approved by Council.

## Sec. 4. Approval of disposition.

(a) Pursuant to the Act, the Mayor transmitted to the Council a request for approval of the disposition of the Property to the Developer.

(b) The Council approves the disposition of the Property pursuant to the terms of this resolution.

## Sec. 5. Transmittal.

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

## Sec. 6. 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. 7. Effective date.

This resolution shall take effect immediately.



ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-446

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 4, 2018

To recognize and celebrate the 10th anniversary of the District of Columbia being named the first Human Rights City.

WHEREAS, a Human Rights City is one whose residents and local authorities, through ongoing discussions and creative exchanges of ideas, come to understand that human rights, when widely known as a way of life, assist in identifying the issues and inform the actions in our District of Columbia communities, for meaningful, positive economic and social change;

WHEREAS, December 10, 2018 marks the 70th anniversary of the Universal Declaration of Human Rights;

WHEREAS, December 10, 2018 marks the 10th anniversary of the Washington, DC Human Rights Day Recognition Resolution of 2008;

WHEREAS, on this day, citizens of the nation’s capital reaffirm their commitment to human rights values;

WHEREAS, as a Human Rights City, the District of Columbia was the first to lead 10 other cities to be declared human rights cities and one state to be declared a human rights state, and joined cities around the world in providing leadership and advocacy to secure, protect, and promote human rights for all people; and

WHEREAS, the District of Columbia Public Schools has partnered with the American Friends Service Committee to create courses that teach our students about human rights values, increase their knowledge and understanding of human rights, and empower them to become educated and engaged citizens.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “District of Columbia 10th Anniversary Human Rights Recognition Resolution of 2018”.

**ENROLLED ORIGINAL**

Sec. 2. The District of Columbia recognizes the 10th anniversary of being named a Human Rights City and reaffirms its commitment to human rights in the District and throughout the world.

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

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

PR22-1169      Commission on the Arts and Humanities Kymber Menkiti Confirmation  
Resolution of 2018

Intro. 12-13-18 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Finance and Revenue

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PR22-1170      Commission on the Arts and Humanities Kay Kendall Confirmation Resolution  
of 2018

Intro. 12-13-18 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Finance and Revenue

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PR22-1171      Commission on the Arts and Humanities Gretchen Wharton Confirmation  
Resolution of 2018

Intro. 12-13-18 by Chairman Mendelson at the request of the Mayor and  
referred to the Committee on Finance and Revenue

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**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**CONSIDERATION OF TEMPORARY LEGISLATION**

**B22-1054**, Community Harassment Prevention Temporary Amendment Act of 2018 and **B22-1065**, Power Line Underground Program Certified Business Enterprise Utilization Temporary Act of 2018, were adopted on first reading on December 18, 2018. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on January 8, 2018.

**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

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**Reprog. 22-189:** Request to reprogram \$1,423,073 of Fiscal Year 2019 funds budget authority within the Fire and Emergency Medical Services Department (FEMS) was filed in the Office of the Secretary on December 11, 2018. The reprogramming is needed to cover costs for emergency drugs, emergency tools and equipment, personal protective equipment (PPE), PPE cleaning and inspection, self-contained breathing apparatus parts, uniforms, Rescue Squad equipment and supplies, entrance exam service, training, tuition reimbursement, and IT support.

RECEIVED: 14-day review begins December 12, 2018

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: December 14, 2018  
Protest Petition Deadline: January 28, 2019  
Roll Call Hearing Date: February 11, 2019

License No.: ABRA-095433  
Licensee: Biricoco, LLC  
Trade Name: Al Crostino  
License Class: Retailer’s Class “C” Restaurant  
Address: 1926 9<sup>th</sup> Street, N.W.  
Contact: Juliana Nicolai, Managing Member: (202) 797-0523

WARD 1

ANC 1B

SMD 1B02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on February 11, \*\*2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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.

**NATURE OF SUBSTANTIAL CHANGE**

Request to add Dancing and Cover Charge to existing Entertainment Endorsement.

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

Sunday through Thursday 11am – 1:30am  
Friday and Saturday 11am – 2:30am

**CURRENT HOURS OF LIVE ENTERTAINMENT**

Sunday through Thursday 8pm – 1:30am  
Friday and Saturday 8pm – 2:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: December 14, 2018  
Protest Petition Deadline: January 28, 2019  
Roll Call Hearing Date: February 11, 2019

License No.: ABRA-095433  
Licensee: Biricoco, LLC  
Trade Name: Al Crostino  
License Class: Retailer’s Class “C” Restaurant  
Address: 1926 9<sup>th</sup> Street, N.W.  
Contact: Juliana Nicolai, Managing Member: (202) 797-0523

WARD 1                      ANC 1B                      SMD 1B02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on February 11, \*\*201 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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.

**NATURE OF SUBSTANTIAL CHANGE**

Request to add Dancing and Cover Charge to existing Entertainment Endorsement.

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

Sunday through Thursday 11am – 1:30am  
Friday and Saturday 11am – 2:30am

**CURRENT HOURS OF LIVE ENTERTAINMENT**

Sunday through Thursday 8pm – 1:30am  
Friday and Saturday 8pm – 2:30am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 21, 2018
Protest Petition Deadline: February 4, 2019
Roll Call Hearing Date: February 19, 2019

License No.: ABRA-099505
Licensee: Cotton & Reed, Inc.
Trade Name: Cotton & Reed Distillery
License Class: Manufacturer "A"
Address: 1330 5th Street, N.E.
Contact: Jordan Cotton, Owner: (202) 544-2805

WARD 5 ANC 5D SMD 5D01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on February 19, 2019 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.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of operation, sales, and on-site consumption

CURRENT HOURS OF OPERATION

Sunday 1pm - 9pm, Monday through Saturday 5am - 1am

CURRENT HOURS OF OFF-PREMISE SALES AND DELIVERY

Sunday 1pm - 9pm, Monday through Saturday 7am - 12am

CURRENT HOURS OF ON-SITE SALES AND CONSUMPTION

Sunday 1pm - 9pm, Monday through Saturday 8am - 12am

PROPOSED HOURS OF OPERATION

Sunday 12pm - 2am, Monday through Thursday 5am - 2am Friday Saturday 5am - 3am

PROPOSED HOURS OF OFF-PREMISE SALES AND DELIVERY

Sunday 12pm - 12am, Monday through Saturday 7am - 12am

PROPOSED HOURS OF ON-SITE SALES AND CONSUMPTION

Sunday 12pm - 2am, Monday through Thursday 8am - 2am Friday Saturday 8am - 3am



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 21, 2018
Protest Petition Deadline: February 4, 2019
Roll Call Hearing Date: February 19, 2019

License No.: ABRA-106194
Licensee: Dynamix Lounge, LLC
Trade Name: Dynamix Lounge
License Class: Retailer's Class "C" Tavern
Address: 1220 H Street, N.E.
Contact: John Brown, Owner: (202) 704-6055

WARD 6 ANC 6A SMD 6A01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on February 19, 2019 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.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of operation, alcoholic beverage sales and service, and live entertainment.

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

Sunday 12pm - 1am, Monday through Friday 11am - 2am
Saturday 11am - 3am

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

Sunday 11am - 1am, Monday through Thursday 11am - 2am
Friday & Saturday 11am - 3am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: December 21, 2018  
Protest Petition Deadline: February 4, 2019  
Roll Call Hearing Date: February 19, 2019  
Protest Hearing Date: April 10, 2019

License No.: ABRA-112301  
Licensee: Residents DC, LLC  
Trade Name: Residents  
License Class: Retailer’s Class “C” Restaurant  
Address: 1306 18<sup>th</sup> Street, N.W.  
Contact: Sidon Yohannes: (202) 686-7600

WARD 2

ANC 2B

SMD 2B07

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 February 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **April 10, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A new Retailer’s Class C Restaurant with a seating capacity of 50 and Total Occupancy Load of 100. Summer Garden with 15 seats. Licensee is requesting an Entertainment Endorsement to include Dancing and Cover Charge.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND OUTSIDE IN SUMMER GARDEN**

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

**HOURS OF LIVE ENTERTAINMENT**

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: December 21, 2018  
 Protest Petition Deadline: February 4, 2019  
 Roll Call Hearing Date: February 19, 2019  
 Protest Hearing Date: April 10, 2019

License No.: ABRA-112287  
 Licensee: District Wine Consulting, LLC  
 Trade Name: Somm Stock  
 License Class: Retailer’s Class “B” Internet  
 Address: 4221 Connecticut Avenue, N.W., Rear Access  
 Contact: Veronica Kunkel: (202) 390-0466

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 February 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 April 10, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

New Class BI retailer selling beer and wine online only for off-premises consumption. This location will not be open to the public.

**HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 7am – 12am

## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

## NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: December 14, 2018  
Protest Petition Deadline: January 28, 2019  
Roll Call Hearing Date: February 11, 2019  
Protest Hearing Date: April 10, 2019

License No.: ABRA-112211  
Licensee: Midtown Center Restaurant, LLC  
Trade Name: TBD  
License Class: Retailer's Class "C" Restaurant  
Address: 1100 15<sup>th</sup> Street, N.W.  
Contact: Stephen J. O'Brien, Esq.: (202) 625-7700

WARD 2

ANC 2B

SMD 2B05

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 February 11, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 **April 10, 2019 at 4:30 p.m.**

**NATURE OF OPERATION**

New Class "C" New Orleans themed Restaurant providing an elegant and relaxed dining atmosphere. Two Summer Gardens with a Total Occupancy Load of 171, with 97 seats on the north side and 74 seats on the south side. Total Occupancy Load of 362 with seating for 159 patrons inside premises. Entertainment Endorsement requested to provide live entertainment indoors and outdoors.

**HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES AND SUMMER GARDEN)**

Sunday through Thursday 8am – 2am

Friday and Saturday 8am – 3am

**HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)**

Sunday through Thursday 8am – 2am

Friday and Saturday 8am – 3am

**HOURS OF LIVE ENTERTAINMENT (SUMMER GARDENS)**

Sunday through Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 21, 2018
Protest Petition Deadline: February 4, 2019
Roll Call Hearing Date: February 19, 2019
Protest Hearing Date: April 10, 2019

License No.: ABRA-112258
Licensee: Pratt Group, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Tavern
Address: 2121 14th Street, N.W.
Contact: Sidon Yohannes: (202) 686-7600

WARD 1

ANC 1B

SMD 1B04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on February 4, 2019 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 April 10, 2019 at 1:30 p.m.

NATURE OF OPERATION

A Tavern that will serve classic American food. The licensee is requesting a Summer Garden with seating for 40 patrons. They are also requesting an Entertainment Endorsement to provide live entertainment indoors only with Dancing and Cover Charge. Interior seating for 300, with a Total Occupancy Load of 350.

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

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

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES ONLY

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

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

Placard Posting Date: December 21, 2018  
Protest Petition Deadline: February 4, 2019  
Roll Call Hearing Date: February 19, 2019  
Protest Hearing Date: April 10, 2019

License No.: ABRA-112100  
Licensee: Tokyo Bar Dupont, LLC  
Trade Name: Tokyo Pearl  
License Class: Retailer's Class "C" Tavern  
Address: 1301 Connecticut Avenue, N.W.  
Contact: Stephanos Andreou: (202) 446-8803

WARD 2

ANC 2B

SMD 2B07

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 February 19, 2019 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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 April 10, 2019 at 1:30 p.m.**

**NATURE OF OPERATION**

A Tavern that will serve Modern Japanese food. The licensee is requesting a Sidewalk Café with seating for 62 patrons. They are also requesting an Entertainment Endorsement to provide live entertainment indoors only with Dancing and Cover Charge. Interior seating for 24, with a Total Occupancy Load of 83.

**HOURS OF OPERATION FOR INSIDE PREMISES/SIDEWALK CAFE**

Sunday through Saturday 12am – 11:59pm (24 hour operations)

**HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES/SIDEWALK CAFE**

Sunday 10am – 2am, Monday through Thursday 8am – 2am, Friday and Saturday 8am – 3am

**HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES ONLY**

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 21, 2018
Protest Petition Deadline: February 4, 2019
Roll Call Hearing Date: February 19, 2019
Protest Hearing Date: April 10, 2019

License No.: ABRA-111996
Licensee: Union Kitchen, LLC
Trade Name: Union Kitchen Grocery
License Class: Retailer's Class "B" Full-Service Grocery Store
Address: 1924 8th Street, N.W.
Contact: Courtland Wilson II: (301) 256-4741

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on February 19, 2019 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 April 10, 2019 at 4:30 p.m.

NATURE OF OPERATION

A Retailer's Class "B" Full-Service Grocery store selling beer and wine with a Tasting Permit.

HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: December 21, 2018
Protest Petition Deadline: February 4, 2019
Roll Call Hearing Date: February 19, 2019

License No.: ABRA-108149
Licensee: Winovisor, LLC
Trade Name: Winovisor, LLC
License Class: Retailer's Class "B" Internet
Address: 5185 MacArthur Blvd., N.W., #115
Contact: Kevin K. Shin: (202) 236-6883

WARD 3

ANC 3D

SMD 3D05

Notice is hereby given that this licensee has requested to transfer the license to a new location 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 February 19, 2019 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.

NATURE OF OPERATION

Licensee requests to transfer the license from 4221 Connecticut Avenue, N.W. to a new location at 5185 MacArthur Blvd., N.W., #115. Licensee is a Class B Internet retailer selling wine and beer online only for off-premises consumption. This location will not be open to the public.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Monday through Saturday 10am – 6pm (Closed Sundays)



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF FOR-HIRE VEHICLES**

**NOTICE OF PUBLIC HEARING**

**Notice of Consideration of Proposed Amendments to  
Title 31 (Taxicabs and Public Vehicles for Hire)  
of the District of Columbia Municipal Regulations**

**Tuesday, January 15, 2019  
6:30 PM**

**Wednesday, January 16, 2019  
10:00 AM**

The Department of For-Hire Vehicles announces two public hearings seeking stakeholder input on the Notice of Proposed Rulemaking to amend the District of Columbia Municipal Regulations (DCMR) by adding a new Title 31 (Vehicles for-Hire), which was published in the *D.C. Register* on November 16, 2018 at 65 DCR 012649. The rules, which are available on our [website](#), revise the entire Title 31. The Department of For-Hire Vehicles (“DFHV”) has scheduled two Public Hearings at 6:30pm on Tuesday, January 15, 2019; and 10:00am on Wednesday, January 16, 2019, at 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032.

Those interested in speaking at the hearing should register by calling 202-645-6002 not later than Monday, January 14 at 5:00 pm. Testimony will be limited to the specific subject matter of this public hearing. Each participant will be allotted up to five (5) minutes to present. Participants must submit ten (10) copies of their written testimony to the Secretary of the Department of For-Hire Vehicles, 2235 Shannon Place SE, Suite 3001, Washington, D.C. 20020, in advance of the hearing. All speakers should be prepared to answer questions that may be posed by the Department during the hearing.

The public hearing will take place at the following times and location:

**TUESDAY, JANUARY 15, 2019 AT 6:30 PM**

**WEDNESDAY, JANUARY 16, 2019 AT 10:00 AM**

**2235 SHANNON PLACE, S.E.  
WASHINGTON, DC 20020  
HEARING ROOM, SUITE 2032**

**MAYOR'S AGENT ON HISTORIC PRESEVATION  
NOTICE OF PUBLIC HEARINGS**

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing will be held at 1100 4th Street SW, Suite E650.

Hearing Date: **Thursday, January 10, 2019 at 9:30 a.m.**  
Case Number: H.P.A. 18-314  
Square/Lot: Square 2610, Lot 749  
Applicant: Juergen Karl Zattler  
Type of Work: Alteration to facade

Affected Historic Property: 1627 Monroe Street NW  
Affected ANC: 1D

The Applicant's claim is that the proposed alteration is consistent with the purposes of the preservation law.

Public notice is hereby given that the Mayor's Agent will hold a public hearing on an application affecting property subject to the Historic Landmark and Historic District Protection Act of 1978. Interested parties may appear and testify on behalf of, or in opposition to, the application. The hearing will be held at 1100 4th Street SW, Room E200, Washington DC 20024.

Hearing Date: **Friday, January 11, 2019 at 9:30 a.m.**  
Case Number: H.P.A. No. 18-297  
Square/Lot: Reservation 450 and 351  
Applicant: Washington Metropolitan Area Transit Authority  
Type of Work: Raze historic streetcar bridge known as the Foundry Branch Trestle

Affected Historic Property: Foundry Branch Trestle in Glover-Archbold Park  
Affected ANC: 3D

The applicant's claim is that failure to approve the raze permit will result in unreasonable economic hardship.

Both hearings will be conducted in accordance with the Rules of Procedure pursuant to the Historic Landmark and Historic District Protection Act (Title 10C DCMR Chapters 4 and 30), which are on file with the D.C. Historic Preservation Office and posted on the Office website under "Regulations."

Interested persons or parties are invited to participate in and offer testimony at each hearing. Any person wishing to testify in support of or opposition to an application may appear at the hearing and

give evidence without filing in advance. However, any affected person who wishes to be recognized as a party to the case is required to file a request with the Mayor's Agent at least fifteen (15) days prior to the hearing. This request shall include the following information: 1) requesting party's name and address; 2) whether the party will appear as a proponent or opponent of the application; 3) if the party will appear through legal counsel, and if so, the name and address of legal counsel; and 4) a written statement setting forth the manner in which the party may be affected or aggrieved by action upon the application and the grounds upon which the party supports or opposes the application. Any requests for party status should be sent to the Mayor's Agent at [historic.preservation@dc.gov](mailto:historic.preservation@dc.gov) or 1100 4th Street SW, Suite E650, Washington, D.C. 20024. For further information, contact the Historic Preservation Office, at [historic.preservation@dc.gov](mailto:historic.preservation@dc.gov) or (202) 442-7600.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, FEBRUARY 13, 2019  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD SEVEN**

19909            **Application of 5040 A Street LLC**, pursuant to 11 DCMR Subtitle X, Chapter  
ANC 7E            10, for an area variance from the lot dimension requirements of Subtitle D §  
302.1, to construct four new, attached principal dwelling units in the R-3 Zone at  
premises 5040 A Street S.E. (Square 5326, Lots 25 and 26).

**WARD SIX**

19913            **Application of 57<sup>th</sup> Street Mews, Inc**, pursuant to 11 DCMR Subtitle X, Chapter  
ANC 6A            9, for a special exception under the inclusionary zoning lot dimension  
requirements of Subtitle E § 201.1, to subdivide the existing lot and construct  
three new, attached flats in the RF-1 Zone at premises 1511-1515 A Street N.E.  
(Square 1070, Lot 94).

**WARD SIX**

19915            **Application of Martin Hardy**, pursuant to 11 DCMR Subtitle X, Chapter 9, for  
ANC 6E            special exceptions under the residential conversion requirements of Subtitle U §  
320.2 and under Subtitle C § 703.2 from the minimum parking requirements of  
Subtitle C § 701.5, and pursuant to Subtitle X, Chapter 10, for an area variance  
from the residential conversion requirements of Subtitle U § 320.2(d), to add a  
third unit to an existing flat and convert it to an apartment house in the RF-1 Zone  
at premises 1000 Rhode Island Avenue N.W. (Square 337, Lot 19).

**WARD SEVEN**

19916            **Application of Continental Mortgage & Investment Corp.**, pursuant to 11  
ANC 7C            DCMR Subtitle X, Chapter 10, for an area variance from the nonconforming  
structure requirements of Subtitle C § 202.2(b) and for a use variance from the  
nonconforming use requirements of Subtitle C § 204.1, to renovate and construct  
a rear addition to an existing six-unit apartment house in the R-3 Zone at premises  
1217-1219 Division Avenue N.E. (Square 5203, Lot 861).

## BZA PUBLIC HEARING NOTICE

FEBRUARY 13, 2019

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**WARD FOUR**

19918            **Application of Solo Entertainment, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to construct a third story and a three-story rear addition to an existing, attached principal dwelling unit and convert it to a three-unit apartment house in the RF-1 Zone at premises 4521 Iowa Avenue N.W. (Square 2918, Lot 78).

ANC 4C

**WARD ONE**

19919            **Application of Jaz Construction, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the residential conversion requirements of Subtitle U § 320.2, under Subtitle E § 5201 from the existing nonconformity requirements of Subtitle C § 202.2, and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to construct a three-story side addition and a three-story rear addition, and convert the existing semi-detached principal dwelling unit to a three-unit apartment house in the RF-1 Zone at premises 436 Park Road N.W. (Square 3044, Lot 54).

ANC 1A

**WARD FOUR**

19921            **Application of Garfield Malcolm**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, under Subtitle D §§ 306.4 and 5201 from the rear addition requirements of Subtitle D § 306.3, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(b) and (c), to permit an existing rear addition and to construct a rooftop access penthouse on an existing semi-detached principal dwelling unit in the R-3 Zone at premises 4414 9<sup>th</sup> Street N.W. (Square 3020, Lot 36).

ANC 4C

**WARD ONE**

19922            **Application of 1471 Girard Street Holding LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the floor area ratio requirements of Subtitle F § 302.1, to permit an existing four-unit apartment house in the RA-2 Zone at premises 1471 Girard Street N.W. (Square 2669, Lot 45).

ANC 1A

**PLEASE NOTE:**

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

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The

BZA PUBLIC HEARING NOTICE

FEBRUARY 13, 2019

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public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

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

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

**Do you need assistance to participate?**

Amharic

ለሙከራ ዕርዳታ ያስፈልግዎታል?

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

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

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

[Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov)。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면,

회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

## BZA PUBLIC HEARING NOTICE

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*Spanish*

¿Necesita ayuda para participar?

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

*Vietnamese*

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

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

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

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

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

**TIME AND PLACE:** Monday, February 4, 2019, @ 6:30 p.m.  
Jerrily R. Kress Memorial Hearing Room  
441 4<sup>th</sup> Street, N.W., Suite 220-South  
Washington, D.C. 20001

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 04-13C (1210C “R” Street, LLC – Modification of Significance to a Consolidated Planned Unit Development – (Square 277, Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 45, and 50 (1210C R Street, N.W.))**

**THIS CASE IS OF INTEREST TO ANC 2F**

On July 27, 2018, the Office of Zoning received an application requesting approval of a modification of significance to an approved consolidated planned unit development (PUD) and related Zoning Map amendment for property located at 1210C R Street, N.W. (Square 277, Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 45, and 50) (“Subject Property”). The application was filed by 1210C R Street, LLC (“Applicant”), owner of the space within the Subject Property within which the modification is concerned. The Application was filed with the support of the Board of the Logan Station Condominium Association, owner of the subject property. The Office of Planning filed its setdown report on September 10, 2018 and the Zoning Commission, on September 17, 2018, voted to set down the case for hearing. The Applicant filed a supplemental submission on October 24, 2018.

The Zoning Commission, through Z.C. Order No. 04-13, approved an application filed by Logan Phase II, LLC for consolidated review and approval of a PUD and related map amendment for the Subject Property. As approved, the PUD consisted of a four-story condominium building with 63 units, of which five were to be devoted to affordable housing. The approved PUD also included a church community room consisting of 3,479 square feet of space, then owned by Metropolitan Baptist Church (“Church”).

Through Z.C. Order No. 04-13A, effective March 26, 2017, the Commission approved a modification of consequence to Z.C. Order 04-13 to permit the conversion of the community room into three apartment units, one of which must qualify as a “universal design” unit. That same unit would also be reserved for households with a maximum annual income of 80% of the adjusted medium income pursuant to eligibility requirements and enforcement mechanisms that have been developed with the Department of Housing and Community Development. The concrete area outside the community room would be converted to a pervious grass lawn and/or flower space. Finally, two of the six parking spaces dedicated to the community room would be added to the twenty spaces required to be sold to residents within a two-block radius of the PUD.



The Applicant now requests permission to provide the affordable universal design unit off-site at 721 Kennedy Street, N.W., Apartment 302. The unit would be affordable to households earning 80% AMI, but with no control period. The size of the unit would increase from 451 to 750 square feet, and the number of bedrooms would increase from one to two.

The Applicant also proposes to make monetary contributions to the Shaw Dog Park for facility infrastructure repairs and improvements, including a new dog washing station, regrading of the park, five new post lights throughout park, and the preservation and staining of ten tree boxes; and to the Garrison School PTA Foundation/Organization for general painting and carpentry, and related repairs. The deadline by which the Applicant must demonstrate that these improvements have been made will be determined by the Zoning Commission.

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

### **How to participate as a witness.**

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

### **How to participate as a party.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ለመተና ፅርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አግባብ ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡ በነጻ ነው።

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

**TIME AND PLACE:**                      **Thursday, February 7, 2019, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 18-11 (Riggs Road Center, LLC and Avissar Riggs Road, LLC – Zoning Map Amendment @ Square 3710, Lots 199, 848, and 849)**

**THIS CASE IS OF INTEREST TO ANC 4B and ANC 4B08**

On July 11, 2018, the Office of Zoning received an application from Riggs Road Center, LLC and Avissar Riggs Road, LLC (together, the “Applicant”) requesting approval of a Zoning Map amendment for Lots 199, 848, and 849 in Square 3710. The Office of Planning submitted its report in support of setting the application down for a public hearing on October 10, 2018. On October 22, 2018, the Zoning Commission voted to set down the application for public hearing. The Zoning Commission determined that the case will be heard as a contested case.

The property that is the subject of this application consists of approximately 84,649 square feet of land area. The property is currently improved with industrial buildings.

The Applicant is requesting to rezone the property from the PDR-1 zone to the MU-4 zone. The primary purpose of this Zoning Map amendment application is to allow redevelopment of the property consistent with the property’s Mixed-Use Moderate-Density Residential/Moderate-Density Commercial Land Use designation on the Comprehensive Plan’s Future Land Use Map. The requested Zoning Map amendment reduces the maximum permitted density from 3.5 FAR to 2.5 FAR (or 3.0 FAR for Inclusionary Zoning projects), of which a maximum 1.5 FAR may be devoted to non-residential uses.

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

**How to participate as a witness**

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

**How to participate as a party.**

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

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

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

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

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

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

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

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

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

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

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**ለመነጠፍ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

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

**TIME AND PLACE:** **Thursday, March 7, 2019 @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**CASE NO. 18-14 (3840 S Capitol LLC and 3848 S Capitol LLC – Consolidated PUD and Related Zoning Map Amendment @ Square 6129, Lots 77 & 819 (3836-3848 S. Capitol St. S.E.)**

**THIS CASE IS OF INTEREST TO ANCs 8C AND 8D**

On August 17, 2018, the Office of Zoning received an application from 3840 S Capitol, LLC and 3848 S Capitol, LLC (collectively, the “Applicant”). The Applicant is requesting approval of a consolidated planned unit development and related Zoning Map amendment for property located at 3836-3848 South Capitol Street, S.E. (Square 6129, Lots 77 and 819). The Office of Planning provided its report on October 12, 2018, and the case was set down for hearing on October 22, 2018. The Applicant provided its prehearing statement on November 21, 2018.

The property that is the subject of this application consists of approximately 39,318 square feet of land area. The property is located along South Capitol Street, S.E. between Halley Terrace and Xenia Street. The property is currently improved with two residential buildings and accessory parking. The property is located in the RA-1 zone. On the Future Land Use Map of the District of Columbia Comprehensive Plan, the majority of the property is located in the in the Moderate Density Residential land use category, while a small portion of Lot 819 is located in the Mixed-Use Moderate Density Residential/Low Density Commercial land use category.

The Applicant proposes to rezone the property to the RA-2 zone. The Applicant intends to demolish the existing improvements and construct a new residential building with approximately 106 residential units and approximately 17 underground parking spaces. The total gross floor area included in the project will be approximately 100,365 square feet, for a total Floor Area Ratio of approximately 2.55. The project will be constructed to a building height of approximately 51 feet and will have a lot occupancy of approximately 60%.

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

**How to participate as a witness.**

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

**How to participate as a party.**

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

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**ለሚተፍ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከስብሰባው አዎንት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL 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 Code<sup>1</sup> 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),

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.

3. The Notice of Proposed Rulemaking was published on November 2, 2018.<sup>2</sup> No comments were filed. The Commission approved the amendments as proposed in a vote at the December 12, 2018 open meeting, with the rule becoming effective upon publication in the *D.C. Register*.

**Chapter 25, CERTIFICATION OF LOCAL EXCHANGE CARRIERS, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:****Section 2500, APPLICABILITY, amends Subsection 2500.1 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.

<sup>1</sup> D.C. Official Code §§ 34-802; 2-505; 34-2002(g) (2012 Repl.); and 34-2002(n) (2018 Supp.).

<sup>2</sup> 65 DCR 12163 (November 2, 2018).

**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 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, amends Subsection 2510.1 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.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**

**NOTICE OF FINAL RULEMAKING**

**RM28-2018-01, IN THE MATTER OF THE COMMISSION’S INVESTIGATION INTO THE RULES REGARDING UNIVERSAL SERVICE**

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Sections 34-802, 2-505, and 34-2003 of the District of Columbia Official Code,<sup>1</sup> of its approval of amendments to Chapter 28 (Universal Service) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR).

2. The proposed amendments change statutory references in Subsections 2801.2 and 2808.2 as well as one definition in § 2899. Subsection 2806.1 is revised to indicate that a Public Notice will be published instead of a Notice of Proposed Rulemaking for an eligible telecommunications carrier application. Subsection 2808.2 is amended to grant the District of Columbia Universal Service Trust Fund Administrator the authority to approve reimbursement of expenses for promoting the services in this Chapter, while Subsection 2816.6 is added to permit entities that expend funds to promote the services in this Chapter to seek reimbursement for these expenditures. Subsection 2819.1 is revised to indicate that the Commission or the Telecommunications Relay Service (TRS) provider will prepare the TRS recertification report that is filed every five (5) years with the Federal Communications Commission. Subsection 2819.4 is modified to provide that TRS Advisory Board meetings will occur when necessary. Since the definitions have all been moved to Section 2899, the definitions section in § 2823 is deleted. Subsections 2808.1 and 2819.2 contain technical amendments. The full text of the amendments is published below.

3. The Notice of Proposed Rulemaking was published on October 26, 2018.<sup>2</sup> No comments were filed. The Commission approved the amendments as proposed in a vote at the December 12, 2018 open meeting, with the rule becoming effective upon publication in the *D.C. Register*.

**Chapter 28, UNIVERSAL SERVICE, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:**

**2801 APPLICABILITY**

...

2801.2 This chapter shall be applicable to all local exchange carriers (LEC) and Voice over Internet Protocol (VoIP) service providers. However, providers of mobile

<sup>1</sup> D.C. Official Code §§ 34-802; 2-505, 34-2003 (2018 Supp.).

<sup>2</sup> 65 DCR 11958 (October 26, 2018).

service are exempt from regulation under this chapter pursuant to D.C. Official Code § 34-2006(b).

**2806 ELIGIBILITY TO RECEIVE UNIVERSAL SERVICE FUNDING**

2806.1 Upon request by a local exchange carrier, and after notice and comment, the Commission shall consider designation of the requesting carrier as an ETC to receive funding from the DC USTF under the District of Columbia Telecommunications Competition Act of 1996, 47 U.S.C. § 214(e) and the FCC rules implementing 47 U.S.C. § 214(e). Interested parties may file comments within thirty (30) days after publication in the *D.C. Register* of the Commission’s Public Notice and reply comments within forty-five (45) days of publication.

...

**2808 SELECTION AND DUTIES OF THE DC USTF ADMINISTRATOR**

2808.1 The DC USTF Administrator will be selected through a competitive bidding process as provided for in 15 DCMR §§ 2200, *et seq.*

2808.2 The Administrator shall:

...

(k) Protect the proprietary nature of information reported to the DC USTF administrator in conjunction with the Commission while recognizing that the DC USTF Administrator is subject to the Freedom of Information Act (FOIA), D.C. Official Code §§ 2-531 to 2-539;

...

(p) Disperse funds to the entity responsible for certifying Lifeline customers to reimburse for the costs of managing the certification program and the entity responsible for promoting services funded by the DC USTF; and

...

**2816 REQUEST FOR DC USTF FUNDING**

...

2816.6 Any entity responsible for promoting universal service may request funding from the DC USTF consistent with Commission orders approving these expenses.

**2819 TELECOMMUNICATIONS RELAY SERVICE**

2819.1 Provision of TRS in the District shall be administered by the Fund Administrator.



- (a) The Fund Administrator shall monitor service levels to ensure that minimum service requirements specified in this chapter are satisfied.
- (b) The Fund Administrator shall attempt to resolve any complaints regarding TRS in a reasonable timeframe. If unable to do so, the Fund Administrator shall refer the complaint to the Commission.
- (c) The Commission or the TRS provider shall draft the Application for Recertification to be submitted to the FCC every five (5) years, submitting the draft for review by the Commission no later than six (6) months prior to expiration of the current certification.

2819.2 The Commission shall select the TRS provider through a competitive bidding process.

...

2819.4 The Board shall meet as necessary and provide input to the Fund Administrator and to the TRS provider regarding operation of TRS in the District.

...

**Section 2823, DEFINITIONS, is deleted.**

**2899 DEFINITIONS**

2899.1 When used in this chapter, the following terms and phrases shall have the following meanings:

**District of Columbia Universal Service Trust Fund or DC USTF or Fund** - the fund established and required to be implemented by the Commission pursuant to D.C. Official Code § 34-2003 (2018 Supp.)

...

**OFFICE OF TAX AND REVENUE****NOTICE OF FINAL RULEMAKING**

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR) of the Office of the Chief Financial Officer, pursuant to the authority set forth in Section 16 of the Personal Property Tax Amendment Act of 1986, effective February 28, 1987 (D.C. Law 6-212; D.C. Official Code § 47-1535 (2015 Repl.)), and Section 2 of the Title 47, D.C. Code Enactment Act of 1996, effective April 9, 1997 (D.C. Law 11-254; D.C. Official Code § 47-1535 (2015 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the amendment of Chapter 7 (Personal Property Tax), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR).

The newly amended Section 707 provides updated technical guidance regarding the exemptions from personal property taxes. The guidance in this regulation is necessary to provide clarity to taxpayers attempting to comply with District personal property tax exemption requirements.

A version of these rules was originally published in the *D.C. Register* as a proposed rulemaking on October 12, 2018 at 65 DCR 11502. No public comments were received.

This rule will take effect immediately upon publication of this notice in the *D.C. Register*.

**Chapter 7, PERSONAL PROPERTY TAX, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:**

**Section 707, PERSONAL PROPERTY TAX EXEMPTION, is amended to read as follows:**

**707 EXEMPT ORGANIZATIONS**

707.1 The responsibility for establishing the right to exemption from the personal property tax shall rest upon the organization claiming the exemption.

707.2 An organization shall not be exempt merely because it is not organized and operated for profit.

707.3 Personal property tax exemptions shall only be valid for the period stated on the personal property tax exemption certificate.

707.4 The effective date for a personal property tax exemption granted shall be the July 1st following the date of the initial application request.

**707.5 Exemption Applications for Exempt Organizations**

- (a) In order to establish a personal property tax exemption, the organization shall obtain from the Deputy Chief Financial Officer a certificate of exemption stating that the institution is entitled to the

exemption. No exemption shall be allowed without a valid exemption certificate.

- (b) Beginning with exemption certificates issued on or after November 1, 2018, exemption certificates issued to exempt organizations shall be valid only for a period of up to five years from the date issued.
- (c) Exemption certificates issued to exempt organizations prior to November 1, 2018, shall expire upon notice by the Office of Tax and Revenue.
- (d) In order to receive an exemption certificate, an exempt organization shall follow the Office of Tax and Revenue's electronic application process.
- (e) All exemption applications filed by exempt organizations shall include, but are not limited to, the following information:
  - (1) Taxpayer ID Number;
  - (2) Name;
  - (3) Address;
  - (4) Sales Tax Account Number;
  - (5) NAICS Code;
  - (6) Federal Exemption Status;
  - (7) Proof of IRS exemption (e.g., IRS Determination Letter or Application for Recognition of Exemption);
  - (8) Organizational details; and
  - (9) Articles of Incorporation.

## DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

The Director of the District Department of Transportation (“DDOT”), pursuant to the authority set forth in Sections 3(b), 5(a)(3)(E), 6(b), and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(a)(3)(E), 50-921.05(b), and 50-921.06 (2014 Repl. & 2018 Supp.)), Section 604 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198, D.C. Official Code § 10-1141.04 (2013 Repl.)); and Mayor’s Order 2018-075, dated October 2, 2018, hereby gives notice of the intent to adopt the following rulemaking to amend Chapter 33 (Public Right-of-Way Occupancy Permits) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking would amend Title 24 to establish a public right-of-way occupancy permit program to manage the dockless vehicle operating companies and establish permit fees for dockless vehicle operating companies who operate in the public right-of-way.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on October 26, 2018 at 65 DCR 11961. On November 5, 2018, the District of Columbia (District) Department of Transportation (DDOT or Department) published sample Terms and Conditions documents which are required agreements between DDOT and dockless vehicle operating companies.

DDOT received public comments from 115 total commenters. In general, supportive commenters described benefits of the publicly accessible dockless vehicle sharing system, *e.g.*, its potential to create more environmentally sustainable, socially equitable, physically efficient, and safe transportation options in the District. In general, opposing commenters described harmful aspects of the publicly accessible dockless vehicle sharing system, *e.g.*, its potential to misuse public space and thereby pose hazards to people with disabilities and other pedestrians. Concerns were related to the safe operation of dockless sharing vehicles, and the parking of dockless sharing vehicles in public space and private property. The majority of public comments offered recommendations for the administration and operational parameters of the publicly accessible dockless vehicle sharing system. These recommendations are summarized below, along with DDOT’s response to each.

Public comments related to the maximum allowable number of dockless sharing vehicles

Numerous public comments articulated a desire for a larger system and District-wide fleet size for dockless sharing vehicles than the 600-vehicle-per-permit starting point defined in the sample Terms and Conditions. Further, some commenters believe that quarterly evaluation of dockless vehicle operating companies is too infrequent to promote adequate growth, and that a quarterly twenty-five percent (25%) increase in fleet size is too small of an increment of growth. While these parameters are not contained in the proposed rulemaking, DDOT is confident that they will enable an appropriate balance of vehicle availability and public space management as conditions in the Terms and Conditions. DDOT has not determined a limit to the number of dockless vehicle operating companies that may be permitted in the District. The starting maximum fleet size enumerated in the sample Terms and Conditions, as well as the process for quarterly review

and growth in fleet sizes, reflect lessons learned from the 2017-2018 dockless demonstration period, as well as dockless vehicle operating company requests for a performance-based system of expansion. Given the strong interest from dockless vehicle operating companies in the 2019 program, the total number of dockless vehicles may incrementally grow to a scale on par with what many commenters recommended within the first year of operations.

Public comments related to fees charged to dockless vehicle operating companies

Numerous public comments argued that the proposed fees dockless vehicle operating companies must pay to obtain a public right-of-way occupancy permit from DDOT are too costly. DDOT is confident that the proposed fees appropriately reflect the costs of administration, evaluation, and enforcement associated with the program, as well as the cost of public space occupancy. Fees were calculated using the same rate DDOT uses to permit other uses of the public right-of-way, which takes into account the amount of physical space the activity occupies, as well as the costs of other externalities. The proposed fees are similar to those in peer jurisdictions and given the strong interest from dockless vehicle operating companies to participate in the 2019 program, the proposed fees have not created a deterrent effect.

Public comments related to the “lock-to” requirement for bicycles and parking infrastructure

There were many comments evaluating the requirement for bicycles to lock to a separate piece of infrastructure when parked, both positive and negative. After piloting dockless vehicle sharing for over one year, DDOT is confident that a “lock-to” requirement for bicycles and motorized bicycles will better preserve the accessibility of public space and may also deter theft and vandalism. DDOT is committed to continue its expansion of parking infrastructure for active transportation both in-street and upon sidewalks, and is exploring opportunities for dockless vehicle operating companies to support the effort. DDOT parking infrastructure for active transportation will expand access for both private and shared vehicles.

Public comments related to the 10 mile-per-hour speed limit for personal mobility devices, including dockless electric scooters

Numerous commenters made statements indicating a belief that the draft Terms and Conditions would impose a new maximum speed limit of 10 miles per hour (mph) on dockless electric scooters. This is not the case; electric scooters and other personal mobility devices already have been subject to a maximum operating speed limit of 10 mph pursuant to the Personal Mobility Device Amendment Act of 2006 (D.C. Law 16-224). The draft Terms and Conditions would mandate that permit holders shall equip dockless electric scooters with a speed governor that ensures compliance with the current legally mandated speed limit. Other comments indicated an understanding that the 10-mph maximum speed is an existing legal limit for personal mobility devices, but requested that electric scooters be reclassified as something other than a personal mobility device. DDOT is unable to change the allowable maximum speed or legal classification for these devices through this rulemaking as these provisions are legislatively mandated. DDOT is maintaining the same maximum allowable speed for personal mobility devices that has been in place during the 2017-2018 demonstration period.

Public comments related to equitable distribution of dockless sharing vehicles

Several commenters asked why DDOT required a low number (six) of dockless sharing vehicles to be available in each ward on a daily basis. In the proposed rulemaking, DDOT set a minimum

of six vehicles per ward to establish a quantifiable target. This is an adequate starting point to ensure a minimal level of access. However, DDOT will be evaluating the performance of dockless vehicle operating companies specifically on the equity outcomes of their service. DDOT will be able to encourage equitable availability of vehicles in all wards of the District.

#### Public comments related to affordability of the dockless vehicle sharing system

Some commenters believed that Terms and Conditions requiring a cash-based payment option or pricing options for low-income customers would unfairly burden dockless vehicle operating companies. Given past performance in the District, programs in peer jurisdictions, and 2019 proposals from dockless vehicle operating companies, DDOT does not believe these requirements will be problematic or burdensome. DDOT will work with permit holders through the administration of the program to ensure that the District's goals to ensure affordable access to services for low-income and unbanked individuals can be achieved without unduly burdening dockless vehicle operating companies.

#### Public comments related to use of dockless sharing vehicles on sidewalks and in bicycle lanes

Numerous commenters expressed preferences for where dockless sharing vehicles should be permitted to operate, including prohibiting dockless electric scooters from sidewalks, prohibiting dockless electric scooters from bicycle lanes, and allowing motorized dockless bicycles in the same locations as traditional bicycles. DDOT may address the concerns related to the operation of personal mobility devices in a separate rulemaking that would be subject to Council review. DDOT is also currently evaluating existing regulations that govern the use of motorized bicycles and may address those concerns in a separate rulemaking.

#### Dockless Vehicle Operating Company comments on various topics

In addition to public comment, dockless vehicle operating companies participated in the public comment process and held many of the same concerns as members of the public related to the proposed rules and Terms and Conditions. Some companies requested the elimination of the "lock-to" requirement for bicycles. Others requested an increase in the total program fleet size, the adoption of a common data format with peer cities, uniformity in the maximum allowable speed for motorized bicycles and dockless electric scooters, less onerous requirements for affordability for low-income customers. DDOT's responses to these concerns are consistent with the responses to the public comments above. A dockless vehicle operating company also recommended that DDOT clarify the extent to which dockless vehicle operating companies will be required to indemnify the District against liabilities. DDOT has made a clarifying modification in this final rulemaking.

#### Dockless Vehicle Operating Company comments on definitions

One dockless vehicle operating company requested modifications to the definitions section of the proposed rulemaking, to ensure the language will not preclude dockless vehicle operating companies from deploying infrastructure such as charging hubs in the public right-of-way subject to DDOT approval. DDOT has made this minor modification in this final rulemaking.

#### Dockless Vehicle Operating Company comments on privacy

DDOT has required dockless vehicle operating companies to provide monthly data reporting for planning and program evaluation purposes since the demonstration period began in 2017. The

data reporting requirements in this proposed rulemaking and accompanying Terms and Conditions are virtually identical to the requirements that all currently operating companies have complied with since September of 2018. To arrive at these requirements, DDOT, external subject matter experts, and dockless vehicle operating companies have discussed many concerns including privacy matters and protection of trade secrets. Some dockless vehicle operating companies are concerned that the data reporting requirements specified in the Terms and Conditions could compromise customer privacy. DDOT has concluded the data reporting requirements do not provide access to any information that would expose any company's or individual customer's private or personal information that cannot already be observed in public or through an examination of customer-facing smart phone applications. This includes the District's Freedom of Information Act (FOIA) requests. The precision of the location and trip data required is specific enough to provide value for DDOT evaluation but does not expose personally identifiable information and could not be used to deduce personally identifiable information that is not already readily observable by any member of the public.

#### Dockless Vehicle Operating Company comments on permit fees

Some dockless vehicle operating companies requested a flat fee instead of a per-vehicle fee. DDOT concluded that a per-vehicle fee is the most equitable approach, and the fee will be charged when the vehicle is permitted to enter a dockless vehicle operating company's fleet. The fee is prorated so that a vehicle that is permitted later in the year incurs a lower fee than a vehicle that is permitted to operate earlier in the year. The fees are not refundable if a dockless vehicle operating company reduces the number of vehicles in its fleet.

#### Business Improvement District comments

A business improvement district (BID) requested that the proposed regulations specify that DDOT may decrease the permitted fleet size based on poor performance. DDOT implicitly has this ability and has the ability to revoke a permit at any time for any reason. A BID also requested that DDOT include requirements for dockless vehicle operating companies to ensure the parking of their vehicles maintains a minimum of ten (10) feet of clearance on sidewalks that currently have ten (10) or more feet of total available space. DDOT did not add this requirement because the proposed regulations and Terms and Conditions already surpass the requirements of the Americans with Disabilities Act and will ensure equitable access to the public right-of-way. Likewise, DDOT did not add a BID-recommended requirement to limit the maximum number dockless vehicles parked on a particular block face or corner in the downtown area. DDOT will monitor the concentration of parked and staged dockless vehicles as part of the dockless vehicle operating company's performance and respond accordingly to ensure the public right-of-way is preserved.

#### Advisory Neighborhood Commission resolutions

DDOT has received official resolutions from the following Advisory Neighborhood Commissions (ANCs): ANC 2B, ANC 3D, ANC 6B, and ANC 6C. Pursuant to the District of Columbia Administrative Procedure Act, DDOT has accorded "great weight" to these comments.

Comments are addressed by topic below.

Advisory Neighborhood Commission comments related to the rulemaking process

ANC 6C commented that DDOT has released Terms and Conditions applying to dockless vehicle permits that provide further operating parameters for dockless vehicle systems. ANC 6C objected to the release of these terms without codification in the DCMR and the required public comment period associated with proposed rulemakings. These comments did not address the subject rulemaking. We note, however, that DDOT has accepted and considered comments on both the proposed rulemaking and the accompanying sample Terms and Conditions because the details of the Terms and Conditions are logical outgrowths of the broad parameters established in the proposed rulemaking. DDOT has complied with the District of Columbia Administrative Procedure Act throughout this proposed rulemaking process.

Advisory Neighborhood Commission comments related to parking of dockless vehicles

ANC 3D recommended specific requirements regarding the manner in which dockless sharing vehicles must be parked, but these requirements are already specified within existing regulations, this proposed rulemaking, or within the Terms and Conditions documents. The District has clear regulations that govern the proper parking of vehicles in the public right-of-way. DDOT is considering a future, separate rulemaking that will establish specific violations and associated fines for individual violations of parking regulations for dockless vehicle operating companies.

ANCs 2B, 3D, 6B, and 6C all commented on the need for more parking infrastructure for bicycles and electric scooters. In particular, ANC 6B and 6C expressed concerns regarding the requirement for a “lock-to” mechanism for dockless bicycles in the absence of additional bicycle racks. ANC 2B recommended that DDOT establish “corrals” for pick-up and drop-off of scooters. DDOT intends to expand parking infrastructure for active transportation in public space, and to explore opportunities to encourage dockless vehicle operating companies to support this effort.

DDOT believes there is merit to the recommendation from ANC 6B to adjust the time limit for locking a bicycle to stanchion in public space, since the current twelve-hour limit has the potential to impact the use of dockless bicycles. However, this rulemaking was limited in scope to Title 24 DCMR. The relevant time limit is in 18 DCMR § 1209.1 and is therefore outside the scope of this rulemaking. DDOT may address this time limit in a future rulemaking.

ANC 3D recommended that DDOT require dockless bicycles to have instructions that illustrate proper examples of locking and parking a bicycle without obstructing the public right-of-way, or parking in improper locations. DDOT is planning an educational campaign to address this concern and is encouraging dockless vehicle operating companies to educate users on proper parking. DDOT will also evaluate performance in this category throughout the 2019 program. Because DDOT can manage educational efforts through the administration of the permits, no changes to the proposed rulemaking were made on this topic.

Advisory Neighborhood Commission comments related to rules for operation of electric scooters

Resolutions from ANC 2B, ANC 6B, and ANC 6C objected to the maximum allowable speed of 10 mph for dockless electric scooters. DDOT is unable to address these concerns through this rulemaking as the speed limit is legislatively mandated for personal mobility devices. ANC 6B also commented that scooters should be required to use bicycle lanes wherever they exist, rather



than sidewalks. Permissions for sidewalk riding of personal mobility devices have also been set by legislation, and therefore cannot be changed through this rulemaking. ANC 2B recommended that bicycles and scooters have equipment standards that include headlights, taillights, and audible warning devices. Equipment standards for bicycles are already established in 18 DCMR § 1204. Equipment standards for personal mobility devices may be the subject of a future rulemaking.

Advisory Neighborhood Commission comments related to fees and bonds

ANC 6B recommended that the performance bond be assessed on a per-vehicle basis. Because the number of vehicles deployed by any company may change over the course of the year, DDOT believes that the documentation to demonstrate increases or decreases in the bond amount could be administratively burdensome for both companies and the Department. DDOT believes that a \$10,000 bond for each permit will cover costs that can be reasonably anticipated for fleet sizes expected in 2019. DDOT will monitor any costs associated with items covered by performance bonds during the course of 2019 and may propose updated regulations as needed.

ANC 6C commented that the per-vehicle fee is too high, since for a dockless vehicle entering operations in January, the fee is nearly double the \$35 annual fee for a Residential Parking Permit for a motor vehicle. DDOT's reasons for the fee schedule in this rulemaking are stated above in the section of this preamble devoted to public comments on this topic.

ANC 6C commented that it is confusing that the proposed rulemaking included a fee schedule that pertained to operations in the remainder of calendar year 2018, as well a fee schedule that pertains to the full calendar year of 2019. DDOT drafted the proposed rulemaking at a time when it was unclear whether these regulations might become effective earlier in 2018. The fee schedule in § 2214.3(a) for permits issued prior to January 1, 2019 is still relevant because it provides regulatory authority for DDOT to collect application fees, technology fees, and the initial fees for the public right-of-way occupancy permit during the application and permit issuance period prior to that date. DDOT will use the fee schedule in § 3314.3(b) to assess per-vehicle fees and performance bonds starting January 1, 2019.

Advisory Neighborhood Commission comments related to the number of permitted vehicles

All ANC resolutions offered recommendations related to the overall maximum allowable number of vehicles per dockless vehicle operating company and requirements for the equitable distribution of vehicles. DDOT has not made changes to these proposals for the reasons described above, in the sections of the preamble devoted to public comments on these topics. A specific comment not addressed above in the public comments is a recommendation from ANC 2B that the minimum number of dockless vehicles to be available in each ward should be set by percentage of the fleet, as well as an absolute number. DDOT is concerned that a percentage-based requirement could be difficult to administer, and could be burdensome on companies with smaller fleets.

Advisory Neighborhood Commission comments related to data privacy

ANC 6C also recommended DDOT be cautious of user privacy in its data collection. Data privacy concerns are addressed above in this preamble. DDOT does not collect personally identifiable information about users from companies under the dockless vehicle program.

Comments from not-for-profit advocacy organizations

DDOT received several comments from advocacy organizations which have been addressed above, including a request to remove the “lock-to” parking requirement for dockless bicycles, concerns about equitable distribution of dockless sharing vehicles, requests to raise the starting fleet size for dockless vehicle operating companies, and the maximum allowable speed for dockless electric scooters. One comment requested clarification regarding the maximum allowable speed for motorized bicycles and requested these vehicles be allowed to operate on off-street trails. DDOT is currently evaluating existing regulations that govern the use of motorized bicycles and may address related concerns separately from this rulemaking.

Advisory Council comments

DDOT received comments from the District of Columbia Bicycle Advisory Council (BAC) and Pedestrian Advisory Council (PAC) regarding the proposed rulemaking and the related Terms and Conditions. DDOT’s responses to these comments are described above for topics such as the maximum allowable number of vehicles per dockless vehicle operating company, the “lock-to” parking requirement for dockless bicycles, affordability requirements, permit fees, and the classification of dockless electric scooters as personal mobility devices.

DDOT is already pursuing several advisory council recommendations which do not require codification in regulations and are encouraged of companies by explicit requirements or performance evaluation in the Terms and Conditions. Examples include education efforts to prevent impaired operation of dockless vehicles, expansion of infrastructure for active transportation, enhancement of the 311 system to collect and correct complaints related to dockless vehicle sharing, preserving accessibility in the public right-of-way, and installation of parking infrastructure for dockless vehicles in areas with high pedestrian density and incentives to encourage their use.

The PAC made several recommendations related to data and reporting. DDOT does not currently require dockless vehicle sharing companies to report the mean and maximum speeds for each trip but will consider this research question in the future. DDOT agrees to the recommendation to share monthly reporting from dockless vehicle sharing companies, in the aggregate when possible. DDOT will not add a requirement to compel dockless vehicle sharing companies to make their services visible and rentable outside of their own proprietary systems. The requirement for a public application program interface (API) serves the public interest in this topic.

The BAC objected to the requirement in the permit Terms and Conditions that companies must provide free helmets to riders upon request. DDOT believes that greater uptake of helmet usage will promote safety and will work with dockless companies to find ways to distribute helmets and promote their usage. DDOT will modify the Terms and Conditions accordingly.

The PAC commented that DDOT should require dockless electric scooters to emit audible warnings to alert pedestrians of their presence, or to require scooters to have lights and reflectors. DDOT may address these issues in a future rulemaking. Any such requirements for personal

mobility devices would fall within Title 18 DCMR, and would be subject to Council review, pursuant to the Personal Mobility Device Amendment Act of 2006 (D.C. Law 16-224).

DDOT will share dockless vehicle operating company operational plans with the BAC and PAC upon request. Operational plans (as referenced in the sample Terms and Conditions document) fulfil the requirement for a Traffic Management Plan included in the proposed rulemaking. This clarification will be provided in the Terms and Conditions, and therefore does not need to be codified in regulations.

The PAC requested that DDOT specify that the toll-free number and unique identifier on dockless vehicles must use a minimum font size that is large enough to be seen from a reasonable distance by most people. DDOT does not believe that such a specification needs to be codified in the regulations but will consider adding appropriate direction in the Terms and Conditions.

Comments submitted by members of the Council of the District of Columbia

Councilmember Charles Allen (Ward 6) submitted comments that included a request that there be opportunity for robust public discourse regarding the overall number of dockless sharing vehicles permitted in the District. On November 5, 2018 DDOT published sample Terms and Conditions to enable that discourse during this rulemaking process. As described above, DDOT has reviewed and considered comments on this and many other topics addressed in the sample Terms and Conditions documents. DDOT's rationale for the 600-vehicle per permit starting point is outlined above.

Councilmember Allen also requested that DDOT ensure that dockless vehicle operating companies educate riders on the safe operations of their vehicles, especially related to sidewalk riding, safe parking, and safety in general. DDOT will be evaluating company performance on safety objectives. Parking violations may be the topic of a future proposed rulemaking. DDOT required companies to describe their plans to educate customers on these rules in their 2019 applications to operate in the District. DDOT is developing its own educational materials to support company campaigns.

Councilmember Allen also urged DDOT to accelerate its installation of new bicycle parking infrastructure and to encourage and support dockless vehicle operating companies to fund and install bicycle parking infrastructure. DDOT intends to rapidly expand parking infrastructure for active transportation in public space, and to explore opportunities to encourage dockless vehicle operating companies to support this effort.

DDOT thoroughly reviewed all public comments regarding the Notice of Proposed Rulemaking and the related sample Terms and Conditions documents. As a result, DDOT has not substantially altered the proposed rule. As described above, the final rulemaking does make minor changes that address concerns raised through the public input process, regarding the ability of DDOT to designate third parties for data collection and analysis, the limits of indemnification for liability, and the definitions of "dockless bicycle," "dockless electric scooter," "dockless sharing vehicle," "dockless vehicle operating company," and "publicly accessible dockless vehicle sharing system."

The Director adopted these rules as final on December 6, 2018, and they shall become effective upon publication of this notice in the *D.C. Register*.

**Chapter 33, PUBLIC RIGHT-OF-WAY OCCUPANCY PERMITS, of Title 24 DCMR, PUBLIC SPACE AND SAFETY, is amended as follows:**

**A new Section 3314 is added to read as follows:**

**3314 DOCKLESS SHARING VEHICLE**

3314.1 No person shall use the public right-of-way to offer dockless sharing vehicles for rental in the public right-of-way without a permit issued by the Director.

3314.2 The Director shall issue a Public Right-of-Way Occupancy Permit for a publicly accessible dockless vehicle sharing system only to a dockless vehicle operating company with a basic business license to operate in the District.

3314.3 The Director shall charge permit fees and assess a bond, cash deposit, or other security acceptable for the use of the public right-of-way to each dockless vehicle operating company that offers dockless vehicles for rental in the public right-of-way. Permit fees and performance bonds shall be assessed as follows:

(a) Prior to January 1, 2019:

(1) A non-refundable application fee of fifty dollars (\$50) per permit;

(2) A technology fee of twenty-five dollars (\$25) per permit;

(3) A permit fee of two thousand dollars (\$2,000) per month; and

(4) A five thousand dollar (\$5,000) refundable bond, cash deposit, or other security acceptable to the Director securing the faithful performance of the obligations of the dockless vehicle operating company under any Public Right-of-Way Occupancy Permit issued pursuant to this section and the compliance with all terms and conditions of this section. If the Applicant chooses to maintain a bond with the Department, the bond shall be continuously valid for one year at any point in time during the length of the permit.

(b) Effective January 1, 2019:

(1) An application fee of fifty dollars (\$50) per permit;

(2) A technology fee of twenty-five dollars (\$25) per permit;

- (3) A fee of two hundred fifty dollars (\$250) for the initial permit to operate in the public right-of-way;
- (4) A fee of one hundred dollars (\$100) for each annual renewal of the permit to operate in the public right-of-way;
- (5) According to the month during which the dockless sharing vehicle will enter into operation in the District, a per vehicle fee of:

Month of First Operation	Per Vehicle Fee
January	\$60
February	\$55
March	\$50
April	\$45
May	\$40
June	\$35
July	\$30
August	\$25
September	\$20
October	\$15
November	\$10
December	\$5

- (6) A ten thousand dollar (\$10,000) refundable bond or other security acceptable to the Director, to be retained by the Department in the event the dockless vehicle operating company fails to remove from the public right-of-way vehicles that are unsafe, unpermitted, or abandoned, or if the District of Columbia must remove, relocate, impound, or store dockless vehicles due to improper parking, safety hazards, or any other violation of these regulations or the terms and conditions of the Public Right-of-Way Occupancy Permit.

3314.4 The dockless vehicle operating company shall submit to the Director for approval a traffic management plan that addresses safe accommodation for pedestrians and bicyclists before the issuance of a permit.

3314.5 A Public Right-of-Way Occupancy Permit issued pursuant to this section shall be subject to the following conditions, in addition to such other conditions as may be imposed by law, regulation, or the Director:

- (a) The dockless vehicle operating company shall indemnify the District against all liabilities associated with the use of the public right-of-way by the dockless vehicle operating company’s vehicles;

- (b) The dockless vehicle operator shall ensure that each dockless sharing vehicle in its fleet has a clearly displayed unique identifier;
- (c) The dockless vehicle operating company shall balance its fleet of dockless sharing vehicles by having at least six (6) vehicles in each ward by 6:00 a.m. each day;
- (d) The dockless vehicle operating company shall equip each dockless vehicle with on-board GPS technology that does not obtain spatial information by relying on a customer's smart phone;
- (e) The dockless vehicle operating company shall equip each dockless bicycle in its fleet with a locking mechanism that locks to a fixed object separate from the vehicle;
- (f) The dockless vehicle operating company shall provide the Department or its designee with data to help evaluate the impact of the operator's publicly accessible dockless vehicle sharing system and the District's Publicly Accessible Dockless Vehicle Sharing Program.
- (g) The dockless vehicle operating company shall provide a publicly accessible application program interface, clearly posted on the company's website that provides, at minimum, the current location of any dockless vehicles available for rental at all times;
- (h) The dockless vehicle operating company shall electronically report to the Department or its designee, the origin, destination, route traveled, and vehicle type for each trip completed, and any anonymous ridership data requested by the Department for each dockless sharing vehicle, on a monthly basis;
- (i) The dockless vehicle operating company shall provide a toll-free telephone number and website address on each dockless vehicle stating how a member of the public may report an incorrectly parked dockless vehicle; and
- (j) The dockless vehicle operating company shall make dockless vehicles available to all members of the public who comply with the dockless vehicle operating company's terms and conditions for use.

3314.6 The permit may be renewed annually.

3314.7 In any case where a dockless vehicle operating company is not meeting its obligations under any Public Right-of-Way Occupancy Permit issued pursuant to this section or is not in compliance with the terms and conditions of this section, the Director may order the dockless vehicle operating company to commence

corrective measures within four (4) hours from the time stated on the order and complete such measures within six (6) hours, or as otherwise established by the Director. The order shall be in writing and sent by electronic transmission to the dockless vehicle operating company. All work ordered shall commence and be completed within the required time period unless the work cannot be performed because of unforeseen circumstances, provided that the dockless vehicle operating company notify the Director of such circumstances in writing.

3314.8 If the dockless vehicle operating company should fail, neglect, or refuse to comply with an order issued pursuant to Subsections 3314.7, the Director may correct, temporarily repair, or permanently restore the public right-of-way in such manner as the Director deems appropriate.

3314.9 The Director may make deductions from the balance of dockless vehicle operating company's deposit(s) to recover all costs due pursuant to Subsection 3314.8. The Director shall provide written notice to the dockless vehicle operating company prior to making a deduction stating the reasons for and the amount of the deduction and advising the dockless vehicle operating company that any objection must be submitted, in writing, no later than seven (7) days after the date of the written notice. Any decision adverse to a dockless vehicle operating company shall be in writing and shall set forth the reasons for denying the objection and shall be sent to the dockless vehicle operating company three (3) days before a deduction is made.

**Section 3399, DEFINITIONS, Subsection 3399.1, is amended as follows:**

**The following definitions are added after the definition of the term “Director”:**

**Docking station** – a fixed structure that includes an electromechanical device or other device that locks a bicycle to the structure.

**Dockless bicycle** - a bicycle or motorized bicycle that is available to the public for rental through a rental system that does not require the installation of docking stations in the public right-of-way.

**Dockless electric scooter** –a motorized standing scooter with tandem wheels that is available to the public for rental through a rental system that does not require the installation of docking stations in the public right-of-way.

**Dockless sharing vehicle** - means a dockless bicycle or dockless electric scooter that is available to rent in the public right-of-way through a rental system that does not require the installation of docking stations in the public right-of-way. The term “dockless sharing vehicle” does not include a motor vehicle, motorcycle, low-speed vehicle, or a motor-driven cycle, as defined in 18 DCMR § 9901, or an all-terrain vehicle as defined in D.C. Official Code § 50-2201.02(2).

**Dockless vehicle operating company** – a company that provides rental of bicycles, motorized bicycles, or electric scooters from the public right-of-way for short-term one-way trips without requiring the installation of any infrastructure within the public right-of-way.

**The following definition is added after the definition of the term “Public Transit Agency”:**

**Publicly accessible dockless vehicle sharing system** - a system that provides for the rental of dockless vehicles from the public right-of-way for short-term one-way trips without requiring the installation of any infrastructure within the public right-of-way.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA****ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2018-101  
December 12, 2018

**SUBJECT:** Appointments — Office of Employee Appeals

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to section 601 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979, D.C. Law 2-139; D.C. Official Code § 1-606.01 (2016 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl. and 2018 Supp.), it is hereby **ORDERED** that:

1. **CLARENCE LABOR**, pursuant to the Office of Employee Appeals Clarence Labor Confirmation Resolution of 2018, effective December 4, 2018, Resolution 22-0672, is appointed as a member of the Office of Employee Appeals, replacing Pamela Victoria Williams for a term to end April 6, 2024.
2. **PETER ROSENSTEIN**, pursuant to the Office of Employee Appeals Clarence Labor Confirmation Resolution of 2018, effective December 4, 2018, Resolution 22-0679, is appointed as a member of the Office of Employee Appeals, replacing Sheree Price DeBerry for a term to end April 6, 2024.
3. **CLARENCE LABOR** is appointed as the Chairperson of the Office of Employee Appeals, to serve at the pleasure of the Mayor.

4. EFFECTIVE DATE: This Order shall be effective *nunc pro tunc* to December 4, 2018.

  
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 2018-102  
December 14, 2018

**SUBJECT:** Appointment — Interim Secretary of the District of Columbia

**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.), it is hereby **ORDERED** that:

1. **KIMBERLY BASSETT** is appointed as Interim Secretary of the District of Columbia and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Oder 2015-138, dated May 21, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

OFFICE OF THE CHIEF FINANCIAL OFFICER  
Office of Revenue Analysis

**NOTICE of INCREASES**  
**for the 2019 HOMESTEAD DEDUCTION,**  
**TRASH COLLECTION CREDIT AMOUNT and SENIOR INCOME THRESHOLD**

**THE REAL PROPERTY TAX**

**I. The Homestead Deduction Amount**

Per the D.C. Code § 47-850, et seq., the annual Homestead Deduction amount for tax year 2019 is adjusted in the following manner

The Washington Area Average CPI value for Tax Year 2011:	235.45
The Washington Area Average CPI value for Tax Year 2018:	261.16
The percent change in the index during the above time period:	10.92%

**Therefore, effective Tax Year 2019 (beginning October 1, 2018):**

- **the Homestead Deduction amount will be<sup>1</sup> **\$74,850.00****

**II. The Condominium and Cooperative Trash Collection Credit Amount**

Per the D.C. Code § 47-872, et seq., the annual Trash Collection Credit amount for tax year 2019 is adjusted in the following manner

The Washington Area Average CPI value for Calendar Year 2017:	256.11
The Washington Area Average CPI value for Calendar Year 2018:	261.70
The percent change in the index during the above time period:	2.18%

**Therefore, effective Tax Year 2019 (beginning October 1, 2018):**

- **the Trash Collection Trash Credit amount will be<sup>2</sup> **\$111.00****

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<sup>1</sup> Annual dollar amount changes are rounded down to the nearest \$50.00 increment.

<sup>2</sup> Annual dollar amount changes are rounded to the nearest whole dollar.

**III. The Senior Citizen or Disabled Real Property Tax Relief Income Threshold**

Per the D.C. Code § 47-863, the maximum household annual gross income for the real property tax senior citizen or disabled tax relief for tax year 2019 is adjusted in the following manner

The Washington Area Average CPI value for Tax Year 2013:	245.28
The Washington Area Average CPI value for Tax Year 2018:	261.16
The percent change in the index during the above time period:	6.48%

**Therefore, effective Tax Year 2019 (beginning October 1, 2018):**

- the household federal adjusted gross income for the real property tax senior citizen or disabled tax relief shall be<sup>3</sup> **\$133,100.00**

<b>A Summary of Homestead Deduction, Trash Credit and Income Threshold Amounts for Tax Year 2019</b>			
	<b>Base Amounts</b>	<b>CPI Adjustment Factor*</b>	<b>2019 Amounts</b>
Homestead Deduction	\$67,500.00	1.1092	\$74,850.00
Trash Collection Credit	\$109.00	1.0218	\$111.00
Senior Citizen Maximum Income Threshold	\$125,000.00	1.0648	\$133,100.00

Source: U.S. Bureau of Labor Statistics, data accessed December 12, 2018

<sup>3</sup> Annual dollar amount changes are rounded down to the nearest \$50.00 increment.

OFFICE OF THE CHIEF FINANCIAL OFFICER  
OFFICE OF REVENUE ANALYSIS

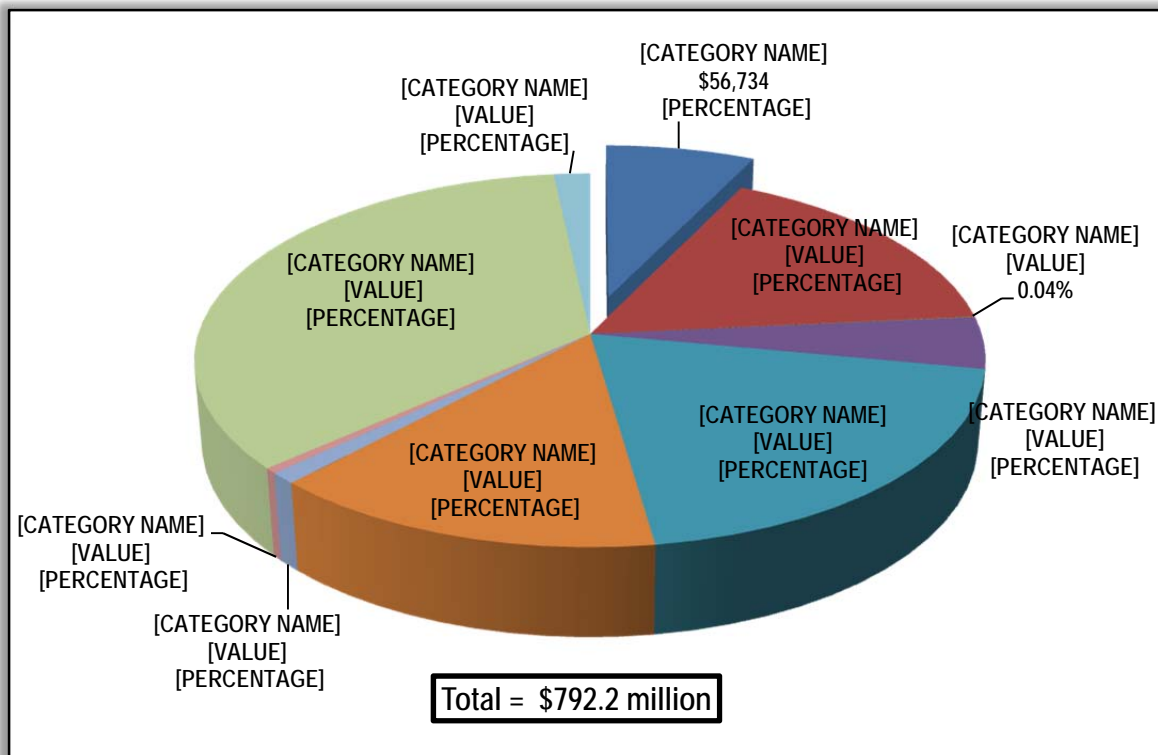
NOTICE OF THE DISTRICT OF COLUMBIA  
FY17 TAX EXPENDITURE REVIEW EXECUTIVE SUMMARY

Economic Development Provisions

Introduction

The following report is published pursuant to D.C. Law 20-155, which requires the Office of the Chief Financial Officer (OCFO) to review all D.C. tax expenditures (such as abatements, credits, and exemptions) on a five-year cycle. For the third report fulfilling the requirement, the Office of Revenue Analysis (ORA) conducted a review of the District’s economic development tax expenditures.<sup>1</sup>

Chart 1: Local FY 2017 Tax Expenditures, Aggregated by Policy Area, \$000



Source: ORA Analysis. Note: Chart does not include tax expenditures not assigned to a policy area, such as the exemption of Federal and D.C. Government property from taxation, or those more akin to base defining measures, such as the exemption of professional and personal services from the sales tax, as well as tax provisions to assist in tax administration. In this way, the pie chart differs from those presented in previous editions of this report. Further, summing tax expenditures does not consider possible interactions among individual tax expenditures, so it does not produce an exact estimate of the revenue that would be gained were any specific provision removed.

<sup>1</sup> The first report reviewed the District’s housing tax expenditures and was released in 2015. The second report reviewed the District’s environment, public safety, transportation, and tax administration-related tax expenditures and was released in 2017.



The tax expenditures are categorized in two main groups. *Categorical* tax expenditures are available to any entity that is eligible for them and include:

- the Qualified High Technology Company (QHTC) tax incentives,
- the Qualified Supermarket tax incentives,
- the Certified Capital Investment by Insurance Companies (CAPCO) program, and
- a few smaller tax expenditures.

The categorical provisions totaled about \$53 million in foregone revenue in FY 2017 (and are listed in Table 1 on page 34). These provisions generally support: 1) attracting and retaining high technology businesses in D.C., 2) attracting and retaining supermarkets in D.C., and 3) encouraging private capital investment in new or expanding small businesses in the District of Columbia. The QHTC program represents the largest dollar amount of revenue foregone of all District economic development tax incentives, and thus a significant portion of the report is dedicated to evaluating this incentive.

Next, the report reviews *individual* economic development-related tax expenditures, or those which are written for a specific entity and are generally smaller in their fiscal impact. Each section is summarized below, followed by the report's overall summary and recommendations.

### **Qualified High Technology Companies**

The Qualified High Technology Company (QHTC) tax incentives were adopted in 2000 to grow the District's high technology sector. QHTCs may take advantage of several tax incentives, including:

- a five-year corporate franchise tax exemption;
- a franchise tax rate reduction to six percent after the five-year exemption period;
- three franchise tax credits, including one for wages paid to employees;
- a real property tax abatement;
- a personal property tax exemption; and
- sales tax exemptions.

A qualified company considering moving to D.C. would not pay any corporate income taxes for the first five years it has income tax liability and would have a permanently lower rate of six percent thereafter.<sup>2</sup> In addition, tax credits for existing and new employees would allow the company to offset a portion of taxes owed after it begins paying the six percent tax rate. For example, if an eligible company moves to D.C. with 100 employees, it may take \$10,000 in credits over two years for each employee, thus offsetting a total of \$1,000,000 in tax liability (and even more, if the company hires and retrain a qualified disadvantaged worker, such as a veteran, or relocates an employee who becomes a District resident). Any part of the credit not used because tax liability is not high enough that year may be carried forward for 10 years and used later against tax liability. Further, the value of the company's property for tax purposes

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<sup>2</sup> The franchise tax rate was 9.975% in 2014; 9.4% in 2015; 9.2% in 2016, 9.0% in 2017 and falls to 8.25% for tax year 2018.



would not increase for the first five years - representing a tax abatement of any taxes owed on the assessment increase, and it would not pay any personal property taxes for 10 years. All sales the company makes in D.C. would be exempt from the District sales tax, and purchases it makes of qualified technology equipment would also be sales tax free.

As no agency was tasked with administering the QHTC program, the only source of data on the QHTC program is the data gathered by the OCFO's Office of Tax and Revenue (OTR) in the administration of the taxes to which the QHTC incentives apply. Still, there are gaps in our knowledge given that that no agency was mandated to collect detailed information or track the incentives.

Many companies are taking advantage of the QHTC incentives and are at the same time contributing to the District's economy.<sup>3</sup> The QHTC tax incentives likely attracted some of those companies to move into or start up in the District and prompted other existing companies to hire more workers or expand technology activities. It is also possible the incentives helped prevent some QHTCs from leaving D.C. But because we are not able to reasonably identify what new actions were taken due to the incentives, we cannot determine what economic benefits are attributable to the incentives.

The QHTC tax incentives may have induced some companies to make new investments in D.C.'s economy, yet they also amount to tax breaks for existing companies with no subsequent new investments.

As such, this report provides some research from which to indirectly infer benefits from the QHTC program, and a descriptive analysis of what is known about the costs of the program and some structural issues with the incentives. The main findings and recommendations about the QHTC incentives are summarized below.

**Gains in D.C.'s High Tech Sector and Some QHTC Payrolls Cannot Be Attributed to QHTC Incentives Due to Untargeted Nature of Incentives.** A review of outside data on technology firm hires shows D.C.'s tech sector has done well over the life of the QHTC program and an indirect analysis of some QHTCs' payrolls shows that some of D.C.'s QHTC payrolls have grown more than their non-QHTC counterparts in D.C. and the U.S.<sup>4</sup> As noted above, the untargeted design of the QHTC provisions make it difficult if not impossible to answer the "but for" question of whether these gains would have happened without the incentive. It is possible existing technology firms that already met the eligibility requirements can claim QHTC credits without making new investments, such as relocating or expanding their business in the District.

It is difficult to glean from the QHTC data whether new firms moved in after the program began and started taking QHTC credits the first year they filed corporate taxes in D.C. A review of the top 50 credit awards between 2001 and 2015 (representing \$115 million in QHTC credits taken) shows that only a handful of firms began simultaneously filing corporate franchise taxes and

<sup>3</sup> From 2001-2015 more than 1,200 companies certified that they were QHTCs and nearly 500 of those took advantage of corporate franchise tax benefits (any of the 1,200+ firms may have received sales or personal property tax benefits). In both 2012 and 2013, over 1,000 unincorporated businesses also certified that they were QHTCs.

<sup>4</sup> A regression analysis found that when comparing the payrolls of QHTC companies with the payrolls of comparable non-QHTC companies both in D.C. and nationwide, the D.C. QHTC's payrolls performed better.

taking the QHTC credits after 2001 when the QHTC program started, a possible indication those firms were responding to the QHTC incentives. On the other hand, over \$100 million in QHTC credits was taken by 24 companies that were either already located in D.C. and paying corporate franchise taxes before becoming a QHTC or were already in the District and paying taxes in 2001, the first year for which we can electronically track both franchise tax filers and QHTC-related data.<sup>5</sup> Further, many firms receiving credits stopped claiming QHTC eligibility in subsequent years, possibly leaving the District.

In addition to not requiring *new* investments, the QHTC program is not well targeted to firms with a typical high-tech profile because the threshold for QHTC eligibility requires only 51 percent of a company's District activities to be qualified. Rather it could be a windfall to large companies that have both QHTC and non-QHTC activities, such as those that provide technology consulting for the federal government by detailing employees to Federal agencies in the District.

**Assessing benefits and potential firm responsiveness to the QHTC incentives is difficult, but we do know that from 2001 to 2015, the District has foregone \$184 million in corporate franchise tax revenues from QHTCs.** This represents five percent of franchise tax revenue over that period that the city did not collect due to QHTC franchise tax incentives. This does not include revenue foregone to QHTCs under the sales or personal property taxes, which is estimated to be tens of millions of dollars per year in recent years. If no changes are made, ORA estimates the QHTC program will continue to represent at least \$40 million per year in foregone revenue.

From 2001 to 2015, QHTC credits totaled at least \$184 million, representing 5 percent of franchise tax revenues over that period that the District did not collect.
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**The data also reveal that some large companies are taking disproportionately large amounts of QHTC credits without evidence of commensurate economic benefit to the District.** Several large consulting firms are receiving some of the largest credit amounts. And as mentioned above many credits were claimed by companies that were already in D.C. when they first received QHTC credits and it is not clear whether they engaged in any new economic activities because of the incentives. While a small number of large firms claimed most of the total credits each year (in 2015, eight QHTCs claimed 56 percent of credits taken in that year), on average from 2001 to 2015 most firms claiming credits received smaller dollar amounts of credits, often less than \$100,000. Assessing the credit recipients' headquarters showed that in all but two years of the data, more QHTC credits were claimed by companies headquartered in Virginia than companies headquartered in D.C.

**The QHTC program has structural issues that expose the District to fiscal risks and hinder administration and compliance enforcement.** A lack of fiscal caps on the dollar value of benefits that QHTCs can receive or time limits across the QHTC incentives may jeopardize the

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<sup>5</sup> While firms were supposed to file franchise taxes and certify as QHTCs to take any of the other QHTC incentives even if they owed no franchise taxes (such as sales taxes or personal property taxes), it is theoretically possible a firm moved to D.C. or started up here because of the incentives but did not have franchise tax liability right away so only filed taxes in order to pay the minimum tax and did not certify as a QHTC. If the firm did not certify in the initial year, it would appear in the data that it was already here and not taking advantage of the incentives.

District's future revenue streams. Further, the QHTC does not require a company to pay back incentives it received if it leaves the District. If a significant number of QHTCs are leaving the District soon after receiving QHTC credits, the city will receive no further economic benefits from those foregone revenues.

Because no agency was assigned to administer the QHTC program, the lack of a verifiable standard to determine eligibility coupled with the fact that firms self-certify as QHTCs puts the burden on OTR staff to deny eligibility rather than on the company or a certifying agency to prove eligibility. Some firms could be claiming QHTC credits when they do not qualify for them, pointing to the need for increased monitoring and auditing by OTR staff.

In summary, the gains in D.C.'s tech sector and some QHTC payrolls cannot be directly attributed to the QHTC incentives but they raise the possibility that the incentives are having a positive effect on firms that do stay in D.C. Even if the incentives caused these results the fact remains that a small number of large companies have claimed a disproportionate share of the credits without evidence of commensurate economic benefit to the District. This is due in part to various structural issues with the QHTC program that expose the District to fiscal risks while also preventing a thorough review of the program.

The QHTC program demonstrates how poorly designed incentives can have significant fiscal costs for a jurisdiction, require additional administrative resources, and preclude an evaluation of outcomes. To obtain better results and improve accountability, the QHTC could be amended in a variety of ways outlined in the recommendations below.

- 1) **Better target incentives by requiring firms to engage in *new* economic activity to receive tax benefits.** Further, to better target high technology companies rather than large firms that may have both technology and other activities, consider requiring that more than 51 percent of firm's D.C. business activities constitute QHTC activities, or only allowing tax credits to apply to income derived from QHTC activities. Consider revisiting the definition of a high technology company to ensure that the QHTC law as written in 2001 adequately takes changes in technology into account and continues to meet the economic development and tax policy goals of the District.
- 2) **Cap the total amount of tax benefits** that may be granted, or that a single company may receive. Consider placing limits that preclude very large companies from continuing to take QHTC benefits unless they can be tied to commensurate benefits to the District. If credits had been limited to either \$100,000 or \$250,000 per firm in 2015, most QHTCs would have continued to receive the same amount of credits under either scenario.
- 3) **Implement a claw back provision** that would require a firm to pay back some credits received if it leaves the District within a certain number of years.
- 4) **Continue to support OTR monitoring and enforcement activities**, as well as new data collection efforts that are already underway. Consider having specific auditors assigned to QHTCs and require all QHTCs to be audited after five years.
- 5) **Develop a verifiable standard** to use for determining a company's QHTC eligibility to ensure that firms that do not meet the legal criteria are not wrongly taking the incentives.
- 6) **Improve the transparency** of the incentives by allowing company names and credit amounts received to be public.

## Qualified Supermarkets

For nearly twenty years, the District has offered tax incentives to supermarkets with the goal of decreasing food deserts, thereby increasing D.C. residents' access to healthy food and leading to longer-term improvements in health outcomes of District residents. A food desert is an area with limited access to affordable and nutritious food, particularly an area with predominantly lower income neighborhoods and communities.<sup>6</sup> As of 2010, a qualified supermarket must be in census tracts where more than half of the households have incomes below 60 percent of the area median income, as determined by the U.S. Department of Housing and Urban Development and meet the definition of a supermarket in D.C. Code.<sup>7</sup>

Data on all supermarket exemptions taken was not readily available, however data show that the amount of revenue foregone from 2010 to 2017 through the real property exemptions is \$21 million. Adding in the estimates of revenue foregone through the personal property and sales taxes the total for the tax incentives reaches almost \$29 million from 2010 to 2017.<sup>8</sup>

From 2010 to 2017, the supermarket tax incentives represented almost \$29 million in foregone revenue.

Only two supermarkets receiving incentives opened in Wards 7 and 8 between 2000 and 2015, and one of those closed after two years. The continuing shortage of supermarkets in food deserts, especially in Wards 7 and 8 means that many lower income families still lack access to healthy food and a full-service grocery store. While the District experienced significant declines in the number of food deserts, the more significant declines are in areas not eligible for the supermarket incentives. Further, new research shows that simply improving food access by opening supermarkets has little impact on low-income persons' eating habits, thus additional policy interventions such as nutrition education may be needed to improve long-term health outcomes.<sup>9</sup>

This new research aside, assessing the incentives based on their original goals shows that almost \$29 million of foregone District revenues cannot be shown to have affected supermarkets' location decisions, generally, or produced economic or other benefits that would not have happened but for the incentives. As such, this report recommends that policymakers change the supermarket tax incentives to better target supermarkets that would not otherwise locate in an area of highest need. Such targeting would also prevent taxpayer dollars from going to supermarkets that would have located in eligible areas regardless of the incentives. Further, any modification should consider whether more of an incentive is needed for supermarkets that

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<sup>6</sup> This report cites research that operationalizes the definition as: a census tract where more than 33 percent of census block groups considered were more than a ½ mile away from a supermarket. The census blocks considered were those with a median household income of 80% of Area Median Income (AMI) for a 3-person household (\$78,624). That analysis does not include Virginia or Maryland supermarkets. See footnote 99 on page 88 for more detail.

<sup>7</sup> A supermarket is defined in the D.C. Code as a self-service retail establishment, independently owned or part of a corporation operating a chain of retail establishments under the same trade name, that is licensed as a grocery store; sells a full line of meats, seafoods, fruits, vegetables, dairy products, dry groceries, household products, and sundries; occupies the address under a certificate of occupancy with the use declared as a grocery store, and include related service departments, such as a kitchen, bakery, pharmacy, or flower shop.

<sup>8</sup> The sales and use tax exemption is for building materials necessary for construction. This figure does not include an exemption that has been approved for a future supermarket in Census Tract 94.

<sup>9</sup> Florida, Richard. "It's Not the Food Deserts: It's the Inequality." January 18, 2018. *CityLab*. <https://www.citylab.com/equity/2018/01/its-not-the-food-deserts-its-the-inequality/550793/>

would locate in areas of highest need, given that the tax incentives appear to have not been enough to attract supermarkets to food deserts or low-income areas of highest need.

A recently passed law takes the District's supermarket policies in this direction. The East End Grocery and Retail Incentive Program Tax Abatement Act of 2017 takes steps to create greater access to grocery stores in Wards 7 and 8 by encouraging the development of a new anchor grocery store, which would serve as a catalyst for additional business development in the neighborhoods. The law provides a package of incentives that include: a 30-year exemption from real property taxes, personal property taxes, and corporate franchise taxes; and a sales and use tax exemption for purchases of property or services to construct the store.<sup>10</sup> Based on best practices of tax incentives identified in this report, a specific agency should own the program and be charged with collecting and analyzing data on the incentives to ensure compliance to the law (such as monitoring the requirement that 50 percent of employees are D.C. residents) to promote the accountability of taxpayer dollars.

### **Certified Capital Investment by Insurance Companies**

The Certified Capital Company (CAPCO) incentive program was enacted in 2004 with the goal of increasing the volume of private investment in new and/or expanding businesses located in the District. The primary objectives of the program include:

- stimulating the flow of capital to early-stage businesses that are unable to access traditional financing;
- building venture capital infrastructure;
- creating high-paying jobs; and
- increasing the District's tax revenue.<sup>11</sup>

Beginning in 2004, insurance companies that invested in a CAPCO were entitled to receive up to \$50 million in insurance premium tax credits equal to the amount of the insurance company's total debt and equity investment in the CAPCO. A CAPCO is a partnership, corporation, trust, or limited liability company, whether organized on a profit or not for profit basis, that has as its primary business activity the investment of cash in qualified businesses (defined below).<sup>12</sup> Because insurance companies typically have large pools of funds available from collecting premium payments yet are also typically risk averse, CAPCO programs are used as an economic development tool to incentivize insurance companies to invest in local communities.

Under the CAPCO program a 'qualified business' must be headquartered in and conduct their principal business operations in the District or certify that they will relocate to the District within 90 days after receiving an initial investment from a CAPCO. At least 25 percent of the employees of a qualified business must live in the District, and at least 75 percent of their employees must work in the District. Qualified businesses must also be small businesses as

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<sup>10</sup> A22-0254, effective March 29, 2018.

<sup>11</sup> Fuller, Stephen. "The Economic and Fiscal Impact of CAPCO-Funded Companies on the District of Columbia." Center for Regional Analysis, George Mason University. November 2009.

<sup>12</sup> D.C. Law § 31-5231

defined by the Small Business Administration<sup>13</sup> and must certify that they are unable to obtain conventional financing.

The \$50 million in insurance premium tax credits could be redeemed beginning in 2009 with a limit of \$12.5 million per company per year on usage of the credits. As of the end of FY 2017, insurance companies had claimed \$48 million in insurance premium tax credits from the District (based on their investments into the CAPCOs), making this the cost to the District in foregone revenue. Three investment companies applied for and received certification from the Department of Insurance, Securities, and Banking (DISB) to be CAPCOs. To date, the CAPCOs have loaned or invested about \$33.5 million in 36 qualified companies in the District.<sup>14</sup>

As of FY 2017, insurance companies had claimed \$48 million in insurance premium tax credit while CAPCOs had loaned or invested about \$33.5 million in 36 qualified companies in
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Economic and fiscal impact studies have shown that the CAPCO program had some impact on the District of Columbia. In an evaluation prepared for DISB, Dr. Don Phares used an input-output model to estimate that from 2004 to 2012, the economic impact of the CAPCO program included the creation and maintenance of an annual average of 79.2 jobs, almost \$120 million in total new spending due to new business investments, and \$41 million in total labor income. Using his model, the CAPCO program also generated an estimated \$9 million in total new revenue. A major caveat to this research is that it is unknown how much of this business activity would have happened anyway. Further, the study assumed some economic impacts of follow-on investments that have not materialized making those assumptions an overestimate, while it also lacked full data from participating business, representing a possible underestimate of some impacts.

A few companies that received CAPCO investments failed while other companies still in operation have yet to reach the point where CAPCOs can receive a return on their investment. Further, two CAPCOs have been unable to invest 100 percent of the certified capital to new or expanding businesses. Part of the problem is the structure of the CAPCO program. The two CAPCOs have little incentive to invest the remainder of the certified capital as there is no penalty if the remaining \$16.5 million is not invested. Additionally, some of the qualified companies that received investments and decided to move out of the District or failed to fulfill the CAPCO program employment requirements were not penalized. The 2010 amendments made continuing operations in the District a requirement for businesses to receive funding from the CAPCOs, but this requirement did not apply to businesses that received funding before the amendments became effective on May 27, 2010.

In general, the impacts of CAPCO incentive programs in the United States have been controversial. There are 14 states with a CAPCO incentive program including the District of Columbia. Evaluations of the CAPCO program in other states have shown the net impact of the incentive program to be either minute or negative.

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<sup>13</sup> 13 C.F.R. § 121.201 details the maximum allowed number of employees and annual receipts, by business subsector.

<sup>14</sup> Phares, Don. "The Economic and Fiscal Impact of the District of Columbia's CAPCO Program." Prepared for the District of Columbia's Certified Capital Companies Program and the District of Columbia Department of Insurance, Securities, and Banking. University of Missouri-St. Louis, November 2013.

The District's CAPCO incentive program was amended in 2010 to address some of the issues with its program. The legislation required CAPCOs to invest 100 percent of the certified capital into qualified businesses, but the amendments have not produced further investments in potential qualified companies. The legislation provided DISB with the authority to obtain information from CAPCOs to conduct an annual economic impact analysis, however, a DISB official notes that it did not have regulatory authority over the businesses that received funding from the CAPCOs and was unable to force compliance from the businesses and get the full data that would be necessary for a more thorough evaluation.<sup>15</sup> Further, the amendments have not solved the structural issues within the incentive program causing it to stall. The only recent activity in the CAPCO incentive program has been that the insurance companies are still redeeming their earned insurance premium credits. The remaining unclaimed insurance premium credit is about \$2 million, which is projected to be claimed in FY 2018.

In summary, the District's CAPCO program is a complex tax incentive representing nearly \$50 million in foregone revenue thus far over the life of the program. Incomplete and unverifiable reports of the resulting economic impacts make it hard to determine the program's effectiveness. Some of the lessons learned from this program echo those found in other programs reviewed for this report. Tax incentive programs that are overly complex are hard to administer and even harder to evaluate. The CAPCO program also illustrates that if a tax incentive is not carefully structured at the beginning, it can be difficult if not impossible to change midway through. CAPCOs are not subject to penalties if they do not invest the full amount of CAPCO money and it appears that nearly \$17 million of the \$50 million in District investment (through foregone revenue) will not be invested into qualifying businesses. Further, when the companies receiving the investments were under no obligation to remain in the District to keep the funding, some of them closed or left the District. If firms receiving tax credits or funds tied to the tax credits are not legally required to report data or information justifying their benefits, they are likely not to do so and may refuse if the requirement is enacted after the program began. The complex CAPCO structure with multiple entities and levels of transactions prevented the District from being able to obtain information on the results of its investments and should be avoided in the future.

### **Individual Economic Development Tax Incentives**

Individual tax provisions result from legislation written for specific companies or organizations that receive tax incentives in exchange for providing some social or economic benefit to the District, such as neighborhood revitalization, employment opportunities, supermarkets, and affordable housing. Eight Individual provisions are covered in this report and represent an estimated foregone revenue of \$4.2 million in FY 2017. Individual tax provisions make up only seven percent of total tax revenue forgone in the local economic development policy area. Tax incentives for Audi Field Soccer Stadium comprise about 73 percent of the total forgone revenue in FY 2017 for individual economic development tax provisions. However, future tax abatements to The Advisory Board Company and The Line Hotel represent over \$100 million.

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<sup>15</sup> Nevertheless, DISB contracted out an economic analysis in 2013, the findings of which are reported on the previous page. Almost half of the companies did not respond to his survey; therefore, a lack of data was a factor in that evaluation.

Generally, individual tax incentives are conditional on an organization meeting specific economic development deliverables like job creation and should have a monitoring process in place to track whether such deliverables to the District are being met. For example, assigning an agency to track and monitor the new employment that a company receiving incentives creates annually in the District would help in determining whether the organization is meeting its obligation to the District. If the requirements are not being met, best practices suggest that the legislation should include a claw back provision so that the District can recoup its losses. Additionally, when individual tax provisions are targeted to a specific company to keep it in the District this violates the principle of horizontal equity, which requires that similarly situated taxpayers be treated the same under the tax code.<sup>16</sup>

### **Summary of Overall Findings and Recommendations**

Overall, the District's economic development tax incentives support the District's broad economic development goals as designed, however various issues with each of the incentives prevent an assessment of their effectiveness in meeting the respective incentive goals. The inability to measure the effectiveness of these incentives prevents policymakers from making informed decisions on the best allocations of scarce financial resources.

The District's economic development incentives are not administered by a single agency, so they represent an ad hoc set of provisions that are not coordinated in a meaningful way. If no entity owns a tax incentive program, it is likely that future tax incentives will have similar problems as those highlighted here. Just as in many other jurisdictions, the District's tax incentives are not well tracked and monitored, adding another impediment to evaluation and accountability. This review compiled a wealth of data on the extent of the immediate fiscal impacts of these tax expenditures; however, more data would be needed to be able to report on the full scope of the programs and their results.

This report found that QHTC and Supermarket tax incentives are not well targeted, meaning many companies may be receiving benefits—sometimes very large sums, in the case of several large QHTCs—to do what they may have done without the incentive. Targeting incentives only to firms that would make *new* investments to grow the economy would better ensure the evaluation of the incentives and accountability of taxpayer resources. This review also found that complex tax provisions are difficult to implement and challenging to monitor and analyze once in place. Policymakers should consider these lessons for new tax incentives and avoid creating complex incentives in the future.

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<sup>16</sup> The District primarily finances individual economic development projects through tax increment financing projects (TIFs) or bonds; however, TIFs and bonds are not categorized as tax expenditures and as such are not included in this report. See Appendix 1 of the FY 2017 Unified Economic Development Report (Year-End). Office of the Chief Financial Officer. February 20, 2018.



## Recommendations

Based on these general findings, this report recommends that to promote effectiveness and accountability, all future District Tax incentives should:

- 1) **Be assigned an administering agency** from the beginning, with the authority and the mandate to track, monitor, and report on incentives.
- 2) Contain a **clear structure for data collection, reporting, and monitoring/evaluation** from the beginning of the incentives.
- 3) Be **simple to understand and administer** for both taxpayers and tax administrators.
- 4) Be more **transparent** and publicly reported.
- 5) Be **better targeted**, and not given to companies or entities to do what they were already doing, rather new activity should be undertaken to receive the incentive.
- 6) Include **financial limits or caps** to protect the District's fiscal resources.
- 7) Contain **claw back provisions** so that if a company receiving tax incentives does not comply with the terms of its tax benefits or leaves the District within a certain amount of time, it will have to repay the District what it received.

## Outline of the Report

Part I of the report introduces tax expenditures and their evaluation, including a brief discussion evaluating economic development tax incentives, the District's economic development goals, and the methodology used in this report. Part II provides a review of the District's economic development tax incentives, starting with the categorical incentives in Chapters I - VI—which represent most of the foregone revenue—and followed by a brief overview of each Individual tax provision in Chapter VII. Part III summarizes each section and offers overall findings and recommendations. An Appendix presents related resources that readers seeking more information may find useful.

Please contact Lori Metcalf or Charlotte Otabor at 202-727-7775 with questions or comments. The full report can be accessed at: <https://cfo.dc.gov/node/1368546>.

**OFFICE OF THE CHIEF FINANCIAL OFFICER  
OFFICE OF TAX AND REVENUE**

A NOTICE PERTAINING  
TO THE DISTRICT OF COLUMBIA ESTATE TAX RETURN  
FOR A DECEDENT'S GROSS ESTATE  
WHEN THE DATE OF DEATH IS ON OR AFTER JANUARY 1, 2019

\*\*\*

**THE ZERO BRACKET AND UNIFIED CREDIT AMOUNTS FOR TAX YEAR 2019**

Where the **zero bracket amount** is the amount of a decedent's gross taxable estate that is exempt from the District Estate Tax, D.C. Code § 47-3701 states that the **zero bracket amount** shall be \$5.6 million but increased annually by a cost-of living adjustment commencing on January 1, 2019. This statute also states that the **unified credit** shall be \$2,185,800.00 but increased annually by a cost-of living adjustment commencing on January 1, 2019.

The Washington Area Average CPI value for Calendar Year 2017 <sup>1</sup> :	256.11
The Washington Area Average CPI value for Year 2018 <sup>2</sup> :	259.95
The percent change in the index for the above time period:	1.46%

Therefore, commencing on January 1, 2019:

<b>The zero bracket amount shall be</b>	<b>\$5,681,760.00</b>
<b>And, the unified credit shall be</b>	<b>\$2,217,713.00</b>

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<sup>1</sup> The base year is the 12-month period beginning January 1, 2017.

<sup>2</sup> The applicable comparison time period is the 12-month period ending on July 31, 2018.

**E.L. HAYNES PUBLIC CHARTER SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Special Education and English Language Learner Program Evaluation – American Educational Consultants**

E.L. Haynes PCS is evaluating the efficacy of its Special Education and English Language Learner programming in order to efficiently plan for the 2019-2020 school year. In an attempt to make data driven decisions about the service delivery models, staff utilization, interventions, and academic student growth, Haynes has decided to incorporate an independent and wide-ranging approach to assessing our special education and English Language Learning programming and compliance within Student Support Services Department by conducting a program review. Following a detailed market analysis of the available firms with expertise in these areas, it was clear that only one provider, American Educational Consultants, had the qualifications and offerings to meet our complete programmatic needs.

If you have questions or concerns regarding this notice, please contact our Procurement Officer:

Kristin Yochum  
E.L. Haynes Public Charter School  
[kyochum@elhaynes.org](mailto:kyochum@elhaynes.org)

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## NOTICE OF FUNDING AVAILABILITY

## FISCAL YEAR 2019

## GATEWAY TO CAREERS GRANT

**Request for Application (RFA) Release Date: January 7, 2019 (12:00 noon EST)**

The Office of the State Superintendent of Education (OSSE) is the District of Columbia agency responsible for administering the Adult and Family Education Program (AFE). As authorized by the State Education Office Establishment Act of 2000 (D.C. Law 13-176; D.C. Code § 38-2602(b)(29)), as amended by the Fiscal Year 2018 Budget Support Act of 2017, Sec. 4052, OSSE will award, on a competitive basis, Gateway to Careers grant funding to eligible providers to design and implement Integrated Adult Basic Education (ABE) and/or Integrated English Language Acquisition (ELA) and Workforce Preparation services (e.g. career awareness, exploration, mapping, planning services, etc.) for the purpose of educational and career advancement of eligible individuals in the District of Columbia.

**Eligibility and Selection Criteria:** An eligible provider are education service providers that may include: 1) a local educational agency; 2) a community-based organization; 3) a faith-based organization; 4) a volunteer literacy organization; 5) an institution of higher education; 6) a library; 7) a public housing authority; 8) a public or private nonprofit organization that is not described above and has the ability to provide adult education and literacy activities to eligible individuals; 9) a partnership between an employer and an entity described above; and 10) a consortium or coalition composed of three or more entity types described above.

An eligible individual is a person who is 1) 18 years of age and older; 2) a DC resident or ward of DC; 3) not enrolled *or required to be enrolled in secondary school under State law*; and 4) an adult learner with basic skills deficiencies or an English language learner. Specifically, the grant focuses on serving low-level learners or those with educational functioning levels at or below the 5<sup>th</sup> grade.

Grant funds will be used to provide 1) adult education and literacy activities, 2) workforce preparation activities, 3) supportive services, and 4) transition services to District residents with basic skills deficiencies, limited English proficiency and barriers to employment to pursue their desired career paths.

**Length of the Award:** Funding will be used to serve District residents in Fiscal Year (FY) 19 from March 18, 2019 through September 30, 2019. Based on sub-grantee performance and student progress and outcomes during and at the end of this grant period, providers with evidence of demonstrated effectiveness may be eligible to receive continuation funding, if available, in FY 20.

**Available Funding for Award:** OSSE will award approximately \$500,000 in local funding. Grants will be awarded to two to four eligible providers with a minimum award of \$125,000 and a maximum award of up to \$250,000.

**Application Process:** An external review panel will be convened to review, score, and rank each application for a competitive grant. The review panel will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions. The Request for Applications (RFA) will be released on January 7, 2019. An optional pre-application conference will be held in room 523 on the 5<sup>th</sup> floor of OSSE's offices, 1050 First St. NE, on January 14, 2019 from 10:30 AM to 12:00 PM. Applications must be submitted by February 22, 2019. Awards will be announced by March 15, 2019.

For additional information, please email [osse.afeta@dc.gov](mailto:osse.afeta@dc.gov) or contact the staff below in the Office of the State Superintendent of Education, Adult and Family Education program.

Name	Email Address	Phone Number
Stacey Downey	<a href="mailto:Stacey.Downey@dc.gov">Stacey.Downey@dc.gov</a>	(202) 727-8446
Tracy Richard	<a href="mailto:Tracy.Richard@dc.gov">Tracy.Richard@dc.gov</a>	(202) 741-5531

The Request for Applications (RFA) will be posted on the [District of Columbia Office of Partnerships and Grant Services website](#) and on the OSSE School Year 2018-19 Grant Forecast web page at <https://osse.dc.gov/page/osse-school-year-2018-19-grant-forecast>. All applications will be submitted through the Enterprise Grants Management System (EGMS) at [grants.osse.dc.gov](http://grants.osse.dc.gov).

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****NOTICE OF FUNDING AVAILABILITY****NATIONAL SCHOOL LUNCH PROGRAM****FY2018 EQUIPMENT ASSISTANCE GRANT**

**Request for Application Release Date: Monday, January 7, 2019, 3:00 p.m.**

The Consolidated Appropriations Act of 2018 authorized grants to the Office of the State Superintendent of Education (OSSE), Division of Health and Wellness, for providing equipment assistance to Institutions participating in the National School Lunch Program (NSLP). The Healthy Schools Act (HSA) of 2010 (D.C. Law 18-209, as amended; D.C. Official Code § 38-821.01 et seq.) allows OSSE to issue grants through a competitive process or a formula grants process to public schools, and public charter schools for the acquisition of school kitchen equipment.”

**Eligibility and Selection Criteria:** These funds will be available through a competitive grant process to public schools and public charter schools. Priority will be given to high need schools where 50% or more of the student population are eligible to receive free or reduced-price meals. Priority will also be given to schools that did not receive a previous NSLP Equipment Assistance Grant award under the American Recovery and Reinvestment Act of 2009 and the FY 2010, FY 2013, FY 2014, FY 2015, FY 2016 and FY 2017 Agriculture Appropriations Acts.

These funds will make a significant investment in meeting the unmet need allowing the purchase of capital equipment helpful to serve healthier meals, meet the new nutritional standards with emphasis on more fresh fruits and vegetables in school meals, improve food safety and expand accessibility to food services. A grantee must follow all Federal and District procurement laws when purchasing equipment with these grant funds.

In order to make the most effective use of these grant funds, equipment requests must address at least one of the following focus areas:

- Equipment that lends itself to improving the quality of school food service meals that meet the dietary guidelines (e.g., purchasing an equipment alternative to a deep fryer or steam ovens that improve quality of prepared fresh or fresh-frozen vegetables)
- Equipment that improves the safety of food served in the school meal programs (e.g., cold/hot holding bags/equipment, dish washing equipment, refrigeration, milk coolers, freezers, blast chillers, etc.)
- Equipment that improves the overall energy efficiency of the school food service operations (e.g. purchase of an energy-efficient walk in freezer replacing an outdated, energy-demanding freezer)
- Equipment that allows sponsors to support expanded participation in a school meal program (e.g., equipment for serving meals in a non-traditional setting or to better utilize cafeteria space)
- Equipment that aides in strategies for adopting smarter lunchrooms (e.g. lunchroom changes that appeals to student population; highlighting convenience, healthy choices, and supporting menu changes to healthier options)

**Length of the Award:** All funds must be obligated by September 30, 2020.

**Available Funding for Award:** The District of Columbia has been selected to receive funding in the amount of \$68,301. OSSE is adding an additional \$31,699 of HSA funds to the FY 2019 NSLP Equipment Assistance Grant, for a total funding amount of \$100,000. Determinations regarding the number of competitive grant awards will be based on the quality and number of applications received and available funding. Successful applicants may be awarded amounts less than requested.

**Application Process:** An external review panel or panels will be convened to review, score, and rank each application for a competitive grant. The review panel(s) will be composed of external neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. Each application will be scored against a rubric and applications will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). The State Superintendent or her designee will make all final award decisions. Applications must be submitted by February 22, 2019 at 3:00 p.m. Awards will be announced by March 31, 2019.

To receive more information or for a copy of this RFA, please contact:

Elysia DiCamillo  
Office of the State Superintendent of Education  
1050 First Street, NE, 6<sup>th</sup> Floor  
Washington, D.C. 20002  
Telephone: (202) 403-4556  
Email: Elysia.DiCamillo@dc.gov

The Requests for Applications (RFAs) for the competitive grant programs as well as the instructions for completing the Equipment Assistance grant application will be available on OSSE's website at [www.osse.dc.gov](http://www.osse.dc.gov). All applications will be submitted through the Enterprise Grants Management System (EGMS) at [grants.osse.dc.gov](http://grants.osse.dc.gov).

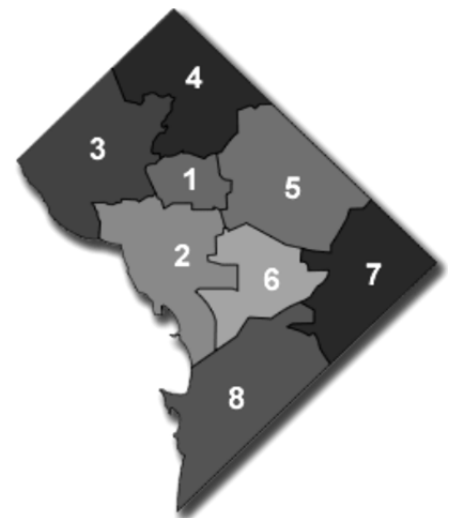
**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION SUMMARY  
As Of November 30, 2018**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
<b>1</b>	48,936	3,088	631	206	209	12,293	<b>65,363</b>
<b>2</b>	33,055	5,920	254	236	173	11,608	<b>51,246</b>
<b>3</b>	40,438	6,385	371	200	162	11,757	<b>59,313</b>
<b>4</b>	51,258	2,277	539	123	188	9,424	<b>63,809</b>
<b>5</b>	55,771	2,502	603	169	285	10,322	<b>69,652</b>
<b>6</b>	59,332	7,840	536	350	280	15,038	<b>83,376</b>
<b>7</b>	50,451	1,370	436	85	226	7,348	<b>59,916</b>
<b>8</b>	49,185	1,508	483	85	220	8,011	<b>59,492</b>
<b>Totals</b>	388,426	30,890	3,853	1,454	1,743	85,801	<b>512,167</b>
<b>Percentage By Party</b>	<b>75.84%</b>	<b>6.03%</b>	<b>.75%</b>	<b>.28%</b>	<b>.34%</b>	<b>16.75%</b>	<b>100.00%</b>

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF  
**VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS**  
AS OF THE END OF November 30, 2018

COVERING CITY WIDE TOTALS BY:  
**WARD, PRECINCT AND PARTY**

ONE JUDICIARY SQUARE  
1015 HALF STREET, SE SUITE 750  
WASHINGTON, DC 20003  
(202) 727-2525  
<http://www.dcboe.org>





**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 1 REGISTRATION SUMMARY**  
**As Of November 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,845	34	9	4	8	322	2,222
22	4,115	432	29	17	16	1,075	5,684
23	3,138	241	44	15	21	850	4,309
24	2,868	280	27	23	10	850	4,058
25	4,120	455	47	22	11	1,154	5,809
35	3,911	220	56	21	11	901	5,120
36	4,555	255	50	14	22	1,065	5,961
37	3,912	178	42	11	25	944	5,112
38	3,089	138	43	15	14	801	4,100
39	4,386	177	67	17	14	1,004	5,665
40	4,042	198	85	12	15	1,063	5,415
41	3,891	212	76	12	20	1,092	5,303
42	1,916	93	24	9	10	495	2,547
43	1,927	73	25	8	7	402	2,442
137	1,221	102	7	6	5	275	1,616
<b>TOTALS</b>	<b>48,936</b>	<b>3,088</b>	<b>631</b>	<b>206</b>	<b>209</b>	<b>12,293</b>	<b>65,363</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 2 REGISTRATION SUMMARY  
As Of November 30, 2018**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>2</b>	999	179	8	10	19	561	<b>1,766</b>
<b>3</b>	1,794	374	17	11	12	693	<b>2,901</b>
<b>4</b>	2,137	542	10	15	11	840	<b>3,555</b>
<b>5</b>	2,185	613	15	22	13	834	<b>3,682</b>
<b>6</b>	2,517	821	20	20	18	1,336	<b>4,732</b>
<b>13</b>	1,375	236	7	8	6	443	<b>2,075</b>
<b>14</b>	3,130	473	29	24	10	1,005	<b>4,671</b>
<b>15</b>	3,247	405	36	24	14	968	<b>4,694</b>
<b>16</b>	3,615	458	30	28	17	1,020	<b>5,168</b>
<b>17</b>	5,149	663	30	38	25	1,583	<b>7,488</b>
<b>129</b>	2,558	422	12	13	13	981	<b>3,999</b>
<b>141</b>	2,638	337	21	12	12	698	<b>3,718</b>
<b>143</b>	1,711	397	19	11	13	646	<b>2,797</b>
<b>TOTALS</b>	<b>33,055</b>	<b>5,920</b>	<b>254</b>	<b>236</b>	<b>173</b>	<b>11,608</b>	<b>51,246</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 3 REGISTRATION SUMMARY  
As Of November 30, 2018**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>7</b>	1,353	405	11	6	5	597	<b>2,377</b>
<b>8</b>	2,508	633	26	7	10	829	<b>4,013</b>
<b>9</b>	1,298	490	8	11	9	510	<b>2,326</b>
<b>10</b>	1,982	407	20	13	11	726	<b>3,159</b>
<b>11</b>	3,622	842	47	42	21	1,329	<b>5,903</b>
<b>12</b>	512	171	1	5	4	221	<b>914</b>
<b>26</b>	3,141	364	24	14	9	921	<b>4,473</b>
<b>27</b>	2,554	249	21	10	3	595	<b>3,432</b>
<b>28</b>	2,660	465	39	15	17	826	<b>4,022</b>
<b>29</b>	1,400	222	14	11	9	427	<b>2,087</b>
<b>30</b>	1,330	210	11	3	4	322	<b>1,880</b>
<b>31</b>	2,532	303	18	8	13	595	<b>3,469</b>
<b>32</b>	2,893	297	28	9	12	610	<b>3,849</b>
<b>33</b>	3,036	272	25	5	5	690	<b>4,033</b>
<b>34</b>	4,133	436	38	14	8	1,187	<b>5,816</b>
<b>50</b>	2,298	281	18	11	13	551	<b>3,172</b>
<b>136</b>	910	75	9	2	2	277	<b>1,275</b>
<b>138</b>	2,276	263	13	14	7	544	<b>3,117</b>
<b>TOTALS</b>	<b>40,438</b>	<b>6,385</b>	<b>371</b>	<b>200</b>	<b>162</b>	<b>11,757</b>	<b>59,313</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 4 REGISTRATION SUMMARY**  
**As Of November 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,469	69	30	9	6	399	2,982
46	2,977	102	30	8	16	524	3,657
47	3,640	141	38	10	18	778	4,625
48	2,940	133	33	6	5	581	3,698
49	952	49	14	3	11	228	1,257
51	3,439	507	25	9	11	651	4,642
52	1,283	151	9	2	6	231	1,682
53	1,283	75	24	3	4	250	1,639
54	2,463	94	30	4	7	474	3,072
55	2,552	83	18	5	22	460	3,140
56	3,292	99	36	12	14	665	4,118
57	2,580	70	28	8	11	518	3,215
58	2,364	64	21	5	4	397	2,855
59	2,662	82	28	10	7	435	3,224
60	2,246	76	24	6	12	626	2,990
61	1,660	58	16	3	4	305	2,046
62	3,224	127	22	4	4	409	3,790
63	3,948	143	59	4	17	703	4,874
64	2,416	67	21	5	7	391	2,907
65	2,868	87	33	7	2	399	3,396
<b>Totals</b>	<b>51,258</b>	<b>2,277</b>	<b>539</b>	<b>123</b>	<b>188</b>	<b>9,424</b>	<b>63,809</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 5 REGISTRATION SUMMARY  
As Of November 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	4,683	217	66	12	21	1,018	6,017
44	3,006	240	32	12	21	696	4,007
66	4,794	112	45	9	18	685	5,663
67	2,964	108	22	5	10	443	3,552
68	2,025	167	24	12	18	418	2,664
69	2,176	78	21	2	11	315	2,603
70	1,530	72	23	0	4	252	1,881
71	2,523	69	23	7	10	396	3,028
72	4,548	153	36	11	27	778	5,553
73	2,034	97	25	7	10	386	2,559
74	5,100	284	62	21	23	1,066	6,556
75	4,244	240	46	28	24	894	5,476
76	1,822	107	24	9	9	428	2,399
77	3,085	126	31	6	15	584	3,847
78	3,147	102	46	6	24	533	3,858
79	2,211	79	25	4	15	423	2,757
135	3,246	183	38	14	18	661	4,160
139	2,633	68	14	4	7	346	3,072
<b>TOTALS</b>	<b>55,771</b>	<b>2,502</b>	<b>603</b>	<b>169</b>	<b>285</b>	<b>10,322</b>	<b>69,652</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 6 REGISTRATION SUMMARY**  
**As Of November 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	4,854	627	43	32	19	1,389	6,964
18	5,107	391	46	22	19	1,193	6,778
21	1,232	67	9	7	1	266	1,582
81	4,820	389	52	21	20	1,020	6,322
82	2,679	267	26	13	5	647	3,637
83	6,213	827	46	45	32	1,668	8,831
84	2,065	422	20	12	11	564	3,094
85	2,825	512	19	15	12	764	4,147
86	2,302	262	20	11	16	443	3,054
87	2,786	302	21	7	17	633	3,766
88	2,177	310	25	9	6	519	3,046
89	2,723	643	27	23	11	800	4,227
90	1,670	245	13	8	15	502	2,453
91	4,338	441	34	19	22	1,000	5,854
127	4,394	319	49	26	33	940	5,761
128	2,677	234	30	13	10	647	3,611
130	799	324	6	4	3	280	1,416
131	3,728	992	32	44	20	1,200	6,016
142	1,943	266	18	19	8	563	2,817
<b>TOTALS</b>	<b>59,332</b>	<b>7,840</b>	<b>536</b>	<b>350</b>	<b>280</b>	<b>15,038</b>	<b>83,376</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 7 REGISTRATION SUMMARY**  
**As Of November 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,518	93	20	5	6	301	1,943
92	1,611	35	12	1	5	242	1,906
93	1,682	43	21	2	10	259	2,017
94	2,083	62	19	6	10	292	2,472
95	1,758	53	13	1	3	284	2,112
96	2,521	62	15	0	11	372	2,981
97	1,441	47	13	2	8	233	1,744
98	2,011	47	21	6	21	289	2,395
99	1,628	50	18	8	21	307	2,032
100	2,613	51	17	3	10	338	3,032
101	1,676	37	16	6	5	203	1,943
102	2,507	60	20	3	14	322	2,926
103	3,657	80	38	6	13	529	4,323
104	3,331	97	34	3	22	505	3,992
105	2,515	76	20	4	12	408	3,035
106	2,939	65	23	3	12	407	3,449
107	1,862	58	14	1	8	265	2,208
108	1,102	33	5	0	3	142	1,285
109	990	42	3	2	1	115	1,153
110	3,905	102	24	10	13	470	4,524
111	2,571	64	34	4	6	435	3,114
113	2,304	58	21	3	7	297	2,690
132	2,226	55	15	6	5	333	2,640
<b>TOTALS</b>	<b>50,451</b>	<b>1,370</b>	<b>436</b>	<b>85</b>	<b>226</b>	<b>7,348</b>	<b>59,916</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 8 REGISTRATION SUMMARY**  
**As Of November 30, 2018**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,301	64	17	0	12	350	2,744
114	3,906	148	53	11	29	704	4,851
115	2,935	81	27	5	11	647	3,706
116	4,313	104	45	6	21	685	5,174
117	2,260	48	21	5	9	372	2,715
118	2,898	88	36	3	17	450	3,492
119	2,862	117	35	6	16	496	3,532
120	2,192	51	15	2	4	299	2,563
121	3,658	81	26	7	9	512	4,293
122	1,899	50	21	1	8	288	2,267
123	2,564	191	28	18	20	465	3,286
124	2,806	76	23	2	11	386	3,304
125	4,753	106	38	5	19	792	5,713
126	4,166	149	51	9	14	788	5,177
133	1,384	44	8	2	1	188	1,627
134	2,347	52	26	1	6	314	2,746
140	1,941	58	13	2	13	275	2,302
<b>TOTALS</b>	<b>49,185</b>	<b>1,508</b>	<b>483</b>	<b>85</b>	<b>220</b>	<b>8,011</b>	<b>59,492</b>



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**CITYWIDE REGISTRATION ACTIVITY**

*For voter registration activity between 10/31/2018 and 11/30/2018*

<b>NEW REGISTRATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
<b>Beginning Totals</b>	<b>379,213</b>	<b>30,443</b>	<b>3,827</b>	<b>1,374</b>	<b>1,569</b>	<b>83,439</b>	<b>499,865</b>
Board of Elections Over the Counter	15	2	0	0	1	9	27
Board of Elections by Mail	38	2	0	0	1	12	53
Board of Elections Online Registration	276	22	1	8	12	113	432
Department of Motor Vehicle	475	73	1	7	0	239	795
Department of Disability Services	0	0	0	0	0	0	0
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	33	7	0	0	0	14	54
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	2	0	0	0	0	1	3
Department of Human Services	28	2	0	0	0	9	39
Special / Provisional	196	13	0	0	6	40	255
All Other Sources	2,301	137	18	12	25	596	3,084
<b>+Total New Registrations</b>	<b>3,321</b>	<b>258</b>	<b>20</b>	<b>27</b>	<b>45</b>	<b>1,018</b>	<b>4,687</b>

<b>ACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Reinstated from Inactive Status	1,797	77	12	7	16	291	2,200
Administrative Corrections	4,457	323	24	27	93	1,329	6,253
<b>+TOTAL ACTIVATIONS</b>	<b>6,254</b>	<b>400</b>	<b>36</b>	<b>34</b>	<b>109</b>	<b>1,620</b>	<b>8,453</b>

<b>DEACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Changed to Inactive Status	252	24	1	0	0	47	324
Moved Out of District (Deleted)	0	0	0	0	0	0	0
Felon (Deleted)	0	0	0	0	0	0	0
Deceased (Deleted)	64	3	1	0	0	5	73
Administrative Corrections	380	17	1	1	2	80	481
<b>-TOTAL DEACTIVATIONS</b>	<b>696</b>	<b>44</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>132</b>	<b>878</b>

<b>AFFILIATION CHANGES</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>LIB</b>	<b>OTH</b>	<b>N-P</b>	
+ Changed To Party	1,065	118	42	45	89	799	
- Changed From Party	-731	-285	-69	-25	-67	-943	
<b>ENDING TOTALS</b>	<b>388,426</b>	<b>30,890</b>	<b>3,853</b>	<b>1,454</b>	<b>1,743</b>	<b>85,801</b>	<b>512,167</b>

**DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS****FISCAL YEAR 2019 MONTHLY MEETING SCHEDULE**

This notice outlines the schedule of the regular meetings of the Board for the Office of Employee Appeals. Portions of the meetings are held in open session, and the public is invited to attend. The meetings are held at 955 L'Enfant Plaza, Suite 2500, SW, Washington, D.C. A copy of the draft agenda for each meeting will be posted on the agency's website and the lobby of the Office of Employee Appeals. For further information, please contact the front desk at 202.727.0004. This schedule is subject to change.

<b>DATE</b>	<b>TIME</b>	<b>ROOM NUMBER</b>
Tuesday, December 18, 2018	11:00 AM	Conference Room
Tuesday, January 29, 2019	11:00 AM	Conference Room
Tuesday, March 12, 2019	11:00 AM	Conference Room
Tuesday, April 23, 2019	11:00 AM	Conference Room
Tuesday, June 4, 2019	11:00 AM	Conference Room
Tuesday, July 16, 2019	11:00 AM	Conference Room
Tuesday, August 27, 2019	11:00 AM	Conference Room

## DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FILING OF A REQUEST FOR A  
VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION1300 H Street NE  
Case No. VCP2016--041

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312, D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program (VCP) in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Site Completion Report and a request for a Certificate of Completion to support a Voluntary Cleanup Program (VCP) project at real property addressed as 1300 and 1302 H Street, NE, and 1306 and 813 13<sup>th</sup> Street, NE, consisting of Square 1026 and Lot 99 through 103. The applicant is the Property Group LLC, 4601 N Fairfax Drive, Suite 1150, Arlington, Virginia 22203.

The application identified the presence of chlorinated solvents and petroleum hydrocarbons in soil and groundwater and proposed a remediation action plan. The applicant is developing the property into a mixed-use building with ground floor retail and approximately 36 residential dwelling units above. A Cleanup Action Plan (CAP) for this site was approved by the Program on March 21, 2017. Based on the cleanup oversight and review of the site completion report, the Voluntary Cleanup Program has determined the issuance of a Certificate of Completion is warranted.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-6A) for the area in which the property is located. The Site Completion Report is available for public review at the following location:

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

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

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

**DEPARTMENT OF HEALTH (DC HEALTH)****NOTICE OF PUBLIC MEETING**

The Director of the Department of Health hereby gives the following notice pursuant to Sections 3 and 11 of the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66); D.C. Official Code §§ 48-853.02 and 48-853.10 (2012 Repl. & 2015 Supp.)(Act), and 17 DCMR § 10316.

The District of Columbia Prescription Drug Monitoring Program Advisory Committee will hold a public meeting on:

**Tuesday, January 15, 2019, from 10:00 a.m. until 12:00 p.m.  
At 899 North Capitol St., NE, 2<sup>nd</sup> Floor, Room 216  
Washington, D.C. 20002**

A copy of the meeting agenda may be obtained on the Department's Prescription Drug Monitoring Program website at [doh.dc.gov/pdmp](http://doh.dc.gov/pdmp)

Please monitor the Department's Prescription Drug Monitoring Program website at [doh.dc.gov/pdmp](http://doh.dc.gov/pdmp) for updates. Phone inquiries will not be accepted regarding this topic.

**KIPP DC PUBLIC CHARTER SCHOOLS****REQUEST FOR PROPOSALS****Facility Condition Assessment (FCA)**

KIPP DC is soliciting proposals from qualified vendors for Facility Condition Assessment Services. The RFP can be found on KIPP DC's website at [www.kippdc.org/procurement](http://www.kippdc.org/procurement). Proposals should be uploaded to the website no later than 5:00 PM EST, on January 10, 2019. Questions can be addressed to [jason.ray@kippdc.org](mailto:jason.ray@kippdc.org).

**PERRY STREET PREP PUBLIC CHARTER SCHOOL**  
**REQUEST FOR PROPOSALS**

**Repair/Replacement of 3<sup>rd</sup> Floor HVAC Unit Ventilators and Control Service**

Issued: December 7, 2018

Perry Street Prep PCS is soliciting proposals from qualified vendors to provide Repair/Replacement of 3<sup>rd</sup> Floor HVAC Unit Ventilators (35) and Control Services.

Questions and proposals may be e-mailed directly to Perry Street Prep PCS ([ksmith@pspdc.org](mailto:ksmith@pspdc.org)) with the subject line: Repair/Replacement of 3<sup>rd</sup> floor HVAC. Deadline for submission is 12 noon on Friday, January 4, 2019

E-mail is the preferred method for responding, but you may also mail proposals and supporting documents to the address below. All materials for proposals must be in our office by the above deadline.

Perry Street Prep PCS  
Attn: Director of Operations  
1800 Perry Street NE  
Washington, DC 20018

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**

**NOTIFICATION OF CONDITIONAL APPROVAL  
OF A NEW SCHOOL APPLICATION**

The DC Public Charter School Board (DC PCSB) gives notice of conditional approval of LEARN DC’s new charter school application. A public hearing was held at DC PCSB’s board meeting on October 15, 2018, and the vote occurred on November 19, 2018. The school plans to open school year 2021-2022. Please see below for more information about the application. If you have questions or comments, please contact 202-328-2660 or [applications@dcpsb.org](mailto:applications@dcpsb.org).

LEARN Charter School Network	
Mission	The mission of LEARN Charter School Network is to provide children with the academic foundation and ambition to earn a college degree.
Grades	PK3-8
Link to <b>Redacted</b> Application in Egnyte	<a href="https://dcpsb.egnyte.com/dl/uV18V1PYc6">https://dcpsb.egnyte.com/dl/uV18V1PYc6</a>
Link to the Vote Memo	<a href="https://dcpsb.egnyte.com/dl/aH0ZWMIB8q">https://dcpsb.egnyte.com/dl/aH0ZWMIB8q</a>

**Government of the District of Columbia  
Public Employee Relations Board**

_____	)	
In the Matter of:	)	
	)	
American Federation of Government	)	
Employees, Local 2978, AFL-CIO	)	
	)	PERB Case No. 18-CU-02
and	)	
	)	Opinion No. 1687
Health and Emergency Preparedness	)	
And Response Administration,	)	
Department of Health	)	
	)	
Petitioners	)	
_____	)	

**DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION**

On August 16, 2018, the Board’s Decision and Order in Slip Opinion No. 1676, certified the American Federation of Government Employees, Local 2978 as the representative for the following unit within the Health and Emergency Preparedness and Response Administration, Department of Health (“HEPRA-DOH”):

All professional and non-professional employees of the Health and Emergency Preparedness and Response Administration, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.<sup>1</sup>

On September 14, 2018, the American Federation of Government Employees, Local 2978 and HEPRA-DOH (jointly known hereafter as “Petitioners”) filed a Joint Petition for Compensation Unit Determination (“Petition”). The Petitioners requested that the Board declare the bargaining unit part of Compensation Units 1 and 2. On October 2, 2018, the Board issued a Notice, with instructions, for conspicuous posting on employee bulletin boards at HEPRA-DOH where notices to employees are customarily posted.<sup>2</sup> The Board further instructed that the Notice should be posted within seven (7) days of receipt and remain posted for a period of fourteen (14) consecutive days. The Notice solicited comments concerning the inclusion of the

<sup>1</sup> *AFGE, Local 2978 and HEPRA-DOH*, Slip Op. No. 1676, PERB Case No. 18-RC-01 (August 16, 2018).

<sup>2</sup> Three copies of the Notice were provided to HEPRA-DOH so that it could be posted in multiple locations.



Decision and Order  
PERB Case No. 18-CU-02  
Page 2

bargaining unit into Compensation Units 1 and 2. It also stated that within fourteen (14) days after the posting, any affected labor organization or person could file written comments and any affected labor organization that wished to intervene in the proceedings may submit a written request to the Executive Director.

No comments or intervention petitions having been received, the Petition is now before the Board for disposition.

The Board authorizes compensation units pursuant to section 1-617.16(b) of the D.C. Official Code, which provides:

In determining an appropriate bargaining unit for negotiations concerning compensation, the Board shall authorize broad units of occupational groups so as to minimize the number of different pay systems or schemes. The Board may authorize bargaining by multiple employers or employee groups as may be appropriate.

The Board recognizes a two-part test from this provision to determine an appropriate compensation unit: (1) the employees of the proposed unit comprise broad occupational groups; and (2) the proposed unit minimizes the number of different pay systems or schemes.<sup>3</sup>

The Petitioners agree that the bargaining unit is comprised of broad occupational groups. According to the Petitioners, the job classifications covered by the non-compensation bargaining unit at issue fall within the parameters of Compensation Unit 1 and 2.<sup>4</sup> The position classifications in this bargaining unit include: Grants Management Specialist, Onsite Special Operation Coordinator, Community Relations Specialist, EMS Training Coordinator, Program Specialist, Compliance Specialist, Public Health Advisor, Inventory Management Specialist, Emergency Preparation Planning Specialist, and Motor Vehicle Operator.<sup>5</sup> All employees are Career Service or Wage Service.<sup>6</sup> All employees are in the District Service pay, retirement, and compensation system.<sup>7</sup>

For the foregoing reasons, the Board grants the Petition and places the above-referenced bargaining unit employees in Compensation Units 1 and 2.

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<sup>3</sup> *AFSCME, D.C. Council 20, Local 2401 v. DCPS*, 59 D.C. Reg. 4954, Slip Op. No. 962 at p.3, PERB Case No. 08-CU-01 (2009).

<sup>4</sup> Petition at 4.

<sup>5</sup> Petition at 3-4.

<sup>6</sup> Petition at 4. All positions are Career Service with the exception of the Motor Vehicle Operator position which is Wage Service and thus falls under Compensation Unit 2.

<sup>7</sup> Petition at 4.

Decision and Order  
PERB Case No. 18-CU-02  
Page 3

**ORDER**

IT IS HEREBY ORDERED THAT:

1. The Petition for Compensation Unit Determination is granted.
2. The following employees are placed in Compensation Unit 1 and 2:

All professional and non-professional employees of the Health and Emergency Preparedness and Response Administration, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy and Board Members Mary Anne Gibbons, Ann Hoffman, Barbara Somson, and Douglas Warshof.

Washington, D.C.

October 29, 2018

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 18-CU-02, Op. No. 1687 was transmitted to the following parties on this the 2<sup>nd</sup> day of November, 2018.

Peter Winch  
AFGE, Local 2978  
P.O. Box 76588  
Washington, D.C. 20003

Kathryn A. Naylor  
Office of Labor Relations and  
Collective Bargaining  
441 4<sup>th</sup> Street, NW  
Suite 820 North  
Washington, D.C. 20001

/s/ Sheryl Harrington  
Public Employee Relations Board  
1100 4th Street, SW  
Suite E630  
Washington, D.C. 20024  
Telephone: (202) 727-1822

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**

**2019 SCHEDULE OF COMMISSION OPEN MEETINGS**

The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Official Code Section 2-576, of the Commission’s 2019 Schedule of Open Meetings to consider formal case matters and other applications that require the Commission’s action. The proposed agenda and time for each meeting will be posted on the Commission’s website ([www.dcpssc.org](http://www.dcpssc.org)) and in the Commission Secretary’s Office not less than 48 hours before each meeting. The Meetings are scheduled to convene at 2:00 p.m. and will be held in the Commission’s Hearing Room, 1325 G Street, NW, Suite 800, Washington, D.C.

20005:

January 9, 2019  
January 23, 2019

July 10, 2019  
July 31, 2019

February 6, 2019  
February 27, 2019

September 11, 2019  
September 25, 2019

March 13, 2019  
March 27, 2019

October 9, 2019  
October 23, 2019

April 17, 2019

November 6, 2019  
November 21, 2019

May 1, 2019  
May 15, 2019  
May 29, 2019

December 11, 2019

June 12, 2019  
June 27, 2019

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFFFORMAL CASE NO. 1140, IN THE MATTER OF THE INVESTIGATION INTO THE ESTABLISHMENT OF A PURCHASE OF RECEIVABLES PROGRAM FOR NATURAL GAS SUPPLIERS AND THEIR CUSTOMERS IN THE DISTRICT OF COLUMBIA

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code and in accordance with Section 2-505 of the District of Columbia Official Code,<sup>1</sup> of its final action approving the Washington Gas Light Company's (WGL or Company) General Regulations Tariff, Firm Delivery Service Gas Supplier Agreement – Rate Schedule No. 5 implementing WGL's "Purchase of Receivables" (POR) program.

2. By Order No. 18619, the Commission opened *Formal Case No. 1140* and subsequently directed WGL to develop a POR program for natural gas suppliers.<sup>2</sup> By Order No. 19140, the Commission approved WGL's POR program, and by Order No. 19719, the Commission approved the mechanism by which the program's discount rates and implementation costs would be calculated and expensed.<sup>3</sup> Consistent with the Commission's directives, WGL filed a proposed tariff and implementation schedule, requesting approval of its proposed POR tariff prior to January 2, 2019, when the program is scheduled to commence.<sup>4</sup> To implement the program, WGL requested authority to amend the following tariff pages:<sup>5</sup>

**GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**  
**Eleventh Revised Page No. 27B**  
**Fourth Revised Page No. 27E**  
**Ninth Revised Page No. 27G**

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<sup>1</sup> D.C. Code § 2-505 (2016 Repl.); D.C. Code § 34-802 (2012 Repl.).

<sup>2</sup> *Formal Case No. 1140, In the Matter of the Investigation into the Establishment of a Purchase of Receivables Program for Natural Gas Suppliers and Their Customers in the District of Columbia* ("Formal Case No. 1140"), Order No. 18798, ¶ 1, rel. June 15, 2017. See *Formal Case No. 1085, In the Matter of the Investigation of a Purchase of Receivables Program in the District of Columbia*, Order No. 16916, ¶ 3, rel. September 20, 2012. POR programs permit or require the electric or gas utility to purchase the receivables of retail electricity/gas suppliers at a discount rate, at least, equal to the utility's actual uncollectible rate (bad debt rate). Under POR, the risk for collecting unpaid debt is shifted from suppliers to the utility.

<sup>3</sup> *Formal Case No. 1140*, Order No. 19140, ¶¶ 1, 25, rel. October 19, 2017; Order No. 19719, rel. October 19, 2018 ("Order No. 19719").

<sup>4</sup> *Formal Case No. 1140*, Washington Gas Light Company's Response to Order No. 19719 at 2, filed October 23, 2018.

<sup>5</sup> *Formal Case No. 1140*, Washington Gas Light Company's Response to Order No. 19719, Appendix 2, Proposed Tariff, filed October 23, 2018 ("Appendix 2").

**Original Page No. 27GG**  
**Original Page No. 27GGG**  
**Eight Revised Page No. 27H**  
**Original Page No. 27HH**

3. Generally, WGL sets forth the calculation formula of the discount rate for the POR program, and the mechanism for implementing the POR program in Rate Schedule No. 5, pages 27B, 27E, 27G, 27GG, 27GGG, 27H, and 27HH. Specifically, WGL lists the components of the discount rate – bad debt expense, implementation costs, incremental collection costs, cash working capital costs, risk factor, reconciliation factor, and late payment revenues.<sup>6</sup> WGL's tariff allocates separate discount rates on the receivables associated with Residential customers and Non-Residential customers.<sup>7</sup> WGL's discount rate for Residential customers is 3.836% and for Non-residential customers, WGL's discount rate is 1.392%.<sup>8</sup> The Competitive Service Providers enrollment and exit from the POR program will be administered in accordance with specific monthly deadlines as set forth in the tariff.<sup>9</sup>

4. The Commission published a Notice of Proposed Tariff in the *D.C. Register* on November 9, 2018, inviting comments and no comments were received.<sup>10</sup> The Commission took final action approving WGL's proposed tariff on December 12, 2018. This tariff is effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

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<sup>6</sup> *Formal Case No. 1140*, Appendix 2 at 4.

<sup>7</sup> *Formal Case No. 1140*, Appendix 2 at 3-4.

<sup>8</sup> *Formal Case No. 1140*, Washington Gas Light Company's Response to Order No. 19719, Appendix 1 at 1, filed October 23, 2018.

<sup>9</sup> *Formal Case No. 1140*, Appendix 2 at 5.

<sup>10</sup> 65 DCR 12495 (November 9, 2018).

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

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after February 1, 2019.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on December 21, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

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

**Effective: February 1, 2019**

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Abney-Barber	Felicia	Federal Energy Regulatory Commission 888 First Street, NE	20426
Barnes	Ann D.	Millennium Challenge Corporation 1099 14th Street, NW	20005
Brothers III	Rudolph	Department of Health, Center for Policy, Planning and Evaluation, Vital Records Division 899 North Capitol Street, NE, 1st Floor	20002
Cephas	Elizabeth I.	Office of the Attorney General Child Support Services Division 441 4th Street, NW, Suite 550 North	20001
Chase	Leilani S.	Self 508 Oglethorpe Street, NW	20011
Conway	Amanda Jordan	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Copat	Giovanna	The Veterans Consortium Pro Bon 2101 L Street, NW, Suite 420	20037
Crespo-Leon	Esmeralda	The International Business Law Firm, PC 1915 I Street, NW, Suite 500	20006
Dwyer	Chelsey S.	TD Bank 1030 15th Street, NW	20005
Eddington	Ninti	Wells Fargo Bank, NA 2000 L Street, NW	20036
Evans	Joseph G.	Sonosky, Chambers, Sachse, Endreson & Perry, LLP 1425 K Street, NW, Suite 600	20005
Ford	Marcelle	Department of Veterans Affairs 810 Vermont Avenue, NW	20420
Forster	Emily Suzanne	Peace Corps 1111 20th Street, NW	20526



**D.C. Office of the Secretary  
Recommendations for Appointments as DC Notaries Public****Effective: February 1, 2019****Page 3**

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Green	Nicola	Self (Dual) 2701 Calvert Street, NW	20008
Grigsby	Glenn Garrett	Georgetown University 3300 Whitehaven Street, NW	20007
Gulick	Donna M.	Universal Service Administrative Company 700 12th Street, NW, Suite 900	20005
Gutharz	Cori	Fannie Mae 11000 15th Street, NW	20005
Heyliger	Yvonne	PNC Bank 5530 Connecticut Avenue, NW	20015
Jeffrey	Veron Rose	Republic Properties Corporation 1201 Maryland Avenue, SW, Suite 850	20706
Jolly	Malcolm L.	Howard University School of Law 2900 Van Ness Street, NW	20008
Joyner-Hall	Valerie V.	Federal Energy Regulatory Commission 888 First Street, NE	20426
Koines	Kristen E.	Arent Fox, LLP 1717 K Street, NW	20006
Maynard	Joann	IMA World Health 1730 M Street, NW	20036
McCoy	Sheila	Securities and Exchange Commission 100 F Street, NE	20549
McIntosh	Brianna	BASICS ABA Therapy 3814 12th Street, NE	20017
Miller	John M.	RBH Global Wealth Partners 1701 Pennsylvania Avenue, NW, Suite 218	20006
Murthy	Venkat S.	McLarty Associates 900 17th Street, NW, Suite 800	20006

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

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Mustafa	Reem C.	Fannie Mae 1100 15th Street, NW	20005
Nazeen	Ammena	Self 4014 10th Street, NE	20017
Reding	Magda L.	Library of Congress Federal Credit Union 101 Independence Avenue, SE	20540
Robinson	Stanley	Bank of America 55 M Street, SE	20003
Royal	Felicia L.	Universal Service Administrative Company 700 12th Street, NW, Suite 900	20005
Scotton	Michael A.	E. Keith Edwards Insurance Agency Inc., State Farm 7826 Eastern Avenue, NW, Suite 306	20012
Skonieczka	Jillian	Wiley Rein, LLP 1776 K Street, NW	20006
Slater-Hawkins	Crystal M.	Universal Service Administrative Company 700 12th Street, NW, Suite 900	20005
Slye	Norman	Self 822 20th Street, NE	20002
Smith	Leslie Suzanne	The Society for Cardiovascular Angiography and Interventions 1100 17th Street, NW, Suite 400	20036
Surles	Vanessa Erlinda	National Council of Jewish Women 2055 L Street, NW, Suite 650	20036
Truett	Turner Douglass	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Turova	Olga	Bank of America 2201 C Street, NW	20520
Wade	Jenny R.	NLC Mutual Insurance Company 660 North Capitol Street, NW, Suite 450	20001

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Walton	Alma M.	Library of Congress Federal Credit Union 101 Independence Avenue, SE	20540
Williams	Rowan Hannah	Jill Grant & Associates, LLC 1319 F Street, NW, Suite 300	20004
Wilson	Victoria L.	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	20036
Workman	Tonette L.	M & T Bank 1899 L Street, NW	20036

**TWO RIVERS PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Executive Search Firm**

Two Rivers is seeking to procure the services of an Executive Search Firm capable of conducting a search for candidates qualified to serve in executive- and director-level roles.

For a copy of the RFP, please email Liz Riddle at [procurement@tworiverspcs.org](mailto:procurement@tworiverspcs.org).

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

**Application No. 19834 of 5132 Lee Street LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from side yard requirements of Subtitle D § 307.1, to construct two new, semi-detached dwelling units in the R-2 Zone at premises 5130-5132 Lee Street N.E. (Square 5201, Lots 48 and 47).

**HEARING DATES:** October 17, 2018 and December 5, 2018<sup>1</sup>

**DECISION DATE:** December 5, 2018

**SUMMARY ORDER**

**SELF-CERTIFICATION**

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.

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") 7C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, 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 November 8, 2018, at which a quorum was present, the ANC voted 5-0 to support the application. (Exhibit 40.)

The Office of Planning ("OP") submitted a timely report, dated November 20, 2018, in support of the application. (Exhibit 36.) The District Department of Transportation ("DDOT") submitted a timely report, dated September 28, 2018, expressing no objection to the approval of the application. (Exhibit 32.)

Letters of support from both adjacent neighbors were submitted to the record. (Exhibits 14 and 35.)

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<sup>1</sup> The case was originally scheduled for a public hearing on October 17, 2018, but postponed to December 5, 2018 at the Applicant's request. (Exhibit 33.) The Board Chair granted the Applicant's request. (Exhibit 34.)

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for a variance from side yard requirements of Subtitle D § 307.1, to construct two new, semi-detached dwelling units 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 ANC and OP reports filed in this case, the Board concludes that in seeking an area variance from 11 DCMR Subtitle D § 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 § 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 4.**

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

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

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

**FINAL DATE OF ORDER:** December 6, 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

**BZA APPLICATION NO. 19834**

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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. 19870 of 727 Kenyon LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert the existing principal dwelling unit to a three-unit apartment house in the RF-1 Zone at premises 727 Kenyon Street N.W. (Square 2892, Lot 845).

**HEARING DATE:** December 5, 2018

**DECISION DATE:** December 5, 2018

**SUMMARY ORDER**

**SELF-CERTIFIED**

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC submitted a report in support of the application. The ANC report indicated that at a duly noticed and scheduled public meeting on October 10, 2018, at which a quorum was present, the ANC voted 7-0-0 in support of the application. (Exhibit 29.)

The Office of Planning ("OP") submitted a report recommending approval of the application. (Exhibit 39.) The District Department of Transportation ("DDOT") submitted a report indicating that it had no objection to the grant of the application with conditions. (Exhibit 37.)

A petition of support for the application signed by 14 neighbors was submitted to the record. (Exhibit 30.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the residential conversion requirements of Subtitle U § 320.2, to convert the existing principal dwelling unit to a three-unit apartment house in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.



Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle U § 320.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 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 35 AND THE FOLLOWING CONDITION:**

1. Prior to the issuance of any building permit authorized by this Order, the Applicant shall obtain the issuance of a building permit for 725 Kenyon Street, N.W. to raze the chimney or otherwise comply with the requirements of Subtitle U § 320.2(f).

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

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

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

**FINAL DATE OF ORDER:** December 6, 2018

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

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

**BZA APPLICATION NO. 19870**

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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.

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. 19876 of Kristin Johnson**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 5007.1 and 5201 from the accessory structure lot occupancy requirements of Subtitle E § 5003.1, to construct an accessory structure in the rear yard of an existing, semi-detached principal dwelling unit in the RF-1 Zone at premises 1258 Florida Avenue N.E. (Square 4069, Lot 13).

**HEARING DATE:** December 5, 2018

**DECISION DATE:** December 5, 2018

**SUMMARY ORDER**

**SELF-CERTIFIED**

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commissions ("ANC") 5D and 6A, the adjacent ANC, and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5D, which is automatically a party to this application. Neither ANC submitted a report or testified regarding the application. The Applicant testified that she presented the project to ANC 5D and there were no concerns raised.

The Office of Planning ("OP") submitted a reports recommending approval of the application. (Exhibit 34.) The District Department of Transportation ("DDOT") submitted a report indicating that it had no objection to the grant of the application. (Exhibit 33.)

A letter of support from a nearby resident was submitted to the record. (Exhibit 29.)

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 accessory structure lot occupancy requirements of Subtitle E § 5003.1, to construct an accessory structure in the rear yard of an existing, semi-detached principal dwelling unit 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle E §§ 5201, 5003.1, and 5007.1, 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 10.**

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

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

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

**FINAL DATE OF ORDER:** December 6, 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,

**BZA APPLICATION NO. 19876**

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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. 19878 of Giulio Girardi**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 1402 from the retaining wall requirements of Subtitle C § 1401.3(a) and (b), and under Subtitle D § 5201 from the side yard setback requirements of Subtitle D § 307.1 and the pervious surface requirements of Subtitle D § 308.1, to construct a rear yard retaining wall and a rear deck addition to an existing detached principal dwelling unit in the R-1-B Zone at premises 2931 South Dakota Avenue, N.E. (Square 4339, Lot 39).

**HEARING DATE:** December 5, 2018

**DECISION DATE:** December 5, 2018

**SUMMARY ORDER**

**SELF-CERTIFICATION**

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.

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. The ANC did not submit a report related to the application. A letter in support was filed by the Single Member District Commissioner for ANC 5C02. (Exhibit 35.) No testimony was presented at the hearing.

The Office of Planning ("OP") submitted a timely report recommending approval of the application with one condition related to protecting a tree in public space – a matter which the Board deemed to be outside of its purview. (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 § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle C § 1402 from the retaining wall requirements of Subtitle C § 1401.3(a) and (b), under Subtitle D § 5201 from the side yard setback requirements

of Subtitle D § 307.1, and the pervious surface requirements of Subtitle D § 308.1. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle C §§ 1402 and 1401.3(a) and (b), and Subtitle D §§ 5201, 307.1, and 308.1, 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 5 - ARCHITECTURAL PLANS AND ELEVATIONS.**

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

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

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

**FINAL DATE OF ORDER:** December 7, 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

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§ 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. 19879 of Dominic Puchalla**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to convert the existing artist studio to a principal dwelling unit in the RF-1 Zone at premises 1518 New Jersey Avenue N.W. (Rear). (Square 510, Lot 165).

**HEARING DATE:** December 5, 2018

**DECISION DATE:** December 5, 2018

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by memoranda, dated August 8, 2018, from the Zoning Administrator (“ZA”), certifying the required relief. (Exhibit 5.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6E, which is automatically a party to this application. The ANC submitted a report in support of the application. The ANC report indicated that at a duly noticed and scheduled public meeting on November 13, 2018, at which a quorum was present, the ANC voted 6-0-0 in support of the application. (Exhibit 38.)

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 34.)

Four letters of support from neighbors were submitted to the record. (Exhibit 31.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to convert the existing artist studio to a principal dwelling unit in the RF-1 Zone. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11

DCMR Subtitle X § 901.2 and Subtitle C §§ 701.5 and 703.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 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 33B.**

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

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

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

**FINAL DATE OF ORDER:** December 6, 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.

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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. 19881 of Luis Colemenares**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D §§ 1206.4 and 5201 from the rear addition requirements of Subtitle D § 1206.3, to construct a two-story rear addition to an existing, attached principal dwelling unit in the R-20 Zone at premises 3714 S Street N.W. (Square 1308S, Lot 47).

**HEARING DATE:** December 5, 2018  
**DECISION DATE:** December 5, 2018

**SUMMARY ORDER**

**SELF-CERTIFICATION**

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.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 2E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 29, 2018, at which a quorum was present, the ANC voted 7-0-0 to support the relief requested. (Exhibit 31.) Despite its support of the present application, the ANC raised the concern that a rear addition extending 30 feet beyond the rear wall of an adjacent property could intrude upon the character and scale of the nearby dwellings. (Exhibit 31.) The Board acknowledges this general concern, but ultimately agrees with the ANC that, in this case, the proposed rear addition meets the criteria to be granted special exception relief. The Board reviews each case on its own merits; therefore, the decision in this application would not require the Board to reach the same result when considering another proposed extension of a similar length. Instead, the Board would review the proposed addition's impact on the character and scale of the surrounding neighborhood based on the evidence presented in that case.

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 32.)

Both adjacent neighbors submitted letters in support to the record. (Exhibits 12 and 17.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D §§ 1206.4 and 5201 from the rear addition requirements of Subtitle D § 1206.3, to construct a two-story rear addition to an existing, attached principal dwelling unit in the R-20 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 D §§ 1206.3, 1206.4, and 5201, 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 9.**

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

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

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

**FINAL DATE OF ORDER:** December 10, 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.

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. 19883 of 845 Upshur LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle G §§ 409 and 1200 from the lot occupancy requirements of Subtitle G § 404.1, to construct a three-story addition to an existing mixed use building in the MU-4 Zone at premises 845 Upshur Street N.W. (Square 3024, Lot 56).

**HEARING DATE:** December 5, 2018

**DECISION DATE:** December 5, 2018

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 4 (Original) and 28 (Revised).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register and by mail to Advisory Neighborhood Commission ("ANC") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, 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 November 14, 2018, at which a quorum was present, the ANC voted 8-0-1 to support the application. (Exhibits 31 and 35 (Duplicate).)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 30.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 33.)

Claire Marie Holian provided testimony in conditional support and requested minor design changes at the hearing.

**Special Exception Relief**

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 G §§ 409 and 1200 from the lot occupancy requirements of Subtitle G § 404.1, to construct a three-story addition to an existing mixed use building in the MU-4 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 G §§ 404.1, 409, and 1200, 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.**

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

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

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

**FINAL DATE OF ORDER:** December 10, 2018

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

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

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION

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THERE TO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FILING**  
**Z.C. Case No. 15-20C**  
**(TBSC Owner I, LLC – First-Stage PUD Modifications of Significance**  
**and Second-Stage PUD @ Square 620)**  
**December 6, 2018**

**THIS CASE IS OF INTEREST TO ANC 6E**

On November 19, 2018, the Office of Zoning received an application from TBSC I, LLC (the “Applicant”) for approval of a modification of significance to a previously approved first-stage planned unit development (“PUD”) and for approval of a second-stage PUD.

The property that is the subject of this application consists of Lots 250, 893-895, 898, 900, 904, and 905 in Square 620 in northwest Washington, D.C. (Ward 6), on property that is bounded by M Street, 1<sup>st</sup> Street, L Street, and 1<sup>st</sup> Place, N.W. For the purpose of this project, the property is currently zoned MU-9\* through a PUD-related Zoning Map amendment.

The Applicant proposes to modify the first-stage PUD in summary as follows: 1) for the South Parcel, the Applicant proposes to construct two buildings instead of three, change the building heights, and shift the allocation of units; 2) for the North Parcel, the Applicant seeks to decrease the density by reducing the amount of floor area and number of units in the two buildings; and 3) to relocate the loading access from along L Street to along First Place.

The Applicant also seeks second-stage approval for Phase 1 of the PUD for the Southwest Building (Theoretical Lot 1A) and for the Southeast Building (Theoretical Lot 1B).

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.

\*The first-stage PUD, effective on June 17, 2016, approved a related map amendment from the R-4 Zone District to the C-3-C Zone District, which is now the MU-9 zone.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 15-32B**

**Z.C. Case No. 15-32B**

**1126 9<sup>th</sup> St NW, LLC**

**(Time Extension for a Consolidated PUD and Related Map Amendment**

**@ Square 369, Lot 880 - 1126 9<sup>th</sup> Street, N.W.)**

**October 22, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on October 22, 2018. At that meeting, the Commission approved the request of 1126 9<sup>th</sup> St NW, LLC (the “Applicant”) for a time extension of the date before which the Applicant must file a building permit application for the consolidated planned unit development and Zoning Map amendment (“Consolidated PUD”), approved by the Commission pursuant to Z.C. Order No. 15-32 (“Original Order”), as subsequently modified by Z.C. Order No. 15-32A (“Modified Order,” collectively, with the Original Order, the “Order”). The Consolidated PUD pertains to 1126 9<sup>th</sup> Street, N.W. (Lot 880, Square 369) (“Property”). The time extension request was made pursuant to Subtitle Z § 705 of the Zoning Regulations of 2016 (Title 11 DCMR).

**FINDINGS OF FACT**

1. The Commission approved the Original Order in September 2016 under the procedural and substantive requirements of the 1958 Zoning Regulations because the application for the Consolidated PUD was set down prior to the effectiveness of the 2016 Zoning Regulations. (Exhibit [“Ex.”] 1 at 2, n.1.) In September 2018, the Commission approved a modification of consequence to the Consolidated PUD in the Modified Order. No other modifications or extensions have been requested or approved for the Order.
2. The Property is located at the corner of 9<sup>th</sup> Street, N.W. and M Street, N.W. immediately across from the Washington Convention Center. (Ex. 1, p. 1.) An existing two-story building that is historically contributing to the Shaw Historic District occupies a portion of the Property along 9<sup>th</sup> Street, N.W. (*Id.*)
3. The Property is located within the boundaries of Advisory Neighborhood Commission (“ANC”) 2F, Single-Member-District 2F06 in Ward 2. (Ex. 2D, p. 4.)
4. The Original Order became final and effective upon publication in the *D.C. Register* on November 25, 2016. (*Id.* at 19.) The Original Order includes the approval of the Consolidated PUD and the related Zoning Map amendment, which amend the zoning for a portion of the Property from the DD/C-2-A to the DD/C-2-C Zone District. (*Id.* at 14.)
5. The project authorized under the Consolidated PUD (as modified, the “Project”), as approved by the Commission, is a mixed-use, transit-oriented development, with retail and residential uses. The Project includes a total of approximately 33,697 square feet of gross floor area (“GFA”), which results in a floor area ratio (“FAR”) of 4.4. (Ex. 1, p. 2.) Although not required by the underlying zoning, the Project includes two affordable housing units as part of its package of public benefits and amenities. (Ex. 1D, p. 15.)

6. Pursuant to a condition of the Original Order, the Consolidated PUD approval is valid for two years (that is, until November 25, 2018). (*Id.* at 18.) The Applicant filed an application for a time extension of the Consolidated PUD on September 18, 2018, prior to the expiration of the approval thereof. (Ex. 1, p. 1.) The filing of such extension tolled the expiration of the Consolidated PUD approval.
7. The Applicant and ANC 2F were the only parties to the Consolidated PUD proceedings. (Ex. 1D, p. 11.) A copy of the application materials for this extension request were served on ANC 2F, as demonstrated by the Applicant's Certificate of Service. (Ex. 1 p. 8.)
8. Through a letter dated October 11, 2018, the Chair of ANC 2F informed the Commission that, on October 3, 2018, at a duly called and properly noticed public meeting with a quorum (present and acting throughout), ANC 2F voted unanimously (6-0) to support the request. (Ex. 3.) The report stated no issues or concerns.
9. There has been no substantial change in the material facts upon which the Commission relied for its original approval of the Consolidated PUD that would undermine the justification for the approval thereof. The Project continues to achieve the goals and policies of the Comprehensive Plan of the District of Columbia and satisfies the PUD evaluation criteria contained in the Zoning Regulations. The modification of consequence to the Consolidated PUD in general only reduces the impacts from the Project as originally approved. (*See* Z.C. Case No. 15-32A; Ex. 1, pp. 2-4.)
10. The Applicant provided substantial evidence that there is good cause for extending the expiration of the Consolidated PUD. The Applicant has been diligently and in good faith pursuing development of the Project. The Applicant has expended significant time and resources to identify development partners and financing to develop the Project. (Ex. 1, pp. 4-6; Ex. 1E.) The Applicant funded a wide variety of expenditures to facilitate the implementation of the Project and provided a detailed list of work and costs funded by the Applicant totaling approximately \$500,000. (Ex. 1E.) The Applicant's efforts to implement the Project include:
  - (a) Outreach to potential investors or purchasers: Throughout the redesign process, the Applicant conferred with existing investors and presented various iterations of the revised Project to other potential investors;
  - (b) Pricing of materials originally approved: The Applicant obtained construction pricing and multiple updates from a qualified general contractor who has a track record of completing successful projects in the DC market;
  - (c) Solicitation of or hiring of brokers to finance, sell or lease the original Project: A broker was actively marketing the original Project. Those marketing efforts resulting in several offers to purchase the original Project. The Applicant and its broker evaluated each offer but ultimately each offer was impacted by the same construction cost increases that have contributed to the original Project's delay.

Additionally, the Applicant has initiated the financing process and engaged several lenders to review the original Project, and now the revised Project, subject to final plans and pricing; and

- (d) Hiring of consultants to advance project, including approving architect work on developing construction drawings and similar studies: The Applicant advanced the original Project to schematic design and participated in multiple construction costing exercises in order to identify a program that resulted in a feasible development on the Property in accordance with the Original Order. The Applicant also selected a pre-construction contractor to assist in budgeting and value engineering processes.
11. However, despite the Applicant's work to complete the Project, along with the market and other conditions beyond the Applicant's reasonable control, the Applicant has been unable to file an application for a building permit for the Project within the period required under the Consolidated PUD (i.e., by November 25, 2018). Factors beyond the Applicant's reasonable control that justify the extension include the dramatic increase in construction costs in the 12 to 15 months preceding the filing of the extension application. In addition to construction costs that were already rising, proposed tariffs have had an effect on construction costs. Therefore, the originally proposed concrete and steel building was no longer financially viable to construct. The Project originally included a 100-foot-tall tower element that, on account of the Property's unique site constraints and geometry, had interior layouts that were inefficient relative to typical residential buildings. Taken together these challenges have taken longer to resolve than the Applicant originally anticipated.
12. The Office of Zoning referred the application to the Office of Planning ("OP") on September 24 2018. (Ex. 2.) On October 12, 2018, OP filed a report with the Commission recommending approval of the PUD time extension request until November 25, 2020. (Ex. 4.) OP concluded that the Applicant satisfied the relevant standards of Subtitle Z, § 705. (*Id.*) There were no other documents filed by third parties or persons in the record of this case.

### **CONCLUSIONS OF LAW**

The Commission may extend the time period of an approved PUD provided the requirements of Subtitle Z § 705.2 are satisfied. The Applicant has satisfied each of the requisite conditions.

Section 705.2(a) requires that the Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond. The only party in the original case was ANC 2F, which was properly served with this time extension request and filed evidence of having unanimously adopted a resolution in support of this request. The Applicant has satisfied all notice requirements.

Section 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the Consolidated PUD. Based on the information provided by the Applicant and OP, the Commission concludes that extending the time period of approval for the Consolidated PUD is appropriate, as there are no substantial changes in the material facts that the Commission relied on in approving the original Consolidated PUD.

Section 705.2(c) requires that the Applicant demonstrate with substantial evidence one or more of the following criteria:

- (a) An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing because of changes in economic and market conditions beyond the applicant's reasonable control;
- (b) An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
- (c) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

Based on the substantial evidence placed into the record by the Applicant, as recited above, the Commission concludes that there is good cause shown to extend the period of time in which the Applicant is required to file a building permit application for the Consolidated PUD. The Applicant has worked in good faith to advance the development of the Project. However, numerous factors outside the Applicant's control, including market conditions and construction challenges, require additional time for the Applicant to resolve or design around. The Commission concludes that granting the time extension request until November 25, 2020 is an appropriate amount of time in light of the existing conditions. For these reasons, the Commission finds that the Applicant has satisfied the requirements of § 705.2(c)(3).

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC. In this instance, ANC 2F expressed no issues or concern, but rather indicated its support of the Application. As such, there is nothing to give great weight to.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163, D.C. Official Code § 6-623.04), to give great weight to OP's recommendations. OP recommended approval of the time extension request, and the Commission concurs in its recommendation.

**DECISION**

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a time extension of the Consolidated PUD application approved in Z.C. Order No. 15-32, as modified by Z.C. Order No. 15-32A. The Consolidated PUD approved by the Zoning Commission shall be valid until November 25, 2020, before which time the Applicant will be required to file a building permit application for the Project. Construction of the Project must commence by November 25, 2021.

On October 22, 2018, upon motion by Commissioner Shapiro, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** this application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.8 this Order shall become final and effective upon publication in the *D. C. Register* on December 21, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 16-06B**

**Z.C. Case No. 16-06B**

**Jemal's Lazriv Water, LLC**

**(Design Review Modification of Consequence @ Square 666, Lot 15)**

**October 22, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on October 22, 2018. At that meeting, the Commission approved the application of Jemal's Lazriv Water, LLC ("Applicant") for a modification of consequence to a project first approved by Commission pursuant to the Capitol Gateway Overlay District design review provisions of the 1958 Zoning Regulations of the District of Columbia, Title 11 of the District of Columbia Municipal Regulations ("DCMR"), and subsequently approved as a modification of significance under the 2016 Zoning Regulations. The property that is the subject of this application is located at 1900 Half Street, S.W. (Square 666, Lot 15) ("Property"). The modification request was made pursuant to 11-Z DCMR § 703.

**FINDINGS OF FACT**

**BACKGROUND INFORMATION**

1. The Property is located in the southwest quadrant of the District and is bounded by T Street to the north, the Anacostia River to the east, U Street to the south, and Water Street and Half Street to the west. The Property is the only lot in Square 666 and has an angled trapezoidal shape with a total land area of approximately 110,988 square feet. The Property is zoned CG-5.
2. The Property is presently improved with an existing and mostly vacant nine-story office building that was constructed circa 1976. The existing building has a height of 90 feet and approximately 665,928 square feet of gross floor area with a density of 6.0 floor area ratio ("FAR"). On-site parking for 691 vehicles is located within the building, and exterior on-site loading is located on the Property to the north of the building. The building was originally constructed for use by the General Services Administration for federal occupancy and was used as an office building for several decades.
3. Pursuant to Z.C. Order No. 16-06, dated July 7, 2016, and effective on August 26, 2016, the Commission approved a design review application submitted under the then-applicable Capitol Gateway Overlay District design review provisions of the 1958 Zoning

Regulations. The application proposed to renovate and adaptively reuse the existing building on the Property into a mixed-use project comprised of residential and retail uses. The approval included a variance from the maximum building height requirements, a variance from the loading requirements, and special exception relief to provide multiple penthouses at multiple heights and penthouses that do not comply with the setback requirements from the open court walls.



4. Pursuant to Z.C. Order No. 16-06A, dated January 29, 2018, and effective on May 11, 2018, the Commission approved a modification of significance to Z.C. Order No. 16-06, such that the existing building would be renovated to include approximately 468,647 square feet of total gross floor area (4.22 FAR), of which approximately 406,270 square feet of gross floor area was devoted to residential use (415 dwelling units, plus or minus 10%) and approximately 16,542 square feet of gross floor area was devoted to retail use (“Approved Project”). The Approved Project removed approximately 197,281 square feet of gross floor area (1.78 FAR) from the existing building to create a large river-facing courtyard, maintained the Property’s existing lot occupancy of 63.6%, and included approximately 246 vehicle parking spaces in two levels of parking.

#### MODIFICATION OF CONSEQUENCE

5. By letter dated August 7, 2018, and pursuant to 11-Z DCMR § 703, the Applicant submitted a request for a modification of consequence to make certain modifications to the Approved Project’s design and massing, to increase the number of residential units and parking spaces, and to make minor changes to the landscape design of the riverwalk on the east side of the Property adjacent to the Anacostia River. (Exhibit [“Ex.”] 1.)
6. Specifically, the Applicant requested approval to increase the approved total gross floor area to approximately 502,395 square feet (4.53 FAR); increase the approved number of residential units to 453; and increase the approved number of parking spaces to 280. The modifications also included removing outdoor terraces for some of the residential units, separating the previously-approved courtyard space into two individual courtyards, reducing the size of the penthouse amenity space and increasing the size of the exterior pool deck, and making several other overall changes to the building’s architectural design and massing (“Modified Project”). The Applicant also proposed to increase the total number of affordable housing units in the building from 10 units to 11 units to maintain the approximate proportionality of market rate to affordable units. However, the Commission is not making the provision of affordable housing a condition of this order for the reasons stated in Z.C. Order No. 16-06, Finding of Fact No. 62 and Conclusion of Law No. 8 and Z.C. Order No. 16-06A, Conclusion of Law No. 6.
7. The Modified Project does not incorporate any changes to the layout of the bicycle and pedestrian paths within the riverwalk. However, to the east of the building along the riverwalk, the Modified Project eliminates the patios for individual units and replaces them with an approximately eight-foot-wide planting area and a new set of stairs that provide direct access into the building. The plant material palette for the proposed landscaped area includes the ornamental grasses and small trees as an extension of the adjacent (approved) planting areas. The Modified Project also includes new handicapped accessible ramps to the building’s south entrance to comply with ADA and Building Code requirements.

8. Based on the foregoing, the Applicant requested to modify the language of Decision No. 2 of Z.C. Order No. 16-06A, which relates to the approved architectural drawings. Decision No. 2 states the following:
  2. The project shall be built in accordance with the architectural drawings submitted in the record of Z.C. Case No. 16-06, dated June 20, 2016 (Ex. 29A1-29A3), as modified by the architectural drawings submitted in the record of Z.C. Case No. 16-06A, dated October 13, 2017 (Ex. 8A1-8A2), as further modified by the Riverwalk Plan shown in the Applicant's PowerPoint presentation (Ex. 15, p. 11 [Sheet 43]), and as modified by the guidelines, conditions, and standards below.
9. The Applicant requested to modify the above-quoted language to reference updated architectural drawings submitted in this modification application as follows:
  2. The project shall be built in accordance with the architectural drawings submitted in the record of Z.C. Case No. 16-06, dated June 20, 2016 (Ex. 29A1-29A3), as modified by the architectural drawings submitted in the record of Z.C. Case No. 16-06B, dated August 6, 2018 (Ex. 1E1-1E3), and as modified by the guidelines, conditions, and standards below.
10. In satisfaction of 11-Z DCMR § 703.13, the Applicant provided a Certificate of Service, which noted that Advisory Neighborhood Commission ("ANC") 6D, the only party to the original proceeding, was served with the application. (Ex. 1, p. 5.)
11. By report dated September 7, 2018, the Office of Planning ("OP") indicated its concurrence with the Applicant's submission that the proposed refinements are a modification of consequence because they include the redesign and relocation of architectural elements and open spaces. (Ex. 4.) The OP report also recommended that the proposed modifications be approved.
12. At the Commission's September 17, 2018, public meeting, the Commission determined that the application was properly submitted as a modification of consequence within the meaning of 11-Z DCMR §§ 703.3 and 703.4, and that no public hearing was necessary pursuant to 11-Z DCMR § 703.1. In accordance with 11-Z DCMR § 703.17(c)(2), the Commission established a timeframe for the ANC to file a response to the application, and for the Applicant to respond thereto; and scheduled the application for deliberations.
13. By letter dated September 19, 2018, ANC 6D submitted a letter indicating that at its regularly scheduled and properly noticed public business meeting on September 10, 2018, with a quorum being present, the ANC voted 6-0-0 to withhold support of the application. (Ex. 5.) The ANC's reasons were in part based on the reasons stated in Z.C. Case No. 16-06A: (i) the reduction of space devoted to retail; and (ii) the requests to allow a 10% reduction or addition to residential units and parking spaces without further approval by any Commission. The ANC report also opposed the following changes

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requested in the present case: (i) the removal of the setbacks/terraces facing the Anacostia River on the 7<sup>th</sup> and 9<sup>th</sup> floors of the building and the replacement of the terraces with units; (ii) the removal of the center wing setback from the east façade and the resultant alignment of the center wing with the north and south wings; and (iii) the elimination of the recessed unit balconies in the center wing facing the Anacostia River. The ANC also noted that it was not supportive of the reduction in square footage devoted to two-bedroom units or the increase in the quantity of one-bedroom and studio units while decreasing their average square footage. Finally, the ANC report requested that the Applicant provide additional affordable units in the Modified Project.

14. By letter dated October 15, 2018, the Applicant submitted a response to the ANC report. (Ex. 6.) With respect to the first two concerns raised by the ANC, the Applicant indicated that the Commission had already approved the reduction in retail space and the 10% flexibility for residential units and parking spaces. (*See* Z.C. Order No. 16-06A, Decision No. 7 and Findings of Fact No. 36 and 38.) Because the Modified Project did not propose any changes to the amount of retail space or additional flexibility as to the number of residential units or parking spaces, the Commission agrees with the Applicant that those issues have already been reviewed and resolved and declines to review them again.
15. With respect to the ANC's concerns with the modified building design, the Applicant's letter indicated that the Modified Project would (i) only eliminate outdoor river-facing terraces for 12 of the 415 approved residential units (2.8% of the units); (ii) separate the previously-approved river-facing courtyard at the second level into two separate courtyards but continue to maintain significant outdoor courtyard space; and (iii) only eliminate recessed unit balconies in the building's center wing facing the river for 14 of the 415 approved residential units (3.3% of the units). The Applicant's letter explained that the proposed modifications to the building design are a result of construction complications and significant costs associated with demolishing river-facing portions of the existing building. Creating the step-backs at the upper floors and constructing terraces on top of existing structural elements would create additional and unnecessary physical complications, such as providing ADA access to new terraces, incorporating additional waterproofing materials and techniques to ensure units below stay water tight, and establishing complex façade detailing. The Applicant's letter stated that the risks and significant cost associated with these additional components would not be needed if the project was constructed as proposed in Z.C. Case No. 16-06B without the additional demolition for the river-facing setbacks.
16. The Applicant's letter also stated that the proposed modifications to the building design would only be visible from the Anacostia River and would not be perceptible from any angle from the surrounding streets or riverwalk, such that the building would look identical to the design previously approved except when viewed from the river.
17. Finally, in response to the ANC report, the Applicant's letter noted that eliminating the setbacks and unit terraces would allow the Applicant to replace those spaces with 38 new residential units (a 9% increase in units), which is consistent with the District's goal of

increasing the housing supply. As requested by the ANC, the Applicant also offered to add one new affordable housing unit to the building (increased to a total of 11 units from the Applicant's original offer of providing 10 affordable units) in order to maintain the building's market-rate-to-affordable-unit ratio. However, as previously stated by this Commission, the project is not required to provide any affordable units and therefore specifically does not impose an affordable housing requirement or condition as part of this Order. The Applicant's letter also noted that the ANC's concern with reducing the average unit size was not applicable to the standards for design review or for modifications of consequence, and the Commission agrees with this conclusion.

18. At its October 22, 2018, public meeting, the Commission reviewed the ANC report and the Applicant's response thereto and deliberated on the overall application. The Commission agreed with the Applicant that the reduction in retail space and the 10% flexibility for residential units and parking spaces was already reviewed and decided by the Commission in Z.C. Order No. 16-06A and should not be revisited. Indeed, all of the flexibility granted in Z.C. Order Nos. 16-06 and 16-06A shall remain in effect. The Commission also found that the proposed design changes were based on legitimate concerns arising from construction complications and costs associated with adaptively reusing the existing building, and that therefore the proposed modifications to the building design were appropriate. The Commission also noted that the design modifications would be visible from the river only, and even then would not significantly reduce the aesthetic appearance of the building. As noted in Finding of Fact No. 17, the Commission concludes that requiring affordable housing units and/or reviewing the size of the residential units is outside of the Commission's authority in this case.
19. Based on the foregoing, at its October 22, 2018 public meeting the Commission voted to approve the Applicant's request for a modification of consequence.

### CONCLUSIONS OF LAW

1. Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make "modifications of consequence" to final orders and plans without a public hearing. A modification of consequence means "a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance." (11-Z DCMR § 703.3.) Examples of modifications of consequence "include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission." (11-Z DCMR § 703.4.)
2. The Commission concludes that the modifications described in this Order and shown on the architectural drawings included at Exhibit 1E are modifications of consequence and therefore can be granted without a public hearing.

3. The Commission concludes that the proposed modifications are consistent with the Commission's previous approval of the project. The Applicant only proposes a redesign and relocation of architectural elements and open spaces from the final design approved in Z.C. Order Nos. 16-06 and 16-06A. The Commission concludes that these modifications do not diminish or detract from the Commission's original approval.
4. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give "great weight" to the issues and concerns contained in the written report of the affected ANC. In this case, ANC 6D submitted a report indicating its vote to withhold support for the application based on a number of factors described in Finding of Fact No. 13. For the reasons set forth in Finding of Fact Nos. 14-18, the Commission finds the ANC's concerns to be unpersuasive.
5. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP's recommendations. The Commission has carefully considered OP's recommendation in support of the application and agrees that approval of the requested modification of consequence should be granted.
6. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

### **DECISION**

In consideration of the above Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for a modification of consequence to the approved project located at 1900 Half Street, S.W. (Square 666, Lot 15), subject to the architectural drawings at Exhibit 1E. Condition No. 2 of Z.C. Order No. 16-06A shall be revised as follows:

2. The project shall be built in accordance with the architectural drawings submitted in the record of Z.C. Case No. 16-06, dated June 20, 2016 (Ex. 29A1-29A3), as modified by the architectural drawings submitted in the record of Z.C. Case No. 16-06B, dated August 6, 2018 (Ex. 1E), and as modified by the guidelines, conditions, and standards below.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identify or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected

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categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On October 22, 2018, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on December 21, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 16-13C  
Z.C. Case No. 16-13C  
JS Congress Holdings, LLC  
(Modification of Consequence to PUD @ Square 748, Lots 78 and 819)  
October 22, 2018**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held public meetings on September 17, 2018 and October 22, 2018, to consider an application by JS Congress Holdings, LLC (“Applicant”) for a modification of consequence to a consolidated planned unit development (“PUD”) approved by Z.C. Order No. 16-13 for the property at 220 L Street, N.E. and 1109-1115 Congress Street, N.E., and more particularly identified as Square 748, Lots 78 and 819 (“Property”). The modification of consequence request was made pursuant to Subtitle Z, Chapter 7, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). For the reasons stated below, the Commission approves the application.

**FINDINGS OF FACT**

**A. The Applications, Parties, Hearing, and Post-Hearing Filings**

1. Pursuant to Z.C. Order No. 16-13, dated June 12, 2017, and effective September 1, 2017 (“16-13 Order”), the Commission approved an application for consolidated review of a PUD and a related Zoning Map amendment from the C-M-1 Zone District to the C-2-B Zone District for the Property, and for a portion of the alley to be closed, in order to permit the redevelopment of the Property with a mixed-use building that has approximately 64 residential units and approximately 3,825 square feet of PDR uses. The proposed building will have a maximum height of 90 feet and density of a 6.0 floor area ratio (“FAR”).
2. As part of the PUD, the Applicant is devoting 12% of the building's residential gross floor area (“GFA”) to affordable housing. Eight percent of that affordable housing will satisfy the inclusionary zoning (“IZ”) requirement; the remaining four percent is part of the PUD's public benefits package. Half of the IZ requirement (four percent) will be located on site. The other half of the IZ requirement and the affordable housing proffer will be provided at an off-site location to be constructed in conjunction with D.C. Habitat for Humanity.
3. As set forth in Condition B.1 of the 16-13 Order, the Applicant shall dedicate:  
(a) a minimum of four percent of the project's residential gross floor area to households earning up to 80% of the area mean income (“AMI”), and (b) a minimum of eight percent of the Project's residential gross floor area to households earning up to 50% of the AMI at an off-site location consistent with the 16-13 Order. The on-site 80% AMI affordable units (1,815 square feet of GFA) and 1,893 square feet the off-site location at 50% AMI (3,708 square feet GFA total) shall satisfy the minimum IZ set-aside requirement, and shall be maintained in accordance with all applicable requirements of Chapter 26 of the

Zoning Regulations. The remaining off-site affordable units offered at 50% AMI (approximately 2,607 square feet of GFA) shall also be governed by restrictive covenants with D.C. Habitat for Humanity. The Applicant has the flexibility to vary the location and unit layout of the on-site IZ units provided the percentage of square footage devoted to IZ units is consistent with condition B.1 of the Order. The off-site IZ units and affordable units shall be a minimum of 900 square feet each, shall be single-family residences or flats; and shall be located within the boundaries of ANC 6C, 6A, 6E, 5D, or 5E. The Applicant may locate the off-site IZ units and affordable units in other areas of Ward 5 or Ward 6 upon approval from the Commission as a consent calendar item.

4. In order to assist with the construction of the off-site IZ and affordable dwelling units at the off-site location, Condition B.2 of the Order requires the Applicant to pay D.C. Habitat for Humanity \$625,000 no later than six months after a favorable resolution of the petition for review by the D.C. Court of Appeals in Case No. 17-AA-1048. (See Z.C. Order 16-13B at 4.) The D.C. Court of Appeals dismissed the case on December 4, 2017, and issued its final mandate on December 26, 2017. The payment would have been due no later than June 26, 2017. However, Z.C. Order No. 16-13B, which adopted the modification to Condition B.2, did not become final and effective until July 13, 2018.

**B. Modification Request**

1. On July 31, 2018, the Applicant filed an application with the Commission seeking a modification of consequence to Z.C. Order No. 16-13B to modify Condition No. B.2 of the Order to extend the deadline to pay the \$625,000 to DC Habitat for Humanity to December 31, 2018.
2. Due to high prices and limited inventory in the housing market, the Applicant and D.C. Habitat for Humanity have had difficulty finding a suitable location to construct the off-site IZ and affordable housing. At the time of this application for modification of consequence, D.C. Habitat for Humanity was under contract for a site that meets the requirements of the PUD Order, was completing due diligence, and anticipated closing on the property by August 31, 2018. The Applicant would make an equity contribution to Habitat for Humanity for the purchase price, with the balance of the \$625,000 payment to be provided no later than December 31, 2018. This extended deadline will allow the Applicant and D.C. Habitat for Humanity to meet the affordable housing requirement ahead of the issuance of building permits.
3. The Applicant does not propose any changes to the approved PUD plans with this modification request.
4. At its public meeting on September 17, 2018, the Commission determined that this application was properly a modification of consequence within the meaning of 11-Z DCMR § 703.4, and that no public hearing was necessary pursuant to 11-



Z DCMR § 703.1. The Commission scheduled the matter for decision on October 22, 2018 to allow Advisory Neighborhood Commission (“ANC”) 6C the opportunity to comment on the modification request.

5. In satisfaction of 11-Z DCMR § 703.13, the Applicant provided a Certificate of Service, which noted that ANC 6C was served with the application. ANC 6C elected not to take a position on this modification request.
6. The Office of Planning (“OP”) submitted a report on September 11, 2018. The OP report recommended approval of the application to modify Condition B.2 of Order 16-13 to December 31, 2018.

### CONCLUSIONS OF LAW

1. Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.” (11-Z DCMR § 703.3.) Examples of modifications of consequence “include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)
2. The Commission concludes that the modification requested and as described in the above Findings of Fact, is a modification of consequence and therefore can be granted without a public hearing.
3. Pursuant to this modification, the relief granted to the Applicant rests within the four corners of Subtitle X, § 301.3 and does not resort to granting relief beyond the plain meaning of any regulation.
4. The Commission finds that the proposed modifications are entirely consistent with the Commission’s previous approval. The Applicant is only proposing to modify Condition No. B.2 of the Order to extend the deadline for payment of the \$625,000 to DC Habitat for Humanity to December 31, 2018. That modification does not diminish or detract from the Commission’s original approval of the PUD project. The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) to give “great weight” to the issues and concerns of contained in the written report of an affected ANC. ANC 6C meets the definition of “affected ANC” as set forth in 11-B DCMR § 100.1. Since ANC 6C did not address this modification of consequence, there is no recommendation to consider. The Commission is also required give great weight to the recommendations of OP. (*See* D.C. Official Code § 6-623.04 (2012 Repl.)) The Commission concurs with OP’s recommendation to approve this modification of consequence application.

**DECISION**

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the consolidated PUD project approved in Z.C. Case No. 16-13 as follows.

The conditions in Z.C. Order No. 16-13 remain unchanged except the following condition replaces Condition No. B.2 of Z.C. Order No. 16-13:

Prior to the issuance of a building permit, the Applicant shall provide proof to the Zoning Administrator that it has paid \$625,000 to D.C. Habitat for Humanity no later than December 31, 2018, that D.C. Habitat for Humanity has the off-site housing location under its control, that each of the off-site units will consist of a minimum of 900 square feet and two bedrooms, and that the units will be constructed as single-family residences or flats.

On October 22, 2018, upon the motion of Vice Chairman Miller, as seconded by Commissioner May, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the D.C. Register; that is, on December 21, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 18-12**  
**Z.C. Case No. 18-12**  
**Keep Meridian Hill Green Civic Association**  
**(Map Amendment @ Square 2568)**  
**November 19, 2018**

**NOTICE OF DENIAL OF PETITION**

Pursuant to 11-Z DCMR § 500, the Zoning Commission for the District of Columbia (“Commission”) hereby gives notice of its denial of a map amendment petition, filed August 13, 2018 by Keep Meridian Hill Green Civic Association, to rezone Lot 808 in Square 2586 (“Property”) from split-zoned RA-2/RA-4 to RA-2 only.

On November 9, 2018, the Office of Planning (“OP”) submitted a report that concluded that the Property’s existing RA-4 zoning is not inconsistent with the Comprehensive Plan, particularly when the policy statements are read on balance with the Future Land Use Map and Policy map designations and the zoning history of the site. At its November 19, 2018 public meeting, the Commission voted to deny the petition for a public hearing, agreeing with OP that the Property’s RA-4 zoning was not inconsistent with the Comprehensive Plan. Further, the Commission found that the proposed downzoning unnecessary to further the public interest.

The Commission’s review of petitions is governed by § 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505 (2012 Repl.)). Subsection 505 (b) provides that “nothing in [the Act] shall make it mandatory that ... any agency promulgate, amend, or repeal any rule pursuant to a petition.” Accordingly, the Commission has the discretion to deny this petition.

On November 19, 2018, upon the motion of Commissioner May, as seconded by Vice Chairman Miller, the Zoning Commission **DENIED** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Michael G. Turnbull, and Peter G. May to deny).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on December 21, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**ZONING COMMISSION ORDER NO. 70-16C**  
**Z.C. Case No. 70-16C**  
**CESC 2101 L Street, LLC**  
**(Minor Modification @ Square 72, Lot 76 - 2101 L Street, N.W.)**  
**October 22, 2018**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on October 22, 2018. At the meeting, the Commission approved an application of CESC 2101 L Street, LLC (“Applicant”) for a minor modification to an approved planned unit development (“PUD”) for property located at 2101 L Street, N.W. (Square 72, Lot 76) (“Site”). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that the application was properly before it under the provisions of Subtitle Z § 703 and Subtitle C § 1504.3 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

**FINDINGS OF FACT**

1. Z.C. Order No. 60-19, dated March 19, 1973, and BZA Order No. 11585, dated February 13, 1974 (further processing), together, approved the existing building on the Site (“Office Building”) to have a height of 110 feet and a maximum density of 7.0 floor area ratio (“FAR”). The Office Building was required to provide a minimum of 32,000 square feet of retail space on the first-floor level and an additional 20,000 square feet in the first basement level.
2. According to Zoning Computation Sheet Z73-381 (“Zoning Comp Sheet”), the Office Building was constructed to a height of 110 feet, which is the maximum height permitted for a PUD under the zone district under which the Site was zoned pursuant to Z.C. Order No. 60 (i.e., C-3-B). (Exhibit [“Ex.”] 1D.) This height is also the maximum height permitted under the D-5 zone and the maximum height permitted under the Act to Regulate the Height of Buildings, June 1, 1910, as amended, codified in Chapter 6 of the D.C. Official Code. According to the Zoning Comp Sheet, the original penthouse was constructed to a height of 30.35 feet, with setbacks of greater than 40 feet from the exterior walls of the Office Building.
3. Pursuant to Z.C. Order No. 78-A, dated June 12, 2006, and effective as of August 11, 2006, the Commission approved a modification to the Office Building. The approved modifications included making exterior renovations to the façade, reducing the amount of retail square footage on the first floor to 24,100 square feet, and increasing the maximum FAR to 7.1 due to the elimination of the ground-floor arcade.
4. Pursuant to Z.C. Order No. 78-B, dated January 10, 2011, and effective as of February 4, 2011 (“Order No. 78-B”), the Commission approved a second modification to the Office Building. This modification further reduced the amount of required retail and service use on the ground floor to 16,700 square feet.

5. By letter dated September 12, 2018, the Applicant submitted an application to the Commission requesting a minor modification to the approved PUD to incorporate penthouse habitable space on the roof of the Office Building. (Ex. 1.) Specifically, the Applicant proposed to construct approximately 1,500 square feet as an expansion of the existing roof structure with access from the existing elevator bank and use of the existing bathroom facilities. The overall penthouse habitable space, including the addition and the existing interior space, would be between 2,000 and 2,500 square feet. The addition was designed to integrate with the original design of the Office Building and is hidden from view from virtually all angles.
6. The proposed interior of the penthouse addition includes space designed to support the existing roof deck, which can be used by the tenants of the Office Building for different purposes, including, among others, conference rooms, events, or gathering space. The modification also involves upgrading the structure to support current code design loads. The outdoor roof deck will be reorganized to better coordinate with the penthouse habitable space addition, and new temporary cloth sail structures on permanent poles will be installed as shade structures, all of which are set back more than 1:1 from exterior face of the Office Building.
7. The penthouse heights and setbacks comply with the requirements set forth in 11-C DCMR Chapter 15. Specifically, the penthouse will have a maximum height of 16 feet, three inches, which is within the penthouse height permitted in the D-5 zone. (*See* 11-I DCMR § 540.5.) The penthouse will be setback in excess of 1:1 from the edge of the roof upon which it sits in accordance with 11-C DCMR § 1502.1. The reconfigured roof deck and guardrails will also be set back to meet or exceed of the 1:1 requirement. There is no proposed change to the existing penthouse or elevator override, which were approved as part of the original PUD, because all of the related mechanical upgrades can be located within the existing penthouse or within the penthouse habitable space expansion as proposed. The proposed penthouse habitable space does not result in any changes to the parking or loading previously approved and provided for the PUD.
8. As a result of the proposed habitable space, the Applicant will make a contribution to the Housing Production Trust Fund in accordance with the formula contained in 11-C DCMR §§ 1505.13 through 1505.16, which will be equal to one-half of the assessed value of the proposed penthouse habitable space. The final amount of the total contribution will be determined no earlier than 30 days prior to the date of the building permit application to construct the penthouse habitable space. No less than one-half of the required total financial contribution will be made prior to the issuance of a building permit for construction of the penthouse habitable space, and the balance will be made prior to the issuance of a certificate of occupancy for the building's penthouse habitable space.
9. Pursuant 11-C DCMR § 1504.4(C) and 11-Z DCMR § 703.13, the Applicant was required to formally serve a copy of the application on all parties to the original proceeding at the same time that it filed the application with the Office of Zoning. The Advisory Neighborhood Commission ("ANC") 2A is the only affected ANC and was a

party to each of the original proceedings. In Z.C. Case No. 70-16B, the West End Citizens Association (“WECA”) was admitted as a party in opposition to the application, but later changed its status to a party in support. (See Order No. 78-B, Finding of Fact No. 14.) As set forth in the Certificate of Service included at page six of Exhibit 1, the Applicant formally served a copy of the application on ANC 2A and WECA at the same time that it filed the application with the Office of Zoning.

10. On September 20, 2018, the Applicant presented the application at ANC 2A’s regularly scheduled and duly noticed public meeting at which a quorum of commissioners was present. At that meeting, ANC 2A voted unanimously (7-0-0) to support the application with the following conditions, to which the Applicant agreed:
  - a. The penthouse space and roof deck shall be accessory to the office building and as such shall be used only for activities and events associated with or ancillary to the owner or tenant’s use and in no event shall be used as a nightclub, bar, cocktail lounge, or restaurant, unless otherwise approved in accordance with 11-C DCMR § 1500.3(c);
  - b. The roof deck may be used and operated from 7:00 a.m. to 10:00 p.m. on Sunday through Thursday and from 7:00 a.m. to 11:00 p.m. on Friday and Saturday as well as on all Federal holidays; and
  - c. There shall be no amplified music played on the roof deck at any time. There may be amplified music played in the penthouse space provided that any windows and/or doors remain closed. Notwithstanding this condition, the penthouse space and roof deck shall otherwise be operated in full compliance with the noise ordinances of Title 20 of the District of Columbia Municipal Regulations.
11. By letter dated October 22, 2018, the Applicant indicated that the ANC had not yet filed its resolution into the case record, and therefore provided a summary of the ANC’s vote and the above-stated conditions. (Ex. 4.)
12. By letter dated October 22, 2018, the ANC filed its resolution also indicating its unanimous support for the application and re-affirming the conditions listed in the Applicant’s letter. (Ex. 6.)
13. By email dated October 22, 2018 (Ex. 5), WECA also indicated its support for the conditions listed in the Applicant’s letter and in the ANC’s resolution.
14. The Office of Planning (“OP”) reviewed the request for a minor modification. By report dated October 12, 2018, OP stated no objections to the application. (Ex. 5.)
15. At its October 22, 2018, public meeting, the Commission reviewed the application and granted approval of the requested minor modification to the approved PUD, with conditions.

16. Based on the foregoing, the Commission finds that the requested modifications are minor and that approval of the modifications is appropriate and not inconsistent with its approval of the original PUD.

### CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703, the Commission is authorized to approve minor modifications to approved final orders and plans through a consent calendar procedure without a public hearing. Pursuant to 11-Z DCMR § 703.2, minor modifications are those modifications that do not change the material facts upon which the Commission based its original approval. In addition, 11-C DCMR § 1504.3 provides that a request to add penthouse habitable space to a building approved by the Commission as a PUD may be filed as a minor modification for placement on the Zoning Commission's consent calendar, provided that: (a) the item shall not be placed on a consent calendar for a minimum period of 30 days following the filing of the application; and (b) OP shall submit a report with recommendations a minimum of seven days in advance of the meeting.

The Commission concludes that the modifications described herein do not change the material facts upon which the Commission based its original approval, and that the proposed modifications are to add penthouse habitable space to a building previously approved as a PUD. Accordingly, the Commission finds that the request falls within the scope of a minor modification made pursuant to 11-Z DCMR § 703 and 11-C DCMR § 1504.3.

The Commission is required by § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to the recommendations of OP. OP stated no objection to the application and the Commission concurs in this recommendation.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl.) to give "great weight" to the issues and concerns contained in the written report of the affected ANC. In this case, ANC 2A submitted a resolution noting its unanimous support for the application with the conditions listed in Finding of Fact No. 10. The Commission gave great weight to ANC 2A's recommendation to approve the application with the three conditions requested.

### DECISION

In consideration of the Findings of Fact and Conclusions of Law contained herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification to add penthouse habitable space to the building located at 2101 L Street, N.W., consistent with the architectural plans and elevations included in the record at Ex. 1G, and subject to the following conditions:

1. The penthouse space and roof deck shall be accessory to the office building and as such shall be used only for activities and events associated with or ancillary to the owner or

tenant's use and in no event shall be used as a nightclub, bar, cocktail lounge, or restaurant, unless otherwise approved in accordance with 11-C DCMR § 1500.3(c);

2. The roof deck may be used and operated from 7:00 a.m. to 10:00 p.m. on Sunday through Thursday and from 7:00 a.m. to 11:00 p.m. on Friday and Saturday as well as on all Federal holidays; and
3. There shall be no amplified music played on the roof deck at any time. There may be amplified music played in the penthouse space provided that any windows and/or doors remain closed. Notwithstanding this condition, the penthouse space and roof deck shall otherwise be operated in full compliance with the noise ordinances of Title 20 of the District of Columbia Municipal Regulations.

On October 22, 2018, upon the motion of Commissioner Turnbull, as seconded by Chairman Hood, the Zoning Commission took **FINAL ACTION** to **APPROVE** this application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on December 21, 2018.

**BY THE ORDER OF THE D.C. ZONING COMMISSION**

A majority of the Commission members approved the issuance of this Order.



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