

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public oversight roundtable on the “Closure of the DC General Family Shelter”
- D.C. Commission on the Arts and Humanities announces funding availability for the Fiscal Year 2018 MuralsDC Program
- Department of Energy and Environment announces funding availability for the 2018 Boating Access Request for Partners grant and the Fiscal Year 2018 Green Building Fund project
- Department of Health sets separate fees for certificates of search for birth and death records
- Office of Public-Private Partnerships announces open period for accepting unsolicited proposals for possible public-private partnership projects
- Department of Small and Local Business Development schedules a public hearing on the application for the Dupont Circle Business Improvement District
- Office of Tax and Revenue clarifies requirements for receiving a homestead deduction and senior citizen/disabled tax relief

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2018

To approve, on an emergency basis, Modification Nos. 005 and 006 to Contract No. CW40855 with CELLCO Partnership dba Verizon Wireless to provide District-wide telecommunications products and services, and to authorize payment for the services received and to be received under the modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW40855 Approval and Payment Authorization Emergency Act of 2018".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. 005 and 006 to Contract No. CW40855 with CELLCO Partnership dba Verizon Wireless, and authorizes payment in not-to-exceed amount of \$10 million for goods and services received and to be received under the modifications.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

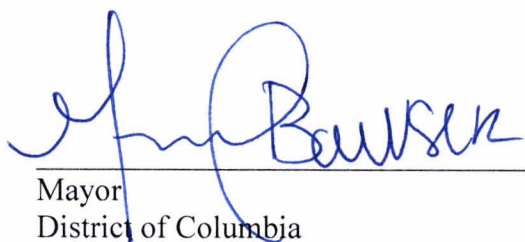
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2018

To amend, on an emergency basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to extend the time in which the Mayor may dispose of certain District-owned real property located at 1336 8th Street, N.W., known for tax and assessment purposes as Lot 68 in Square 399.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Extension of Time to Dispose of 8th & O Streets, N.W., Emergency Amendment Act of 2018".

Sec. 2. Section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801), is amended by adding a new subsection (d-7) to read as follows:

"(d-7) Notwithstanding subsection (d) of this section, the time period within which the Mayor may dispose of District-owned real property located at 1336 8th Street, N.W., and known for tax and assessment purposes as Lot 68 in Square 399, for a mixed-use development providing for affordable housing, residential and market-rate housing, and retail, and any ancillary uses allowed under applicable law, pursuant to the 8th & O Streets, N.W., Disposition Approval Resolution of 2016, effective February 2, 2016 (Res. 21-374; 63 DCR 1498), is extended to February 2, 2020."

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

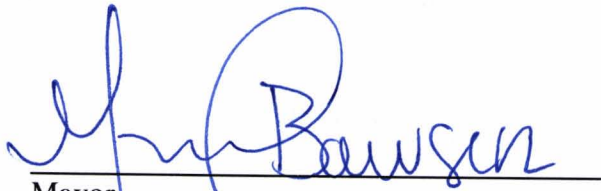
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2018

To amend, on a temporary basis, the Drug Paraphernalia Act of 1982 to permit persons testing personal use quantities of a controlled substance to use, or possess with the intent to use, testing equipment or other objects used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of a controlled substance, and to permit community-based organizations to deliver or sell, or possess with intent to deliver or sell, testing equipment or other objects used, intended for use, or designed for use for that same purpose.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Controlled Substance Testing Temporary Amendment Act of 2018".

Sec. 2. Section 4 of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1103), is amended as follows:

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

"(1A)(A) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for a person to use, or possess with the intent to use, the materials described in section 2(3)(D) for the purpose of testing personal use quantities of a controlled substance.

"(B) For the purposes of this paragraph, the term "personal use quantities" means possession of a controlled substance in circumstances where there is no other evidence of an intent to distribute, or to facilitate the manufacturing, compounding, processing, delivering, importing, or exporting of any controlled substance."

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

"(1A) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for a community-based organization, as that term is defined in section 4(a)(1) of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, effective February 18, 2017 (D.C. Law 21-186; D.C. Official Code § 7-404(a)(1)), to deliver or sell, or possess with intent to deliver or sell, the materials described in section 2(3)(D)."

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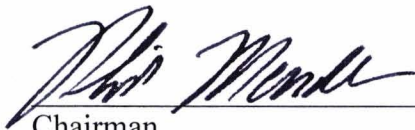
Sec. 3. Fiscal impact statement.

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

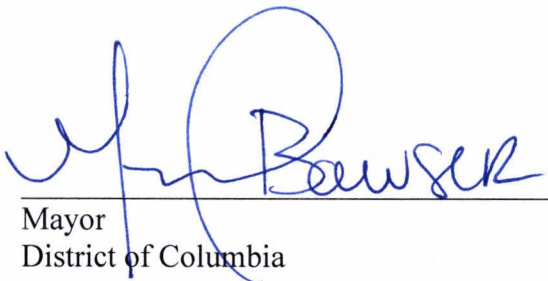
Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2018

To require, on a temporary basis, that any amendment to the terms medical necessity or medically necessary, as those terms are defined in section 3499.1 of Title 22A of the District of Columbia Municipal Regulations, be issued by the Department of Behavioral Health by rulemaking, to require the Department of Behavioral Health to issue rules to establish criteria to determine whether mental health rehabilitation services are medically necessary pursuant to section 3404.2 of Title 22A of the District of Columbia Municipal Regulations, and to subject such rules to Council approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Necessity Review Criteria Temporary Amendment Act of 2018".

Sec. 2. Section 5119 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 7-1141.08), is amended as follows:

(a) The section heading is amended to read as follows:

"Sec. 5119. Rules."

(b) Designate the existing text as subsection (a).

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

"(b)(1) Any amendment to the terms medical necessity or medically necessary, as those terms are defined in section 3499.1 of Title 22A of the District of Columbia Municipal Regulations (22A DCMR § 3499.1), shall be issued by the Department by rulemaking.

"(2) The Department shall issue rules to establish criteria to determine whether mental health rehabilitation services, as that term is defined in section 3499.1 of Title 22A of the District of Columbia Municipal Regulations (22A DCMR § 3499.1), are medically necessary pursuant to section 3404.2 of Title 22A of the District of Columbia Municipal Regulations (22A DCMR § 3404.2).

"(3) The rules issued pursuant to this subsection shall be submitted to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved."

ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-243

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2018

To amend, on a temporary basis, the Personal Delivery Device Pilot Program Act of 2016 to extend the personal delivery device pilot program through December 31, 2018, and to provide that a registration, including a renewal, issued before December 31, 2017, shall be valid for one year from the date of registration, unless the registration is revoked by the Director of the District Department of Transportation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Personal Delivery Device Pilot Program Extension Temporary Amendment Act of 2018".

Sec. 2. The Personal Delivery Device Pilot Program Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 50-1551 *et seq.*), is amended as follows:

(a) Section 6193 (D.C. Official Code § 50-1552) is amended by striking the phrase "December 31, 2017" and inserting the phrase "December 31, 2018" in its place.

(b) Section 6195(b) (D.C. Official Code § 50-1554(b)) is amended by striking the phrase "December 31, 2017, whichever is first." and inserting the phrase, "December 31, 2018, whichever is first; provided, that a registration, including a renewal, issued before December 31, 2017, shall be valid for one year from the date of registration, unless the registration is revoked pursuant to subsection (d) of this section." in its place.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-244

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2018

To amend, on a temporary basis, the Homeless Shelter Replacement Act of 2016 to revise the location of the Ward 1 temporary shelter site for families experiencing homelessness, enhance the capacity of the shelter, and authorize the utilization of the site for the location of permanent supportive housing for seniors and the Rita Bright Recreation Center.

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

Sec. 2. Section 3(a)(1) of the Homeless Shelter Replacement Act of 2016, effective July 29, 2016 (D.C. Law 21-141; 63 DCR 11132), is amended to read as follows:

“(1) The Mayor is authorized to use funds appropriated for capital project HSW01C – Ward 1 Shelter to construct a facility to provide temporary shelter for families experiencing homelessness containing 35 2- and 3-bedroom apartment-style units on District-owned land at 2500 14th Street, N.W., Square 2662, Lot 205; provided, that the contract for the construction of the facility shall be awarded pursuant to a request for proposals to be issued by the Department of General Services; and provided further, that the site also may also be utilized to locate 15 units of permanent supportive housing, as defined in section 2(28) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(28)), for seniors and to locate the Rita Bright Recreation Center;”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

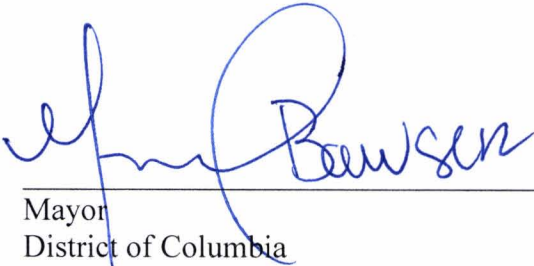
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-245

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2018

To recognize, on a temporary basis, certain plans as master development plans that have been approved by a governmental entity within the meaning of section 118 of the Internal Revenue Code of 1986, as amended by section 13312 of An Act To provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Master Development Plan Recognition Temporary Act of 2018".

Sec. 2. Approved master development plans.

The following are recognized as master development plans that have been approved by a governmental entity within the meaning of section 118 of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2374; 26 U.S.C. § 118), as amended by section 13312 of An Act To provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, approved December 22, 2017 (Pub L. No. 115-97; 131 Stat. 2054):

- (1) Planned unit development projects (including stage 1 approvals) that have been approved by the Zoning Commission for the District of Columbia (as such approvals may be modified from time to time);
- (2) Development plans for projects that have received approval from the Zoning Commission for the District of Columbia or the Board of Zoning Adjustment (which approvals may be modified from time to time) in connection with the proposed development or redevelopment;
- (3) Development plans that have been approved by an agency of the District of Columbia government;
- (4) Small area plans approved by the Council;
- (5) Neighborhood or area development or revitalization plans issued by an agency of the District of Columbia government;
- (6) The Comprehensive Plan;
- (7) A development plan to be funded in whole or in part with a tax increment financing approved by the Council;
- (8) A development plan associated with a tax increment financing application submitted to the District for which a letter or final, preliminary, or conditional approval has been

ENROLLED ORIGINAL

issued by the Mayor or the Deputy Mayor for Planning and Economic Development and for which the issuance of a tax increment financing bond or note is later authorized or approved by the Council; and

(9) Any other development plan, redevelopment plan, revitalization plan, or similar plan designated by the Mayor that was approved before the effective date of section 13312 of An Act To provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, approved December 22, 2017 (Pub L. No. 115-97; 131 Stat. 2054).

Sec. 3. The recognition conferred by this act is intended to clarify what constitutes a master development plan that has been approved by a governmental entity for purposes of section 118 of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2374; 26 U.S.C. § 118), as amended by section 13312 of An Act To provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018, approved December 22, 2017 (Pub L. No. 115-97; 131 Stat. 2054).


Sec. 4. Fiscal impact statement.

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


Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 31, 2018

ENROLLED ORIGINAL

AN ACT

D.C. ACT 22-246

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 31, 2018

To amend the District of Columbia Health Occupations Revision Act of 1985 to allow pharmacists to prescribe and dispense certain contraceptives pursuant to established protocols; to amend the Women's Health and Cancer Rights Federal Law Conformity Act of 2000 to require insurers to cover certain health care services without cost-sharing, to require that insurers authorize dispensing of up to a 12-month supply of a self-administered hormonal contraceptive prescribed and dispensed by a licensed pharmacist, to provide to certain employers a religious exemption from, or accommodation for, the coverage of contraceptive products and services, and to require insurers to provide information regarding coverage to enrollees and potential enrollees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Defending Access to Women's Health Care Services Amendment Act of 2018".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 3-1201.01) is amended as follows:

(1) A new paragraph (9A) is added to read as follows:

"(9A) "Long-Acting Reversible Contraceptive" means a contraceptive that requires administering less than once per cycle or month."

(2) A new paragraph (12B) is added to read as follows:

"(12B) "Self-administered hormonal contraceptive" means a contraceptive containing hormones approved by the U.S. Food and Drug Administration that is administered by the patient orally, transdermally, or vaginally."

(b) Section 102(11)(A) (D.C. Official Code § 3-1201.02(11)(A)) is amended by striking the phrase "the compounding, dispensing, and labeling of drugs and devices;" and inserting the phrase "the compounding, dispensing, and labeling of drugs and devices, including self-administered hormonal contraceptives;" in its place.

(c) Section 208 (D.C. Official Code § 3-1202.08) is amended by adding a new subsection (g-1) to read as follows:

ENROLLED ORIGINAL

“(g-1)(1) An individual licensed to practice pharmacy pursuant to this act may prescribe and dispense up to a 12-month supply of self-administered hormonal contraceptives if certified to do so by the Board and pursuant to a written protocol established by the Board and the Board of Medicine under paragraph (2) of this subsection.

“(2) The Board and the Board of Medicine shall jointly develop and issue regulations establishing protocols for the prescription and dispensation of self-administered hormonal contraceptives. The protocols shall include the following requirements:

“(A) If the pharmacist has not already undergone training as part of the pharmacist’s formal educational program, that the pharmacist complete a training program approved by the Board and the Board of Medicine for prescribing and dispensing self-administered hormonal contraceptives;

“(B) That the patient use a self-screening tool developed by the Board and the Board of Medicine that will identify patient risk factors for the use of self-administered hormonal contraceptives, based on the current United States Medical Eligibility Criteria for Contraceptive Use developed by the Centers for Disease Control and Prevention;

“(C) That a pharmacist may determine, based on the results of the self-screening tool described in subparagraph (B) of this paragraph, when it is safe to dispense a 12-month supply of self-administered hormonal contraceptives;

“(D) That when a self-administered hormonal contraceptive is prescribed and dispensed, the patient shall be provided, in a manner that ensures patient confidentiality, appropriate counseling and information on the product furnished, including dosage, effectiveness, potential side effects, safety, the importance of receiving recommended preventive health screenings, and that a self-administered hormonal contraceptive does not protect against sexually transmitted infections;

“(E) That the pharmacist refer the patient to the patient’s primary care provider or reproductive health provider or, if the patient does not have a primary care provider or reproductive health provider, to a nearby clinic, upon prescribing and dispensing a self-administered hormonal contraceptive pursuant to this subsection or if it is determined that the use of a self-administered hormonal contraceptive is not recommended; and

“(F) That the pharmacist provide the patient with written material, developed by the Board and the Department of Health, describing all U.S. Food and Drug Administration-approved contraceptives, including Long-Acting Reversible Contraceptives.

“(3) The reimbursement to a pharmacist from an individual health plan or group health plan, and health insurance coverage through Medicaid or the D.C. Healthcare Alliance program for services required by regulations issued pursuant to paragraph (2) of this subsection, shall be limited to an amount determined through regulation by the Department of Insurance, Securities, and Banking.

“(4) This subsection does not alter the requirement under federal and District of Columbia law that the provision of contraceptive drugs, devices, products, and services, including contraceptive counseling, shall be covered without cost-sharing, which includes the prescription and provision of contraceptives by any in-network provider, including a pharmacist.

ENROLLED ORIGINAL

“(5) The Board shall maintain a list of all pharmacists certified to prescribe and dispense contraception, including the location of the pharmacy where the pharmacist currently practices, and make that list readily accessible to the public.

“(6) A pharmacy shall display in stores and online a list of the times during which a pharmacist certified to prescribe and dispense contraception is available.

“(7) The Board shall provide to all licensed pharmacists annual notice of the requirements of this subsection, including opportunities for training.

“(9) By January 1, 2019, the Board and the Board of Medicine, in consultation with the American Congress of Obstetricians and Gynecologists, shall jointly develop and promulgate regulations to implement the provisions of this subsection.”.

Sec. 3. The Women's Health and Cancer Rights Federal Law Conformity Act of 2000, effective April 3, 2001 (D.C. Law 13-254; D.C. Official Code § 31-3831 *et seq.*), is amended as follows:

(a) Section 5a (D.C. Official Code § 31-3834.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Medicaid shall provide benefits that allow for the dispensing of up to a 12-month supply of a covered prescription contraceptive at one time.” and inserting the phrase “Medicaid and the D.C. Healthcare Alliance program shall provide coverage for a supply of contraceptives intended to last over the course of a 12-month period, that shall be dispensed all at once or over the course of the 12 months at the patient’s election, including for over-the-counter contraceptives and contraceptives obtained from a licensed pharmacist pursuant to section 208(g-1) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08(g-1)); provided, that the D.C. Healthcare Alliance program shall not be required to provide coverage for a supply of contraceptives intended to last longer than the period of recertification for the D.C. Healthcare Alliance. The costs of any consultation by the pharmacist shall also be covered.” in its place.

(2) Subsection (c) is repealed.

(b) New sections 5b, 5c, 5d, and 5e are added to read as follows:

“Sec. 5b. Coverage of preventive health services.

“(a) An individual health plan or group health plan and health insurance coverage through Medicaid or the D.C. Healthcare Alliance program shall provide coverage for, and shall not impose any cost-sharing requirements on, women for the following preventive health services and products:

“(1)(A) Breast cancer screening;

“(B) Breast feeding support, services, and supplies;

“(C) Screening for cervical cancer, including HPV testing;

“(D) Screening for gestational diabetes;

“(E) Screening and counseling for HIV;

“(F) Screening and counseling for interpersonal and domestic violence;

“(G) Screening and counseling for sexually-transmitted diseases;

ENROLLED ORIGINAL

“(H) Screening and counseling for Hepatitis B and C;

“(I) Well-woman preventive visits, including visits to obtain necessary preventive care, preconception care, and prenatal care;

“(J) Folic acid supplementation;

“(K) Breast cancer chemoprevention counseling and preventive medications;

“(L) Risk assessment and genetic counseling and testing using the Breast Cancer Risk Assessment tool approved by the National Cancer Institute; and

“(M) Rh incompatibility screening;

“(2) Those evidence-based items or services that have in effect a rating of “A” or “B” in the recommendations of the United States Preventive Services Task Force as of September 19, 2017; and

“(3) Any additional health services or products identified by rules issued pursuant to subsection (c) of this section.

“(b) A health insurer and health insurance coverage through Medicaid or the D.C. Healthcare Alliance program offering health insurance coverage exclusively for prescription drugs shall provide coverage for, and shall not impose any cost-sharing requirements for women for contraceptives, including over-the-counter contraceptives and contraceptives prescribed and dispensed by a pharmacist pursuant to section 208(g-1) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08(g-1)), and the following:

“(1) Those evidence-based prescription-drug items or related services that have in effect a rating of “A” or “B” in the recommendations of the United States Preventive Services Task Force as of September 19, 2017; and

“(2) Any additional contraceptive drug products identified by rules issued pursuant to subsection (c) of this section.

“(c)(1) Within 30 days after the effective date of the Defending Access to Women’s Health Care Services Amendment Act of 2017, passed on 2nd reading on January 9, 2018 (Enrolled version of Bill 22-106), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules listing the items and services defined in subsections (a) and (b) of this section to be covered without imposing any cost-sharing requirements.

“(2) The Mayor shall amend the rules required by this subsection as necessary to:

“(A) Include additional preventive services or products for women or expansions of covered preventive services or products for women identified by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services after September 19, 2017; and

“(B) Remove items or services defined in subsections (a) and (b) of this section that a federal agency determines to pose a significant safety concern, consistent with the requirements of 45 C.F.R. § 147.130(b).

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“Sec. 5c. Coverage of additional preventive health services.

“(a) Health insurance coverage through Medicaid or the D.C. Healthcare Alliance program shall also provide coverage for and shall not impose any cost-sharing requirements for the following:

“(1) Voluntary sterilization procedures for women;

“(2)(A) All contraceptive products approved by the U.S. Food and Drug Administration (“FDA”), including emergency contraception; provided, that:

“(B) If there is a therapeutic equivalent of an FDA-approved contraceptive drug, device, or product, coverage shall also include either the original FDA-approved contraceptive drug, device, or product or at least one of its therapeutic equivalents, without imposing any cost-sharing requirements;

“(C) If the covered contraceptive drug, device, or product is deemed medically inadvisable by a provider, the health insurer shall defer to the determination and judgment of the attending provider and provide coverage for the alternative prescribed contraceptive drug, device, or product without imposing any cost-sharing requirements; and

“(D) Nothing in this section shall prohibit a health insurer from requiring the use of a generic prescription drug when providing coverage for preventive contraceptive services, so long as such health insurer:

“(i) Has a process for a member to seek medically necessary coverage of a covered brand name contraceptive drug as determined by the member’s prescribing provider; and

“(ii) Provides coverage for a brand name contraceptive drug when there is no generic substitute available in the market;

“(3) Contraceptive services including consultation with a pharmacist, patient education, and counseling on contraception; and

“(4) Follow-up services related to the drugs, devices, products, and procedures covered under this section, including management of side effects, counseling for continued adherence, and device insertion and removal.

“(b) Beginning on January 1, 2019, or the next date when carrier forms are approved, whichever is earlier, an individual health plan or group health plan shall also provide coverage for and shall not impose any cost-sharing requirements for all products and services listed in subsection (a) of this section.

“Sec. 5d. Religious exemption and accommodation.

“(a)(1) An employer organized and operating as a nonprofit entity and referred to in section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2740; 26 U.S.C. § 6033(a)(3)(A)(i) or (iii)), may be exempt from any requirement to cover contraceptive products and services under section 5a and section 5b.

“(2) An employer claiming an exemption under this subsection shall provide its employees and prospective employees reasonable and timely notice of the exemption before enrollment with the group health plan, and the notice shall list the contraceptive products and services for which the employer does not provide coverage.

ENROLLED ORIGINAL

“(3) Nothing in this subsection shall be construed to allow for the exclusion of coverage for contraceptive supplies as prescribed by a provider, acting within his or her scope of practice, for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve the life or health of an enrollee.

“(b)(1) Nothing in this act shall be construed to require an employer to provide coverage for contraceptive products or services through its group health plan if the employer has provided to its group health insurance issuer a notice of request for accommodation, in a form and manner specified by the Mayor, and the insurer has certified that the employer meets the requirements of subsection (c) of this section.

“(2) Beginning on January 1, 2019, and on a quarterly basis thereafter, a group health insurance issuer shall notify the Department of Insurance, Securities, and Banking which employers have been granted an accommodation pursuant to subsection (c) of this section.

“(3) An employer that receives an accommodation pursuant to subsection (c) of this section shall provide, through its group health plan, coverage for contraceptive supplies as prescribed and dispensed by a provider, acting within her or her scope of practice, for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, and for contraception that is necessary to preserve the life or health of an enrollee.

“(c) A group health insurance issuer shall provide an employer with an accommodation to the requirements of section 5a or section 5b upon receipt of a self-certification, in a form and manner specified by the Mayor, that the employer is:

“(1) A nonprofit entity that holds itself out as a religious organization and objects to covering some or all of the contraceptive services on account of its sincerely held religious beliefs; or

“(2) A closely-held for-profit entity; provided, that its highest governing body (such as its board of directors, board of trustees, or owners, if managed directly by its owners) has adopted a resolution or similar action establishing that it objects to covering some or all of the contraceptive services on account of the owners’ sincerely held religious beliefs.

“(d) Upon receipt of a notice of request for accommodation that conforms to the requirements of subsection (c) of this section, a group health insurance issuer shall:

“(1) Exclude contraceptive coverage from the group health insurance coverage provided in connection with the employer’s group health plan; and

(2) Provide separate payments for any contraceptive products or services required to be covered under sections 5a and 5b without imposing any cost-sharing requirements or any other fee directly or indirectly on the employer, the group health plan, or plan participants of beneficiaries.

“(e) For the purposes of this section, the term “closely-held for-profit entity” means an entity that:

“(1) Is not a nonprofit entity;

ENROLLED ORIGINAL

“(2) Has no publicly traded ownership interests of any class of common equity securities required to be registered under section 12 of the Securities Exchange Act of 1934, approved June 6, 1934 (48 Stat. 892; 15 U.S.C. § 78l); and

“(3) Has more than 50% of the value of its ownership interest owned directly or indirectly by 5 or fewer individuals, or has an ownership structure that is substantially similar thereto, as of the date of the entity's self-certification pursuant to subsection (c) of this section.

“Sec. 5e. Notice of rights to healthcare coverage.

“(a) An insurer that is subject to section 5a or section 5b shall make readily accessible to enrollees and potential enrollees information regarding:

“(1) Full and accurate information relevant to coverage and cost-sharing for contraceptive services by each health insurance plan, including an explanation of an insured's financial responsibility for payment of premiums, coinsurance, copayments, deductibles, and any other charges;

“(2) The coverage of other services, drugs, devices, products, and procedures described in sections 5a and 5b; and

“(3) The right to receive up to a 12-month supply of contraception prescribed and dispensed by a licensed pharmacist, pursuant to section 208(g-1) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08(g-1), without cost-sharing requirements.

“(b)(1) The insurer shall provide the information described in subsection (a) of this section in a consumer-friendly format:

“(A) That can be viewed on the insurer's public website through a clearly identifiable link or tab without requiring an individual to create or access an account or enter a policy or contract number;

“(B) By email or letter within 14 days after a request by an enrollee; and

“(C) Within one year after the effective date of the Defending Access to Women's Health Care Services Amendment Act of 2017, passed on 2nd reading on January 9, 2018 (Enrolled version of Bill 22-106), or whenever written materials are reprinted, whichever is sooner, in written materials that explain benefits or coverage that are provided to enrollees and potential enrollees, including in an addendum summarizing benefits and coverage.

“(2) This subsection shall be construed consistently with section 2715 of the Public Health Services Act, as amended by the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 132; 42 U.S.C. § 300gg-15).

“(c) The Department of Insurance, Securities and Banking shall provide health insurers operating in the District of Columbia with an annual notice of their obligation to provide coverage for services, drugs, devices, products, and procedures described in sections 5a and 5b.”.

Sec. 4. Applicability.

(a) Section 2(c) shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

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

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

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
January 31, 2018

ENROLLED ORIGINAL

A RESOLUTION

22-401

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 6, 2018

To appoint Mr. Christopher A. Hart to the Board of Directors of the Washington Metrorail Safety Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Board of Directors of the Washington Metrorail Safety Commission Christopher A. Hart Appointment Resolution of 2018”.

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

Mr. Christopher A. Hart
1612 Crittenden Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a member of the Board of Directors of the Washington Metrorail Safety Commission (“Board”), pursuant to Article III.B of section 2 of the Washington Metrorail Safety Commission Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-250; D.C. Official Code § 9-1109.11), and the Washington Metrorail Safety Commission Board of Directors Appointment Emergency Amendment Act of 2018, effective January 27, 2018 (D.C. Act 22-238; 65 DCR 819), to serve a 4-year term that shall commence on the date on which the Council confirms the second of the Mayor’s 2 initial appointments to the Board or the effective date of this resolution, whichever occurs later.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, to the Board, 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 CEREMONIAL RESOLUTION

22-239

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize the career and service of Deputy Fire Chief Edward M. Pearson on the occasion of his retirement.

WHEREAS, Chief Edward M. Pearson is a native Washingtonian and current District resident;

WHEREAS, Chief Edward M. Pearson was educated in the District of Columbia public school system, earning a high school diploma from Frank W. Ballou Senior High School in 1977;

WHEREAS, Chief Edward M. Pearson’s educational achievements include a Master of Arts in Security Studies from the Naval Postgraduate School in Monterey, California; a Master of Public Administration in Public Management; Bachelor of Science – Fire Science Administration, and an Associate in Applied Science – Fire Science Administration, all from the University of the District of Columbia;

WHEREAS, Chief Edward M. Pearson is a 2007 graduate of the National Fire Academy’s Executive Fire Officer Program and a Certified Public Manager from George Washington University as a 2003 graduate of the Center for Excellence in Municipal Management;

WHEREAS, Chief Edward M. Pearson is certified as a National Fire Protection Association 1021- Fire Officer IV;

WHEREAS, Chief Edward M. Pearson’s career in the District of Columbia Fire and Emergency Services Department commenced in 1987 as a Firefighter, and he was promoted to the rank of Sergeant in 1995;

WHEREAS, Chief Edward M. Pearson held the rank of Lieutenant and Captain before his promotion to Battalion Fire Chief on November 13, 2005;

ENROLLED ORIGINAL

WHEREAS, Chief Edward M. Pearson was promoted to the rank of Deputy Fire Chief on January 3, 2011;

WHEREAS, Chief Edward M. Pearson is the only Deputy Fire Chief in the Department's history to serve as the Firefighting/Operations Deputy on Platoon #1, #2, #3, and #4;

WHEREAS, Chief Edward M. Pearson served as an adjunct professor for the University of the District of Columbia from 2003 -2011, teaching the core courses of the fire science degree curriculum and currently serves as a certified instructor for the Department of Homeland Security's National Incident Management System curriculum;

WHEREAS, Chief Edward M. Pearson was the 2012 recipient of the Recognition Award of Appreciation from the District of Columbia Schools Academies of Anacostia for his dedicated work with the students;

WHEREAS, Chief Edward M. Pearson was a 2011 recipient of the Recognition Award of Appreciation from Advisory Neighborhood Commission 7B for his dedicated service to the residents of Ward 7;

WHEREAS, Chief Edward M. Pearson was a 2006 recipient of the Metropolitan Police Department 7th District Public Service Award for his committed service to the citizens and visitors of the District of Columbia; and

WHEREAS, Chief Edward M. Pearson decided to retire after a 30-year career in the District of Columbia Fire and Emergency Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Deputy Fire Chief Edward M. Pearson Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia congratulates and thanks Deputy Fire Chief Edward M. Pearson for his 30 years of service in the District of Columbia Fire and Emergency Services Department, his leadership and commitment to protecting and saving the lives of District residents, and his many contributions to the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-240

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize and honor David Sheon for his many contributions to the District of Columbia through his service as an entrepreneur, Advisory Neighborhood Commissioner, founder of DC Community Carrot, and longtime resident of Petworth in Ward 4.

WHEREAS, for 16 years, David Sheon and his family were active community members of Petworth, a neighborhood in Ward 4;

WHEREAS, in 1999, David Sheon founded WHITECOAT Strategies, a public relations firm that provides service to nonprofits and businesses in the medical, science, and technology fields;

WHEREAS, from 2014 to 2017, David Sheon served as an Advisory Neighborhood Commissioner for Single Member District 4D04, an area that includes bustling Georgia Avenue, N.W.;

WHEREAS, as an Advisory Neighborhood Commissioner, David Sheon was a tireless champion of improving his neighborhood—and the District—through strengthening the city’s vacant and blighted property laws; and his advocacy led to the passage of the Vacant Property Enforcement Amendment Act of 2016;

WHEREAS, during his time as an Advisory Neighborhood Commissioner, David Sheon worked hard to attract diverse businesses to serve residents living on and around Georgia Avenue, N.W.;

WHEREAS, David Sheon expanded his passion as an entrepreneur and continued his dedication to public service by founding DC Community Carrot, an organization devoted to teaching entrepreneurship to 18- through 24-year-old “opportunity youth” living in the District;

WHEREAS, through DC Community Carrot, David Sheon has helped many young people in the District by teaching them entrepreneurial skills, such as market research, financial literacy, and business planning, and matching each program participant with a mentor; and

ENROLLED ORIGINAL

WHEREAS, through his advocacy and public service, David Sheon has left a lasting impression on the District of Columbia.

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

Sec. 2. The Council of the District of Columbia honors David Sheon for his many contributions to the District of Columbia; and thanks him for his years of service to the Ward 4 community and the entire city.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To posthumously recognize the life of Roland Morris “Fatty” Taylor.

WHEREAS, Roland Morris “Fatty” Taylor was born March 13, 1946, raised in the East Capitol Dwellings in Ward 7, and, through his basketball prowess, brought recognition to Watts Branch Park, now known as Marvin Gay Park, for District of Columbia basketball legends;

WHEREAS, Roland Morris “Fatty” Taylor graduated from Spingarn High School and then became an alumnus of La Salle University;

WHEREAS, Roland Morris “Fatty” Taylor enjoyed an 8-year professional basketball career as a guard in the American Basketball Association (“ABA”) and the National Basketball Association (“NBA”);

WHEREAS, Roland Morris “Fatty” Taylor joined the ABA in 1969 and played one year for the Washington Capitals and then played for the Virginia Squires for the majority of his professional basketball career, amassing 3,495 points, 1,737 assists, and 1,715 rebounds in 5 seasons;

WHEREAS, Roland Morris “Fatty” Taylor played alongside noteworthy professional players while on the Squires, including Adrian Smith, “Jumbo” Jim Eakins, Julius “Dr. J” Erving, and George “Iceman” Gervin, whose nickname he is credited with coining;

WHEREAS, Roland Morris “Fatty” Taylor was an outstanding defensive player known for his hard work and hustle, and also known for playing a "run-and-gun" style of offense;

WHEREAS, Roland Morris “Fatty” Taylor was a veteran of several ABA playoffs and spent one season in the NBA (1976–77) as a member of the Denver Nuggets;

WHEREAS, Roland Morris “Fatty” Taylor was one of the first athletes from East Capitol Dwellings to make it to the NBA;

ENROLLED ORIGINAL

WHEREAS, Roland Morris “Fatty” Taylor retired from professional basketball in 1977 with combined ABA/NBA totals of 5,098 points, 2,563 assists, and 2,524 rebounds;

WHEREAS, Roland Morris “Fatty” Taylor ventured into real estate and restaurant and nightclub businesses, taught and coached in the Colorado high school districts, worked as a program coordinator for the nonprofit Colorado HAWKS Amateur Athletic Union boys basketball team for more than 5 years, and became the Founder, CEO, and Program Coordinator of his own program, Taylor Made Playaz, a year-round basketball program that assists at-risk youth, academically and socially;

WHEREAS, Roland Morris “Fatty” Taylor was diagnosed with male breast cancer in March 2000 and underwent surgery just one day after being diagnosed, ultimately having a mastectomy, and lived cancer-free for several years;

WHEREAS, Roland Morris “Fatty” Taylor helped educate fellow breast-cancer patients, particularly men, publicly sharing his battle with breast cancer to bring awareness to the fight against male breast cancer;

WHEREAS, Roland Morris “Fatty” Taylor suffered from blood clots in his lungs in 2011 and subsequently discovered that the cancer had recurred in his left breast, lungs, and bones;

WHEREAS, Roland Morris “Fatty” Taylor, in July 2015, discovered that cancer had spread into his pelvis, leading to several complications and he eventually succumbed to his complications, passing away on December 7, 2017 at the age of 71; and

WHEREAS, Roland Morris “Fatty” Taylor was an inspiration and impacted the lives of thousands from the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Roland Morris “Fatty” Taylor Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia celebrates the many professional and personal achievements of Roland Morris “Fatty” Taylor and expresses condolences on his passing.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-242

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize and honor Charlie Brotman on the occasion of his 90th birthday and to declare January 9, 2018, as "Charlie Brotman Day" in the District of Columbia.

WHEREAS, Charlie Brotman was born in Washington, D.C. on December 30, 1927;

WHEREAS, Charlie Brotman served as the Voice of the Washington Senators Baseball Club from 1956 to 1971;

WHEREAS, Charlie Brotman was an effective and enthusiastic advocate for Major League Baseball returning to the Nation's Capital and helped lead the city's celebration of the Washington Nationals' inaugural season;

WHEREAS, Charlie Brotman was the voice of the Washington professional tennis tournament, now known as the Citi Open, for 46 years;

WHEREAS, Charlie Brotman served as the official "President's Announcer" for every Presidential Inaugural Parade from President Eisenhower's in 1957 through President Obama's in 2013, and also announced President Truman's as a broadcast student in 1949;

WHEREAS, in all, Charlie Brotman has announced an astounding 15 parades for 10 different presidents during the past 60 years;

WHEREAS, Charlie Brotman became the very first speaker on stage at the 2017 Women's March, welcoming over one million people to Washington, D.C. on January 21, 2017;

WHEREAS, Charlie Brotman started his own firm in 1969, growing the business into a public relations powerhouse where he served many clients and causes, including representing Sugar Ray Leonard during his journey towards 7 professional titles against former world champions;

WHEREAS, Charlie Brotman currently serves as Senior Advisor to the strategic communications firm LINK Strategic Partners, mentoring and advising colleagues of all ages;

ENROLLED ORIGINAL

WHEREAS, Charlie Brotman has been inducted into 11 different Halls of Fame during his more than 50 years in public relations and announcing, and his most recent inductions took place at the John F. Kennedy Center for Performing Arts and the Washington Tennis and Education Foundation Hall of Fame; and

WHEREAS, Charlie Brotman is an admired and beloved figure for his effervescent spirit, his love of people and his hometown, and for his being known as Washington's ageless "Mr. Wonderful".

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

Sec. 2. The Council of the District of Columbia recognizes and honors Charlie Brotman on the occasion of his 90th birthday, salutes his numerous contributions to the District of Columbia and her citizens, and declares January 9, 2018, as "Charlie Brotman Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22- 243

IN THE COUNCIL OF TH DISTRICT OF COLUMBIA

January 9, 2018

To recognize Roberta Wright McCain, a District resident for 45 years, on the 106th celebration of her birthday, to commend her for her services to the United States and for being the loving wife, mother, and daughter-in-law of men in the United States Naval Service, and to declare February 7, 2018, as “Roberta Wright McCain’s 106th Birthday Celebration Day” in the District of Columbia.

WHEREAS, Roberta McCain was born on April 7, 1912, in Muskogee, Oklahoma – making her a genuine “Okie From Muskogee”;

WHEREAS, Roberta McCain married Navy Ensign John Sidney McCain, Jr., a World War II submarine commander who later rose to Four-Star Admiral, and served from 1968 to 1972 as Commander-in-Chief, Pacific Command, his last position;

WHEREAS, Roberta McCain served with her husband all over the globe, and 5 different times was stationed in Washington, D.C.;

WHREAS, upon his retirement in 1973, they chose the District of Columbia as their retirement residence for the duration, and she remained a Kalorama resident for 45 years;

WHEREAS, Roberta McCain has long-established connections to Washington, D.C. and the metropolitan area, including memberships in the Cosmos Club and Chevy Chase Club of which her uncle, Army Lt. Gen. Henry Pinckney McCain, who resided in the District of Columbia on Columbia Road, was the last Master of Hounds in 1920, when regular hunts still sallied forth in then very rural Chevy Chase;

WHEREAS, her husband, Adm. John S. McCain, Jr., was a career-long member of the Army and Navy Club in downtown Washington, D.C.;

WHEREAS, her father-in-law, Adm. John S. McCain Sr., also a Four-Star Admiral, was a member of both the Army and Navy Club and the Cosmos Club, and was stationed in Washington, D.C. on 4 different duty assignments;

ENROLLED ORIGINAL

WHEREAS, Roberta McCain's son, John Sidney McCain III, a graduate of the U.S. Naval Academy and a prisoner-of-war in Hanoi for 5 1/2 years, entered politics and was elected U.S. Congressman from Arizona, serving from 1981 to 1985, and then U.S. Senator, serving from 1985 to the present and residing in Washington D.C. when Congress is in session;

WHEREAS, Roberta McCain is known as a generous lady and an outstanding and colorful personality, of great warmth and enthusiasm;

WHEREAS, Roberta McCain, after Adm. McCain's passing in 1981, traveled to Europe to recover from her grief, then continued traveling and so became a genuine expert in all manner of styles of art, and aggregated a large collection of volumes of fine art, enough to fill half of her library;

WHEREAS, Roberta McCain, under the tutelage of a cousin renowned in the craft, became an expert in needle-pointing and once made a 9-foot-by-12-foot rug, and also made many pillow covers, chair seats, and various throw-covers, all in vivid and colorful designs; and

WHEREAS, in 1955, when her husband was promoted to Rear Admiral to be Naval Congressional Liaison, while he was still serving at sea commanding a Heavy Cruiser, Roberta McCain purchased a decayed rooming house at 1st and C Streets, S.E., and completely refurbished it, doing much of the renovation herself, and that elegant residence is now The Capitol Hill Club.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Roberta Wright McCain 106th Birthday Celebration Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia recognizes and honors Roberta Wright McCain for her nearly 11 decades of a vibrant, accomplished life and declares February 7, 2018, as "Roberta Wright McCain's 106th Birthday Celebration Day" in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-244

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To congratulate and celebrate the National Champion Marshall Heights Bison Pee Wee Football Team.

WHEREAS, the Marshall Heights Bison Pee Wee Football Team is an association in the Big East Region of American Youth Football (“AYF”);

WHEREAS, the Marshall Heights Bison Pee Wee Football Team was founded in 1992 and is located in the Marshall Heights neighborhood of Ward 7;

WHEREAS, the Marshall Heights Bison Pee Wee Football Team President is Irving Jenkins and the Vice Presidents are Keith Bullock and Terrence McKinley;

WHEREAS, the Marshall Heights Bison Pee Wee Football Team is coached by Terrence McKinley;

WHEREAS, the Marshall Heights Bison Pee Wee Football Team 2017 roster includes:

- #1 Qamar Comfort
- #2 Ramono Flowers
- #3 Kavon Sneed
- #4 Christopher Lane
- #5 Thomas Holliday
- #6 Isaiah Jeffries
- #7 Jaylen Croskey
- #8 Blake Boddie
- #9 Elijah Sneed
- #10 Dwayne Boston
- #11 Isaiah King
- #12 Deonte Douglass
- #14 Raquane Matthews
- #19 Donovan Fuller

ENROLLED ORIGINAL

#21 Derrick Young
#22 Cameron Dalton

WHEREAS, Marshall Heights Bison Pee Wee Football Team previously won several awards, including being 2015 AYP Cadet National Champions, 2012 National Indoor Youth Football League 11 and Under Division I State Champions, 2012 National Indoor Youth Football League 12 and Under Division I State Champions, 2012 National Indoor Youth Football League 15 and Under Division I State Champions, 2012 National Indoor Youth Football League 12 and Under Division II Regional Champions, 2011 Maryland Youth Football (now the National Gridiron 365) 11 and Under Arena Football League Division I Champions, 2011 Pop Warner Peeewe Division I National Champions, 2011 Pop Warner National Peeewe Division Sportsmanship Award Recipient, and 2006 Pop Warner Midget Division I National Champions; and

WHEREAS, the Marshall Heights Bison Pee Wee Football Team won the 2017 American Youth Football National Division I Pee Wee Championship on December 8, 2017 at the Austin-Tindall Park in Kissimmee, Florida by defeating the Charm City Bucs by the score of 31 – 0.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Marshall Heights Bison Pee Wee Football National Champion Football Team Recognition Resolution of 2018”.

Sec. 2. The Council of the District of Columbia congratulates the Marshall Heights Bison Pee Wee Football Team on its national championship, honors the team for its tenacity and excellence, and thanks the players for serving as examples for other youth in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-245

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize the significant contributions of Dr. Vivian Pinn to women's health and diversity in the medical field.

WHEREAS, Dr. Vivian Pinn earned her M.D. from the University of Virginia School of Medicine, where she was the only minority or woman in her class and was the second-ever African American woman to graduate from the medical school;

WHEREAS, following medical school, Dr. Vivian Pinn completed post-graduate training in Pathology at the Massachusetts General Hospital;

WHEREAS, Dr. Vivian Pinn was a teaching fellow at Harvard Medical School and both an assistant professor and Assistant Dean for Student Affairs at Tufts University School of Medicine;

WHEREAS, in 1982, Dr. Vivian Pinn was named Chair of the Howard University College of Medicine's Department of Pathology, a position that only 3 women had previously held and which had never been held by an African American woman;

WHEREAS, in 1991, Dr. Vivian Pinn became the first full-time director of the National Institutes of Health's Office of Research on Women's Health, a position that she held until her retirement in 2011;

WHEREAS, while Director of the Office of Research on Women's Health, Dr. Vivian Pinn founded and co-chaired the National Institutes of Health Committee on Women in Biomedical Careers;

WHEREAS, upon her retirement, Dr. Vivian Pinn was honored for her public service and commitment to women's health by a statement read into the Congressional Record by Senator Olympia Snowe;

WHEREAS, in 2005, Dr. Vivian Pinn was the first African American woman to give the University Commencement Address at the University of Virginia;

ENROLLED ORIGINAL

WHEREAS, Dr. Vivian Pinn is a Senior Scientist Emerita at the National Institutes of Health Fogarty International Center;

WHEREAS, Dr. Vivian Pinn was elected to the National Academy of Medicine and the Modern Healthcare's Hall of Fame;

WHEREAS, Dr. Vivian Pinn has played vital roles in professional organizations, including serving as President of the National Medical Association, Chair of the National Medical Association Past President Council, Board of Trustees/Advisors member at the Thomas Jefferson University and Tufts University School of Medicine, and member of the Committee on Women in Science, Engineering and Medicine of the National Academies;

WHEREAS, Dr. Vivian Pinn has received numerous awards for her work, including a Special Recognition Award from the Association of American Medical Colleges, the University of Michigan's Outstanding Woman in Healthcare Award, and 14 honorary degrees;

WHEREAS, National Institutes of Health, Women's Health Congress, and National Medical Association lectures on women's health and health disparities have been named after Dr. Vivian Pinn;

WHEREAS, the University of Virginia School of Medicine named one of its advisory medical student colleges the "Pinn College" in Dr. Vivian Pinn's honor, and in 2016, the University of Virginia renamed a medical research education building "Pinn Hall";

WHEREAS, in December 2016, the University of Virginia School of Medicine announced the Pinn Scholars Program, which recognizes research faculty whose scientific expertise and productivity have resulted in significant contributions to the University of Virginia School of Medicine and the greater medical research community; and

WHEREAS, Dr. Vivian Pinn's extraordinary story is included in the National Library of Medicine's "Changing the Face of Medicine" exhibit on female physicians, the University of Virginia's "Explorations in Black Leadership" project, and the HisoryMakers collection housed in the Library of Congress.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Dr. Vivian Pinn Recognition Resolution of 2018".

Sec. 2. The Council of the District of Columbia honors Dr. Vivian Pinn for her lifelong dedication to the medical profession and recognizes her impact on minorities and women in the medical field.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-246

IN THE COUNCIL OF TH DISTRICT OF COLUMBIA

January 9, 2018

To recognize The Clash, a band from the United Kingdom, for its notable and important contributions to music, and to declare February 7, 2018, as “International Clash Day” in the District of Columbia.

WHEREAS, legendary United Kingdom band The Clash formed in 1976, establishing its unique sound by combining punk with reggae, dub, funk, and ska, all behind socially conscious lyrics;

WHEREAS, throughout their careers, members of The Clash used the power of music to share messages of peace, unity, anti-imperialism, anti-racism, poverty awareness, and freedom of expression;

WHEREAS, The Clash chose to play The Ontario Theatre in Washington, D.C. on February 15, 1979, as the sixth show of its very first North American tour, and returned to The Lisner Auditorium on April 8, 1984, further endearing the band to a legion of fans that would go on to proclaim it “the only band that matters;”

WHEREAS, The Clash inspired socially conscious bands, such as Bad Brains, to form in order to advocate for disadvantaged people in their cities;

WHEREAS, the Council of the District of Columbia affirms that this city is a Hate Free Zone, committed to a set of values, including inclusivity, tolerance, diversity, and hope;

WHEREAS, the civically and globally minded District of Columbia wishes to join with other like-minded cities across the globe in celebrating International Clash Day; and

WHEREAS, the District of Columbia adheres to the belief in the immortal words of Joe Strummer: “People can change anything they want to, and that means everything in the world.”

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

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes The Clash for its notable and important contributions to music, and declares February 7, 2018, as “International Clash Day” in the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-247

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize and honor Jason Rezaian on the second anniversary of his release from Evin Prison in Iran.

WHEREAS, Jason Rezaian was born in Marin County, California, the eldest son of Taghi and Mary Rezaian;

WHEREAS, Jason Rezaian graduated from Eugene Lang College at The New School in New York;

WHEREAS, Jason Rezaian served as a correspondent for several different periodicals, including the San Francisco Chronicle and the Monocle;

WHEREAS, Jason Rezaian was named the Tehran bureau chief for The Washington Post in 2012;

WHEREAS, on July 22, 2014, Jason Rezaian's Tehran home was raided by Iranian officials, and he and his wife, Yeganeh Salehi, were taken into custody;

WHEREAS, while Yeganeh Salehi was released on October 6, 2014, Jason Rezaian remained in custody in Evin Prison, a detention center known for housing political prisoners and intellectuals;

WHEREAS, on December 7, 2014, the U.S. State Department announced that Jason Rezaian had been charged by an Iranian court with unspecified offenses, and denied bail, access to an attorney, and consular services requested by Secretary of State John Kerry;

WHEREAS, on March 7, 2015, after 7 months of detainment, Jason Rezaian was granted a court-appointed attorney;

WHEREAS, on April 20, 2015, The Washington Post reported that Iranian authorities were charging Rezaian with espionage and 3 other serious crimes, including "collaborating with hostile governments" and "propaganda against the establishment;"

ENROLLED ORIGINAL

WHEREAS, on May 11, 2015, the United States Senate passed Senate Concurrent Resolution 16, stating the policy of the United States regarding the release of United States citizens in Iran, and indicating that: (1) the government of the Islamic Republic of Iran should immediately release Saeed Abedini, Amir Hekmati, and Jason Rezaian, and cooperate with the U.S. government to locate and return Robert Levinson; and (2) the U.S. government should undertake every effort using every diplomatic tool at its disposal to secure their release;

WHEREAS, Jason Rezaian's trial, which was closed to the public, began on May 26, 2015 at Branch 15 of the Tehran Revolutionary Court, and on October 12, 2015, The Washington Post reported that Mr. Rezaian had been convicted;

WEHREAS, on November 22, a spokesman for the Iranian judiciary said Jason Rezaian had been "sentenced to prison," but did not provide further details; and

WHEREAS, on January 17, 2016, it was announced that Mr. Rezaian had been released from Iran along with 3 other United States citizens who had been held by the Iranian government.

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

Sec. 2. The Council of the District of Columbia recognizes and honors Jason Rezaian for his perseverance while being unjustly held in Evin Prison for over 540 days.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize and honor Sylvia Robinson’s life and years of service to the people of the District of Columbia and the Columbia Heights, Georgia Avenue, and Park View neighborhoods and the arts community.

WHEREAS, Sylvia Robinson was born in Washington, District of Columbia on August 4, 1961, and grew up in the Columbia Heights neighborhood;

WHEREAS, Sylvia Robinson graduated from high school and attended American University, becoming, in 1982, the first woman to graduate with a degree in computer;

WHEREAS, Sylvia Robinson embarked on a successful career in computer programing, working as an analyst for various companies in the Washington, D.C. metropolitan area;

WHEREAS, Sylvia Robinson retired in 1999 and returned to her Columbia Heights neighborhood to pursue the development of grassroots-driven programs in order to provide space where people could come together and do things to promote their health and spiritual needs as well as their need for socializing within the community;

WHEREAS, upon envisioning a place where activities would be directed by community members, Sylvia Robinson founded the Emergence Community Arts Collective (“ECAC”) to provide a place where community members could create self-run programs, workshops, and events;

WHEREAS, the ECAC, under the guidance and leadership of Sylvia Robinson, purchased and renovated an abandoned row house at 733 Euclid Street, N.W., in 2006 and turned it into the community space for the organization that she envisioned;

WHEREAS, Sylvia Robinson, co-founder of ECAC, served as the Executive Director from its inception in 2003 until she passed away in 2017;

WHEREAS, Sylvia Robinson spent much of her time developing programs with members of the community in the arts, education, civic engagement, support groups, and environmental awareness as ECAC;

ENROLLED ORIGINAL

WHEREAS, through her work with ECAC, Sylvia Robinson provided space for community gardening, composting, and rain barrel installation as part of her commitment to protecting the environment;

WHEREAS, in her commitment to community development, Sylvia Robinson also co-founded the Georgia Avenue Community Development Task Force, was the working group leader of the Georgia Avenue/Pleasant Plains Heritage Trail, a visionary project director of the Georgia Avenue Window Walk, and was instrumental in saving the temporary Bruce Monroe park site;

WHEREAS, Sylvia Robinson was the lead organizer of biannual community development reviews, which informed neighbors, businesses, city officials, and stakeholders of planned development in the Georgia Avenue corridor;

WHEREAS, Sylvia Robinson also created an annual awards banquet, In Her Honor, which has recognized 50 community leaders from the Pleasant Plains and Park View neighborhoods for extraordinary work done in the community; and

WHEREAS, a black belt in Tai Chi and participant of capoeira angola roda, an Afro-Brazilian martial arts that combines elements of dance, acrobatics, and music, Sylvia Robinson played a pivotal role in creating the International Capoeira Angola Foundation, as well as the Wu Shen Tao Health and Martial Arts Center.

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

Sec. 2. The Council of the District of Columbia recognizes and honors the life of Sylvia Robinson for her tireless commitment to the revitalization and development of Columbia Heights, Georgia Avenue, various community programs, and the arts.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-249

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize and honor Todd S. Kim for his years of service to the government and residents of the District of Columbia.

WHEREAS, Todd S. Kim graduated *magna cum laude* with an A.B. in biology from Harvard College in 1994 and *magna cum laude* with a J.D. from Harvard Law School in 1997, where he was an executive editor of the *Harvard Law Review*;

WHEREAS, Todd S. Kim began his legal career by serving as a law clerk to the Honorable Judith W. Rogers on the United States Court of Appeals for the District of Columbia Circuit;

WHEREAS, Todd S. Kim served as an appellate attorney with the Environmental and Natural Resources Division of the United States Department of Justice, where he handled significant appeals, argued before each of the 13 federal appellate courts, and received awards for his work;

WHEREAS, Todd S. Kim was appointed on March 22, 2006, by then-Attorney General Robert Spagnoletti, as the District's first Solicitor General, after the office formerly known as the Appellate Division was renamed as the Office of the Solicitor General;

WHEREAS, as Solicitor General, Todd S. Kim was responsible for all of the District's appellate litigation before the District of Columbia Court of Appeals, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States;

WHEREAS, Todd S. Kim was nominated by President Barack Obama on February 14, 2014, and again on April 30, 2015, to serve as an associate judge on the District of Columbia Court of Appeals;

WHEREAS, Todd S. Kim served as the District's Solicitor General for nearly 12 years under 5 Attorneys General, where he and his staff represented the District of Columbia, its agencies, and its employees in administrative, civil, juvenile, and criminal appeals, cases that involved a myriad of constitutional, statutory, regulatory, and common law issues, and also implicated important policy concerns for the District;

ENROLLED ORIGINAL

WHEREAS, to date, his name appears on more than 750 reported appellate decisions in cases involving the District;

WHEREAS, Todd S. Kim managed significant litigation for the District as Solicitor General, including defending the District’s gun laws and its legalization of same-sex marriage;

WHEREAS, Todd S. Kim was an inspiration to the attorneys he managed and those at the Office of the Attorney General who looked to him for guidance and leadership;

WHEREAS, Todd S. Kim is a first-rate legal mind and has served the District with integrity and professionalism;

WHEREAS, Todd S. Kim left government service in November 2017 for private practice; and

WHEREAS, Todd S. Kim lives in the District with his wife and 2 sons.

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

Sec. 2. The Council of the District of Columbia recognizes and honors Todd S. Kim for his years of service to the government and residents of the District of Columbia.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize and honor José Ramón Andrés Puerta, an outstanding Spanish-American chef with several restaurants in the District of Columbia who is an internationally recognized culinary innovator, author, educator, and humanitarian, for his remarkable humanitarian efforts in providing healthy foods to families and individuals touched by disasters.

WHEREAS, in 1991, Chef Andrés immigrated to the United States, bringing with him a vast knowledge of Spanish culinary skills, which he gained after serving in the Spanish Navy, and became a United States citizen in 2013;

WHEREAS, Chef Andrés is a distinguished award-winning chef with prestigious honors that include being named an “Outstanding Chef” by the James Beard Foundation and a lifetime achievement award from the International Association of Culinary Professionals;

WHEREAS, while Chef Andrés’s impressive culinary background and accomplishments alone would set him apart as one of our country’s most successful chefs, his most superlative talent is his active humanitarian support for those in dire need, no matter their walk of life or place of residence;

WHEREAS, a committed global citizen, Chef Andrés has benefited the lives of thousands of individuals through his personal philanthropy and ability to empower other chefs to give back through education, social enterprise, job creation, and the promotion of healthy and accessible foods;

WHEREAS, after witnessing the aftermath of the catastrophic 7.0 magnitude earthquake in Haiti in 2010, Chef Andrés founded the World Central Kitchen, a nonprofit organization that works to improve health, increase education rates, provide career skills, and create food businesses throughout Central America, South America, and Africa;

WHEREAS, when Hurricane Harvey submerged Houston, Texas in August of 2017, Chef Andrés flew to Texas to personally purchase and prepare food for flood evacuees and relief workers, and, once he was able to secure a kitchen, Chef Andrés coordinated multiple volunteer chefs to provide food aid through the World Central Kitchen’s Texas Strong Chef Network;

ENROLLED ORIGINAL

WHEREAS, only 5 days after Hurricane Maria made landfall and devastated Puerto Rico in September of 2017, Chef Andrés mobilized multiple chefs and hundreds of volunteers through World Central Kitchen to respond to the extreme food insecurity and humanitarian crisis caused by the storm;

WHEREAS, within a week of working on the island, Chef Andrés and his team produced more than 25,000 meals per day, free of charge, for those in need, and, in the months that followed, Chef Andrés and the World Central Kitchen volunteers prepared and delivered more than 3 million meals on the island that had been largely decimated by hurricanes Irma and Maria;

WHEREAS, Chef Andrés and the Word Central Kitchen are also working collaboratively with L.A. Kitchen to serve hundreds of meals each day –feeding first responders and people in shelters who have been affected by wildfires in southern California;

WHEREAS, through the Think Food Group, Chef Andrés owns 26 restaurants and food trucks located throughout the United States and Mexico, including 9 restaurants in the District of Columbia, all of which strive to showcase the stories and experiences of different cultures through food;

WHEREAS, as Chair Emeritus of DC Central Kitchen, Chef Andrés works with the organization to end hunger in the District while training jobless residents in the culinary arts to provide them with the skills needed to succeed in the restaurant business;

WHEREAS, Chef Andrés has partnered with the District’s School Without Walls to create the Integrated Food Project, an effort to promote academics and teach students about food and health on The George Washington University’s campus;

WHEREAS, Chef Andrés has coordinated healthy eating and sustainability initiatives at The George Washington University as a member of the Urban Food Task Force, where Chef Andrés served as a lecturer on the vast, complex impact of food through a course entitled, The World on a Plate: How Food Shapes Civilization;

WHEREAS, in recognition of his extensive humanitarian work and the World Central Kitchen’s projects in Brazil, Cambodia, the Dominican Republic, Haiti, Nicaragua, Peru, and Zambia, Chef Andrés was awarded the 2014 McCall-Pierpaoli Humanitarian Award from Refugees International and was later presented the National Humanities Medal from President Barack Obama in 2015; and

WHEREAS, the District is proud to have as a friend and neighbor Chef Andrés, who is the embodiment of the vital and enormous contributions immigrants make to our country.

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

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes Chef José Andrés and his extensive contributions to the world as a culinary innovator and an ideal humanitarian.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-251

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To recognize and applaud George S. Hawkins for his 8-year tenure as the Chief Executive Officer and General Manager of the District of Columbia Water and Sewer Authority, known as DC Water.

WHEREAS, George Hawkins is an enthusiastic and committed environmentalist whose first position in District public service was leading the then-named District Department of the Environment (“DDOE”);

WHEREAS, while leading DDOE, Mr. Hawkins implemented a low-income energy assistance program that helps District residents afford utilities year-round to ensure service is not disrupted during extreme weather periods;

WHEREAS, Mr. Hawkins also headed the Mayor’s Green Team and Green Summer Job Corps, which promotes internal agency sustainability while cleaning environmentally sensitive areas and provides young residents with productive and educational summer employment;

WHEREAS, in 2009, Mr. Hawkins was selected to serve as the Chief Executive Officer and General Manager of the District of Columbia Water and Sewer Authority (“WASA”);

WHEREAS, Mr. Hawkins led WASA to rebrand itself as DC Water, with the tagline “Water is Life” –a deceptively simple motto and logo that is now instantly recognized throughout the region and nationally as a symbol of excellent water service in the nation’s capital;

WHEREAS, Mr. Hawkins led the Clean Rivers Program, a multiyear construction project to build a system of underground tunnels and green infrastructure to help prevent a century-old system of combined underground sewers from polluting the Anacostia and Potomac Rivers;

WHEREAS, Mr. Hawkins led the successful effort to include Green Infrastructure as part of the Clean Rivers Project cleanup initiative, thereby spearheading innovation of this technology while improving the lives and welfare of District residents;

ENROLLED ORIGINAL

WHEREAS, Mr. Hawkins wore a uniform and steel toe boots to work every day, demonstrating his readiness to respond to any emergency, at any time, and he did, in fact, frequently arrive on site, in rain or freezing temperatures, to meet with DC Water work crews making repairs to water or sewer lines;

WHEREAS, Mr. Hawkins believes deeply in the concept of transparency in managing the area's water utility, encouraging staff to create an online open data portal of usable metrics, ranging from the location of every single fire hydrant, existing and proposed locations of capital projects, and new meters outside of every customer's home in the District;

WHEREAS, Mr. Hawkins has consistently been accessible to the public and enjoyed meeting with residents, attending more than 70 open meetings in every ward to answer community questions on topics such as water rates, major utility projects, and other aspects of DC Water's operations;

WHEREAS, DC Water's profile in the utility industry was significantly raised because of Mr. Hawkins's efforts to recruit and hire the best individuals for every position;

WHEREAS, Mr. Hawkins has led DC Water's efforts to pursue alternate revenue opportunities to supplement the revenue, resulting in the creation of Blue Drop, a wholly owned subsidiary of DC Water;

WHEREAS, Mr. Hawkins was also committed to hiring locally and, through the DC Water Works programs, ensured that at least 51% of DC Water's total construction workforce are local residents;

WHEREAS, Mr. Hawkins created a highly successful training program for District residents, in which men and women in search of additional skillsets are paid to attend truck driving instructional classes, and, upon graduation, successful students are qualified to earn a Commercial Driver's License;

WHEREAS, Mr. Hawkins has led DC Water's efforts to create a first of its kind waste-to-energy facility that employs solids treatment technology and is capable of generating 13 megawatts of clean, renewable, and affordable power;

WHEREAS, Mr. Hawkins has committed DC Water to advancing sustainability by changing treatment processes to enable the independent production of electricity and which aspires to be the home to 40 acres or more of solar panels, multiple beehives, and a building that will be heated and cooled with sewer thermal technology;

WHEREAS, Mr. Hawkins has fostered a culture of innovation wherein DC Water employees are engaged in developing and adopting new ideas, technologies, and practices, with focus on resource recovery, efficiency, and sustainability;

ENROLLED ORIGINAL

WHEREAS, DC Water has received numerous awards under the leadership of Mr. Hawkins, including the prestigious 2016 US Water Prize, for its work in promoting green energy and environmental stewardship; and

WHEREAS, President Barack Obama appointed George Hawkins to the National Infrastructure Advisory Council to help ensure that our nation's infrastructure is sustainable and secure.

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

Sec. 2. The Council of the District of Columbia honors George Hawkins and thanks him for his countless contributions to the District.

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 9, 2018

To honor the life of Mamie “Peanut” Johnson, the first African-American woman to pitch in a professional baseball league and a nurse at Sibley Memorial Hospital for 30 years.

WHEREAS, Mamie “Peanut” Johnson, the first African-American woman to pitch in a professional baseball league, a long-time District and Ward 6 resident, and a nurse at Sibley Memorial Hospital, died on December 18, 2017, at 82 years of age;

WHEREAS, Mamie “Peanut” Johnson was born in Ridgeway, South Carolina and went to high school in Long Branch, New Jersey, where she was the only woman and only African-American player on her high school baseball team;

WHEREAS, Mamie “Peanut” Johnson moved to Washington, D.C. after high school and was spotted by a scout dominating line-ups of men while playing for a semi-professional team sponsored by St. Cyprian’s Catholic Church;

WHEREAS, after being turned away by the All-American Girls Professional Baseball League, which did not accept African-American players, Mamie “Peanut” Johnson, in 1953, signed with the legendary Indianapolis Clowns of the Negro American League at 17 years of age, earning \$500 per month and joining infielder Toni Stone, who was the first female position player in the Negro leagues;

WHEREAS, Mamie “Peanut” Johnson earned her nickname from an opposing player who commented on her small stature—and then promptly was struck out by Ms. Johnson;

WHEREAS, Mamie “Peanut” Johnson played for the Clowns for 3 years, compiling a 33-8 record as a pitcher, behind an unhittable curveball she perfected with pointers from the legendary Satchel Paige, and a career .270 batting average, all before she turned 20 years of age;

WHEREAS, Mamie “Peanut” Johnson studied engineering at New York University during the offseason and, after retiring, earned a nursing degree from North Carolina A&T State University and went on to work for 30 years as a nurse at Sibley Memorial Hospital in the District;

ENROLLED ORIGINAL

WHEREAS, the field at Rosedale Recreation Center in Ward 6 and the Mamie Johnson Little League in Ward 7 serve as permanent reminders of the inspiration that Mamie “Peanut” Johnson continues to provide for aspiring baseball players in the District—young girls in particular; and

WHEREAS, the District of Columbia and the Council of the District of Columbia are privileged and honored to remember the life and work of Mamie “Peanut” Johnson as a ballplayer and a nurse.

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

Sec. 2. The Council of the District of Columbia recognizes Mamie “Peanut” Johnson for her work as a nurse in the District, for her trailblazing talent on the pitching mound, and for the inspiration she continues to provide for young baseball players.

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

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

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

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

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

- | | |
|---------|--|
| B22-508 | Office and Commission of Nightlife Establishment Act of 2017

Intro. 10-3-17 by Councilmember Todd and re-referred sequentially to the Committee on Government Operations and the Committee on Business and Economic Development with comments from the Committee of the Whole |
| <hr/> | |
| B22-681 | Healthy Parks Amendment Act of 2018

Intro. 2-6-18 by Councilmember Cheh and referred to the Committee on Transportation and the Environment |
| <hr/> | |
| B22-682 | Home Purchase Assistance Program Amendment Act of 2018

Intro. 2-6-18 by Councilmembers Bonds, R. White, Cheh, Evans, T. White, Grosso, Silverman, Nadeau, Todd, and Gray and referred to the Committee on Housing and Neighborhood Revitalization |
| <hr/> | |
| B22-683 | Substandard Construction Relief Amendment Act of 2018

Intro. 2-6-18 by Councilmembers Silverman, Bonds, Evans, Cheh, T. White, Nadeau, R. White, McDuffie, and Gray and referred to the Committee of the Whole |
-

- B22-684 Blighted Property Redevelopment Amendment Act of 2018
Intro. 2-6-18 by Councilmembers Silverman, Grosso, Nadeau, and Evans and referred to the Committee of the Whole
-
- B22-685 Estate Tax Clarification Amendment Act of 2018
Intro. 2-6-18 by Councilmembers Allen, R. White, Silverman, Bonds, McDuffie, Nadeau, Grosso, Gray, Cheh, and Chairman Mendelson and referred to the Committee on Finance and Revenue
-
- B22-686 Senior Strategic Plan Amendment Act of 2018
Intro. 2-6-18 by Councilmembers Todd, Evans, Cheh, Gray, Allen, Bonds, R. White, Nadeau, McDuffie, and T. White and referred to the Committee on Housing and Neighborhood Revitalization
-
- B22-687 Adverse Childhood Experiences Task Force Act of 2018
Intro. 2-6-18 by Councilmembers Todd, McDuffie, R. White, Nadeau, and Cheh and referred to the Committee on Health
-
- B22-688 Athletic Trainers Clarification Amendment Act of 2018
Intro. 2-6-18 by Councilmembers Gray, Bonds, Nadeau, and Evans and referred to the Committee on Health
-
- B22-689 Omnibus Assisted Living Residence Improvement and Quality Long Term Care Act of 2018
Intro. 2-6-18 by Councilmembers Gray, Grosso, Silverman, Bonds, McDuffie, R. White, Allen, Nadeau, Cheh, Evans, T. White, Todd, and Chairman Mendelson and referred to the Committee on Health
-
- B22-690 Study of Long-Term Care Services and Supports Act of 2018
Intro. 2-6-18 by Councilmembers Gray, Todd, R. White, Grosso, Evans, McDuffie, Allen, Nadeau, Silverman, Bonds, Cheh, T. White, and Chairman Mendelson and referred to the Committee on Health
-

B22-691 Nonprofit Incubator Program Establishment Act of 2018
Intro. 2-6-18 by Councilmembers T. White, Evans, Gray, Bonds, Cheh, and R. White and referred to the Committee on Business and Economic Development

B22-692 Youth Mentoring Initiative Establishment Act of 2018
Intro. 2-6-18 by Councilmembers T. White, McDuffie, Gray, Evans, Grosso, Silverman, R. White, and Bonds and referred to the Committee on Education

PROPOSED RESOLUTIONS

PR22-691 Sense of the Council Opposing the Repeal of Net Neutrality Rules
Resolution of 2017
Intro. 12-19-17 by Councilmembers Nadeau, Grosso, Silverman, Cheh, Allen, McDuffie, T. White, Todd, Gray, Bonds, R. White, Evans, and Chairman Mendelson, and re-referred to the Committee on Government Operations with comments from the Committee on Business and Economic Development

PR22-742 Contract No. CFOPD-11-C-040, Electronic Benefits Transfer Services
Approval Resolution of 2018
Intro. 1-26-18 by Chairman Mendelson at the request of the Office of the Chief Financial Officer and Retained by the Council with comments from the Committee on Finance and Revenue

PR22-744 Commission on Asian and Pacific Islander Community Development Bhavna
Ghia Confirmation Resolution of 2018
Intro. 1-29-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR22-745 Zoning Commission for the District of Columbia Anthony Hood Confirmation
Resolution of 2018
Intro. 1-29-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR22-746 The Spanish Education Development Center Revenue Bonds Project Approval
Resolution of 2018
Intro. 1-31-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF A PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-579, Helicopter Landing Pad Amendment Act of 2017

on

**Monday, March 12, 2018
1:00 p.m., Hearing Room 500, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on Bill 22-579, the “Helicopter Landing Pad Amendment Act of 2017.” The hearing will be held on Monday, March 12, 2018 at 1:00 p.m. in Hearing Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. *This hearing notice is being revised to reflect that the hearing date has been changed from Tuesday, February 20, 2018 to Monday, March 12, 2018.*

The stated purpose of Bill 22-579 is to exempt Level One Trauma Centers operating in the District of Columbia, that currently do not have helipads on their properties, from the Helicopter Landing Pad Public Nuisance Act of 1987. Furthermore, the Mayor would be required to review the flight information for any helipad that is used for more than 175 round trip flights in a calendar year, and may take appropriate action as he or she deems necessary.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Peter Johnson, Special Counsel at (202) 724-8083, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, **March 8, 2018**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on March 8, 2018 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, April 3, 2018.

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

REVISED AND ABBREVIATED

NOTICE OF PUBLIC HEARING ON

B22-0580 - Veterans Specialty License Plate Amendment Act of 2017
B22-0500 - Breast Cancer Awareness License Plate Amendment Act of 2017
B22-0423 - Parks and Recreation License Plate Establishment Act of 2017
B22-0331 - Nonbinary Identification Cards Amendment Act of 2017

Wednesday, February 14, 2018 at 11:00AM
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Wednesday, February 14, 2018, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B22-0580, the Veterans Specialty License Plate Amendment Act of 2017, B22-0500, the Breast Cancer Awareness License Plate Amendment Act of 2017, B22-0423, the Parks and Recreation License Plate Establishment Act of 2017, and B22-0331, the Nonbinary Identification Cards Amendment Act of 2017. The hearing will begin at 11:00AM in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B22-0580, the Veterans Specialty License Plate Amendment Act of 2017, would require the Mayor to design and issue motor vehicle identification tags with a separate design for each branch of the United States Armed Forces

B22-0500, the Breast Cancer Awareness License Plate Amendment Act of 2017, would require the Mayor to issue a motor vehicle identification tag with a design that promotes breast cancer awareness and collect associated fees from users that will be deposited into the Community Health Care Financing Fund.

B22-0423, the Parks and Recreation License Plate Establishment Act of 2017, would authorize the Mayor to create a license plate to celebrate the rich history of parks and recreation in the District and collect associated fees from users that will be used to revitalize facilities and increase access to summer camp for low-income youth.

B22-0331, the Nonbinary Identification Cards Amendment Act of 2017, permits applicants for a District driver's license, learner's permit, or identification card to designate their gender as "nonbinary".

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Staff Assistant to the Committee on Transportation and the Environment,

at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on Wednesday, February 28, 2018.

This notice has been revised and abbreviated to reflect that the date and location of the hearing have changed from February 5, 2018, in Room 120 to February 14, 2018, in Room 412.

Council of the District of Columbia
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

ANNOUNCES A PUBLIC HEARING ON

**PR22-0629 – THE “WATERFRONT STATION II DISPOSITION APPROVAL
RESOLUTION OF 2017”**

B22-0609 – THE “PARCEL F1 EASEMENT DISPOSITION ACT OF 2017”;

**B22-0632 – THE “REDEVELOPMENT OF THE CENTER LEG FREEWAY (INTERSTATE
395) AMENDMENT ACT OF 2017”; AND**

**PR22-0717 – THE “1125 SPRING ROAD, N.W., DISPOSITION APPROVAL
RESOLUTION OF 2018”**

Monday, March 5, 2018, 11:00 a.m.
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

On Monday, March 5, 2018 Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a public hearing on Proposed Resolution 22-0629, the “Waterfront Station II Disposition Approval Resolution of 2017”; Bill 22-0609, the “Parcel F1 Easement Disposition Act of 2017”; Bill 22-0632, the “Redevelopment of the Center Leg Freeway (Interstate 395) Amendment Act of 2017”; and Proposed Resolution 22-0717, the “1125 Spring Road, N.W., Disposition Approval Resolution of 2018”.

The stated purpose of PR 22-0629 is to declare District owned real property known as the Waterfront Station II, located at 1000 4th Street S.W., known for taxation and assessment purposes as Lot 0822 in Square 0542, as no longer required for public purposes and approve its disposition pursuant to D.C. Official Code §10-801.

The stated purpose of Bill 22-0609 is to allow for the disposition via easement of two pieces of real property known as portions of Lots 809, 810, and 814 in Square 744S. The easements correspond with and support the disposition and development of 125 O Street, S.E. and 1402 1st Street, S.E., approved by Council in 2014, and will run for as long as the building exists on the property.

The stated purpose of Bill 22-0632 is to amend the Redevelopment of the Center Leg Freeway (Interstate 395) Act of 2010, to double the required amount of affordable housing and deepen the affordability levels required to be completed with the development project located at 1530 First Street, S.W. The affordable units will be available for rent or sale to households earning at or below 30% and 50% of the area median income (“AMI”).

The stated purpose of PR 22-0717 is to declare District owned real property located at 1125 Spring Road, N.W., known for taxation and assessment purposes as Lots 0804 and 0807 in Square 2902, as no longer required for public purposes and approve its disposition pursuant to D.C. Official Code §10-801.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee on Business and Economic Development via email at cautrey@dccouncil.us or at (202) 724-8053, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Thursday, March 1st**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to cautrey@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee on Business and Economic Development at cautrey@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on March 8th**.

**Council of the District of Columbia
COMMITTEE ON HUMAN SERVICES
NOTICE OF PUBLIC HEARING & OVERSIGHT ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER BRIANNE K. NADEAU, CHAIRPERSON
COMMITTEE ON HUMAN SERVICES**

ANNOUNCES A PUBLIC HEARING & OVERSIGHT ROUNDTABLE ON

**B22-0635, THE “HOMELESS SHELTER REPLACEMENT AMENDMENT ACT OF
2017”**

&

THE CLOSURE OF THE DC GENERAL FAMILY SHELTER

**Wednesday, March 14, 2018, 10:00 a.m.
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Wednesday, March 14, 2018, Councilmember Brianne K. Nadeau, Chairperson of the Committee on Human Services, will hold a public hearing on B22-0635, the “Homeless Shelter Replacement Amendment Act of 2017” as well as a public oversight roundtable on the plan to close the DC General Family Shelter. The hearing and roundtable will take place in Room 412, of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, at 10:00 a.m.

In February 2016, the Mayor announced a plan to close the DC General Family Shelter and replace it with smaller family programs in neighborhoods in all eight wards. This replacement plan is underway and three of the new family programs are slated to open later this year. The DC General shelter is slated to completely close before the end of 2018. With this, beginning in April, several empty buildings on the campus, that are not used to provide shelter, will be torn down. This roundtable will provide an opportunity to discuss the safety and security of the families during this deconstruction period. Additionally, it will provide the Department of Human Services a platform to share the precautionary measures being taken to ensure there are no health or safety risks presented.

B22-0635, the “Homeless Shelter Replacement Amendment Act of 2017”, revises the location of the District’s Ward 1 Short-Term Family Housing program to 2500 14th Street, NW. Further, the legislation adds units to the shelter and adds housing for seniors.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at humanservices@dccouncil.us or at (202) 724-8170, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, March 12, 2018**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses are encouraged to bring **twenty single-sided copies** of their written testimony.

For witnesses who are unable to testify, written statements will be made part of the official record. Copies of written statements should be submitted either to the Committee at humanservices@dccouncil.us or to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, D.C. 20004. **The record will close at the end of the business day on March 28, 2018.**

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR 22-727, the “Real Property Tax Appeals Commission Ms. Cliftine Jones Confirmation Resolution of 2018”

PR 22-728, the “Real Property Tax Appeals Commission Mr. Donald Issac, Jr. Confirmation Resolution of 2018”

PR 22-729, the “Real Property Tax Appeals Commission Mr. Gregory C. Syphax Confirmation Resolution of 2018”

PR 22-730, the “Real Property Tax Appeals Commission Ms. May S. Chan Confirmation Resolution of 2018”

PR 22-731, the “Real Property Tax Appeals Commission Mr. John N. Olliviera Confirmation Resolution of 2018”

Monday, February 26, 2018

9:30 a.m.

Room 120 - John A. Wilson Building

1350 Pennsylvania Avenue, NW; Washington, D.C. 20004

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Monday, February 26, 2018 at 9:30 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 22-727, the “Real Property Tax Appeals Commission Ms. Cliftine Jones Confirmation Resolution of 2018” would reappoint Ms. Cliftine Jones as a full-time commissioner of the Real Property Tax Appeals Commission, for a term to end April 30, 2022.

PR 22-728, the “Real Property Tax Appeals Commission Mr. Donald Issac, Jr. Confirmation Resolution of 2018” would reappoint Mr. Donald Isaac, Jr. as a part-time commissioner of the Real Property Tax Appeals Commission, for a term to end April 30, 2022.

PR 22-729, the “Real Property Tax Appeals Commission Mr. Gregory C. Syphax Confirmation Resolution of 2018” would reappoint Mr. Gregory Syphax as the full-time Chairperson of the Real Property Tax Appeals Commission for a term to end April 30, 2022

PR 22-730, the “Real Property Tax Appeals Commission Ms. May S. Chan Confirmation Resolution of 2018” would reappoint Ms. May Chan as a full-time commissioner of the Real Property Tax Appeals Commission, for a term to end April 30, 2022.

PR 22-731, the “Real Property Tax Appeals Commission Mr. John N. Ollivierra Confirmation Resolution of 2018” would reappoint Mr. John Ollivierra as a part-time commissioner of the Real Property Tax Appeals Commission, for a term to end April 30, 2022

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 9:30 a.m. on Friday, February 23, 2018. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC ROUNDTABLE ON:

PR 22-746, the “Spanish Education Development Center Revenue Bonds Project Approval Resolution of 2018”

Wednesday, February 21, 2017

11:50 a.m.

**Council Chamber - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Wednesday, February 21, 2018 at 11:50 a.m. in the Council Chamber Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 22-746, the Spanish Education Development Center Revenue Bonds Project Approval Resolution of 2018” would authorize and provide for the issuance, sale, and delivery in an aggregate principal amount not to exceed \$4,820,000 of the District of Columbia revenue bonds in one or more series and provide for the loan of the proceeds of the bonds to assist the Spanish Education Development Center in the financing, refinancing or reimbursing of costs associated with an authorized project pursuant to section 490 of the District of Columbia Home Rule Act. The Spanish Education Development Center is located at 4110 Kansas Avenue, NW in Ward 4.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 12 noon on Tuesday, February 20, 2018. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B22-694, Child Neglect and Sex Trafficking Temporary Amendment Act of 2018 and **B22-696**, Pools Without Penalties Temporary Act of 2018 were adopted on first reading on February 6, 2018. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on March 6, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Grant Budget Modifications**

Pursuant to the Consolidated Appropriations Act of 2017, approved May 5, 2017 (P.L. 115-31), the Council of the District of Columbia gives notice that the Mayor has transmitted the following Grant Budget Modification (GBM).

A GBM will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council’s review period to 30 days. If such notice is given, a GBM will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Room 5 Washington, D.C. 20004. Copies of the GBMs are available in the Legislative Services Division, Room 10.
Telephone: 724-8050

GBM 22-67: FY 2018 Grant Budget Modifications as of January 8, 2018

RECEIVED: 14 day review begins January 31, 2018

GBM 22-68: FY 2018 Grant Budget Modifications as of January 17, 2018

RECEIVED: 14 day review begins January 31, 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

Reprog. 22-104 Request to reprogram \$2,161,500 of Fiscal Year 2018 Local funds budget authority within the Department of Forensic Science (DFS) was filed in the Office of the Secretary on February 2, 2018. This reprogramming is needed to support anticipated personal services costs due to staffing realignment and nonpersonal cost for information technology purchases.

RECEIVED: 14 day review begins February 5, 2018

Reprog. 22-105 Request to reprogram \$360,000 of Capital funds budget authority allotment from the Department of General Services (DGS) to the Department of Behavioral Health (DBH) was filed in the Office of the Secretary on February 2, 2018. This reprogramming is needed to purchase a van for the Crisis Services division of the Department of Behavioral Health.

RECEIVED: 14 day review begins February 5, 2018

Reprog. 22-106

Request to reprogram \$3,445,000 of Pay-As-You-Go (Paygo) Capital funds budget authority and allotment from the Department of General Services (DGS) to the Reverse Pay-As-You-Go (Paygo) Capital project and subsequently to the Local funds budget of DGS was filed in the Office of the Secretary on February 2, 2018. This reprogramming will ensure that the budget is disbursed for its intended use from the appropriate agency fund.

RECEIVED: 14 day review begins February 5, 2018

Reprog. 22-107

Request to reprogram \$12,614,750 of Fiscal Year 2018 Local funds budget authority within the Employees' Compensation Fund (ECF) was filed in the Office of the Secretary on February 2, 2018. This reprogramming is needed to support expenditures for claims by injured workers, which are now being paid through the PeopleSoft system.

RECEIVED: 14 day review begins February 5, 2018

Reprog. 22-108

Request to reprogram \$512,852 of Fiscal Year 2018 Local funds budget authority within the Department of Health Care Finance (DHCF) was filed in the Office of the Secretary on February 6, 2018. This reprogramming ensures that DHCF will be able to fund additional personnel that will support the development of the D.C. Access system (DCAS).

RECEIVED: 14 day review begins February 7, 2018

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: February 9, 2018
Protest Petition Deadline: March 26, 2018
Roll Call Hearing Date: April 9, 2018

License No.: ABRA-079244
Licensee: DC Three Lessee, LLC
Trade Name: Hotel Rouge
License Class: Retailer’s Class “C” Hotel
Address: 1315 16th Street, NW
Contact: Michael Fonseca: (202) 625-7700

WARD 2 ANC 2B SMD 2B05

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 April 9, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to construct a rooftop penthouse addition to the hotel with a Total Occupancy Load of 77 seats. Applicant also requests to add an accompanying rooftop Summer Garden with a Total Occupancy Load of 73 seats (No amplified recorded or live music).

CURRENT HOURS OF OPERATION INSIDE PREMISES

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

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

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

CURRENT HOURS OF LIVE ENTERTAINMENT INSIDE PREMISES

Sunday through Saturday 6 pm – 2 am

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

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

PROPOSED HOURS OF OPERATION /ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR PENTHOUSE

Sunday through Thursday 11 am – 12 am, Friday and Saturday 11 am – 1 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **February 9, 2018
Protest Petition Deadline: **March 26, 2018
Roll Call Hearing Date: **April 9, 2018

License No.: ABRA-099450
Licensee: Southeast Restaurant Group, LLC
Trade Name: Wicked Bloom Social Club
License Class: Retailer’s Class “C” Tavern
Address: 1540 North Capitol Street, N.W.
Contact: Melvin Hines: (202) 750-6375

WARD 5 ANC 5E SMD 5E05

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 **April 9, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Licensee requests a substantial change to change of hours of Live Entertainment.

CURRENT HOURS OF OPERATION

Sunday through Thursday 11:00 am to 2:00 am, Friday and Saturday 11:00 am to 3:00 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday 11:00 am to 1:00 am, Friday and Saturday 11:00 am to 2:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 5:00 pm to 11:00 pm

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 5:00 pm to 1:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **January 26, 2018
Protest Petition Deadline: **March 12, 2018
Roll Call Hearing Date: **March 26, 2018

License No.: ABRA-099450
Licensee: Southeast Restaurant Group, LLC
Trade Name: Wicked Bloom Social Club
License Class: Retailer’s Class “C” Tavern
Address: 1540 North Capitol Street, N.W.
Contact: Melvin Hines: (202) 750-6375

WARD 5 ANC 5E SMD 5E05

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 **March 26, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Licensee requests a substantial change to change of hours of Live Entertainment.

CURRENT HOURS OF OPERATION

Sunday through Thursday 11:00 am to 2:00 am, Friday and Saturday 11:00 am to 3:00 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday 11:00 am to 1:00 am, Friday and Saturday 11:00 am to 2:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 5:00 pm to 11:00 pm

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 5:00 pm to 1:00 am

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT**NOTICE OF PUBLIC HEARING AND PRELIMINARY FINDING****ON****APPLICATION FOR DUPONT CIRCLE BUSINESS IMPROVEMENT DISTRICT**

Notice is hereby given that, pursuant to section 6 of the Business Improvement Districts Act of 1996 ("Act"), D.C. Official Code § 2-1215.06, the Department of Small and Local Business Development (DSLBD) will hold a public hearing on the application of the Dupont Circle Business Improvement District.

The public hearing will be held at 11:00 am on Monday, February 26, 2018 in Suite 805S, 441 4th Street, N.W., Washington, D.C.

DSLBD Director Kristi Whitfield has informed the Dupont Circle Business Improvement District announcing her preliminary determination that the filing criteria set forth in D.C. Official Code § 2-1215.04 have been met and their application is otherwise in conformity with the Act.

The BID application is available for review by the public online at <https://dslbd.dc.gov/service/business-improvement-districts-bids>.

DSLBD invites the public to testify at the public hearing. Witnesses should bring a copy of their written testimony to the public hearing. Additional written statements are encouraged and will be made part of the official record, if received before 5:00 p.m. on Monday, March 5, 2018. Written statements may be submitted by e-mail to lincoln.lashley@dc.gov or mailed to: Lincoln Lashley, DSLBD, 441 4th Street, N.W., Suite 850N, Washington, DC 20001.

The public hearing record will close five business days following the conclusion of the hearing, or Monday, March 5, 2018. Persons submitting written statements for the record should observe this deadline.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, MARCH 28, 2018
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD ONE

19689
ANC 1C **Application of MIC9 Owner, LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions from the private school regulations under Subtitle X § 104.1, from the bulk extension regulations under Subtitle A § 207.2, and from the retaining wall requirements under Subtitle C § 1402.1, to construct new office space and a 111-unit apartment house on the campus of an existing adult private school in the RA-2 and RA-4 Zones at premises 2300 16th Street N.W. (Square 2568, Lot 806, 808, and 809).

WARD ONE

19708
ANC 1A **Appeal of Berkley Smallwood**, pursuant to 11 DCMR Subtitle Y § 302, from the determination made on November 28, 2017 by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to refuse further processing of building permit B1801942, to permit the renovation of a flat in the RF-1 Zone at premises 3652 Park Place N.W. (Square 3034, Lot 202).

WARD EIGHT

19720
ANC 8C **Application of Equilibrium 465 Mellon LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the nonconforming use requirements of Subtitle C § 204.1, to add two apartments to an existing 12-unit apartment house in the R-3 at premises 465 Mellon Street S.E. (Square 5996, Lot 34).

WARD SIX

19722
ANC 6E **Application of Kline Operations**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle I § 205.5 from the rear yard requirements of Subtitle I § 205.1, and under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(c)(4), and pursuant to Subtitle X, Chapter 10, for variances from the court requirements of Subtitle I § 207.1, and from the loading berth requirements of Subtitle C § 901.1, to construct a new 11-story hotel in the D-4-R at premises 925 5th Street N.W. (Square 516, Lots 827, 828, 829 and 833).

BZA PUBLIC HEARING NOTICE

MARCH 28, 2018

PAGE NO. 2

PLEASE NOTE:

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

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

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

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

Do you need assistance to participate?

Amharic

ለሙሉ ተፈ ሰርዳታ ያስፈልግዎታል?

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

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

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ 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。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

BZA PUBLIC HEARING NOTICE

MARCH 28, 2018

PAGE NO. 3

(202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

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

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

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

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

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

TIME AND PLACE: **Thursday, March 29, 2018, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 07-13G (Lowe – Modification of Significance to a Consolidated Planned Unit Development – Randall School (Square 643-S, Lot 801))

THIS CASE IS OF INTEREST TO ANC 6D

On September 11, 2017, the Office of Zoning received an application requesting approval of a modification of significance to an approved consolidated planned unit development and related Zoning Map amendment for the former Randall Junior High School located at 65 I Street, S.W. (Square 643S, Lot 801). The application was filed by Lowe Enterprises with the authorization of the Trustees of the Corcoran Museum of Art, which owns the subject property. Lowe Enterprises has subsequently changed its name to Lowe, and is the lead entity in the development of the PUD. The Office of Planning provided its report on December 1, 2017, and the case was set down for hearing on December 11, 2017. Lowe provided its prehearing statement on January 23, 2018.

The property that is the subject of this application consists of approximately 115,724 square feet of land area. The property is located in the Southwest neighborhood and is bounded by I Street on the south, former First Street on the west, and partially closed H Street on the north. In 2008, the Commission approved a proposed redevelopment of the property as a mixed-use development in Z.C. Order No. 07-13. In 2014, the Commission approved a modification to the original PUD, including reuse of the existing historic school building with a museum and arts-related uses, and construction of a new residential structure with approximately 520 units. In connection with the PUD, the property was rezoned to the C-3-C Zone District. The property is located in the Mixed Use High Density Residential/Medium Density Commercial category on the Future Land Use Map of the District of Columbia Comprehensive Plan.

Among other things, the applications request modifications to:

- The Building design, including enlargement of the central courtyard by pulling back both the residential and museum components away from the courtyard; adjustments to building access and circulation; and refinements to the architectural design;
- The proposed uses within the project to include office, institutional, and arts uses within the west wing of the historic school, and a reduction in the total number of units to approximately 489 units;

- The zoning parameters, including a reduction in the number of parking spaces to approximately 249 parking spaces and adjustments to the height of the penthouse elements; and
- The conditions of approval, including changes to the affordable housing component to comply with current Inclusionary Zoning parameters and substitution of benefits related to the now-defunct Corcoran Museum of Art.

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

How to participate as a witness.

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

How to participate as a party.

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

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

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

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the

hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

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

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

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

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

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

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

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

TIME AND PLACE: **Monday, March 15, 2018 @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, NW, Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. CASE NO. 17-19 (The Warrenton Group – Consolidated PUD & Related Map Amendment @ Square 5197, Lots 1, 64, 65, and 73)

THIS CASE IS OF INTEREST TO ANC 7C

On October 6, 2017, the Office of Zoning received an application from The Warrenton Group (“Applicant”) for approval of a consolidated planned unit development (“PUD”) and a Zoning Map amendment from the MU-3 Zone District to the MU-4 zone for the above-referenced property. The subject property consists of approximately 85,510 square feet of land area and is located at the northwest corner of the intersection of Nannie Helen Burroughs and Division Avenues, N.E. (“Property”).

The Office of Planning submitted its report to the Office of Zoning on November 30, 2017, and the application was set down for a public hearing by the Zoning Commission on December 11, 2017. The Applicant filed its prehearing statement with the Commission on January 11, 2018.

The Applicant proposes to redevelop the Property as mixed-used development on two parcels. Parcel 1 consists of approximately 71,891 square feet of land, and will be improved with a building containing approximately 10,000 square feet of retail at the ground level; approximately 170,600 square feet of residential, generating approximately 151 units; and 143 covered parking spaces. The maximum building height will be 65 feet and the density will be 3.47 floor area ratio (“FAR”). Parcel 2 consists of approximately 13,619 square feet, and will be improved with a building containing approximately 6,000 square feet of retail at the ground level; approximately 39,000 square feet of residential generating approximately 32 units; and three surface parking spaces. The maximum building height will be 63 feet and the density will be 3.32 FAR.

Of the 183 units proposed for the development, up to 61 will be replacement units for the Lincoln Heights and Richardson Dwellings residential communities controlled by DCHA. The remaining units will be a mix of units reserved for households not exceeding 60% of the median family income (“MFI”) and market rate units.

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

How to participate as a witness.

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

How to participate as a party.

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

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

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

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

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

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

1. Applicant and parties in support 60 minutes collectively

- 2. Parties in opposition 60 minutes collectively
- 3. Organizations 5 minutes each
- 4. Individuals 3 minutes each

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

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

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DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in section 22 of the Vital Records Act of 1981 ("Act"), effective October 8, 1981 (D.C. Law 4-34, D.C. Official Code § 7-221 (2012 Repl.)), and Mayor's Order 2002-13, dated January 25, 2002, hereby gives notice of the adoption of the following amendments to Chapter 28 (Vital Records) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR). The Director took final action to adopt these amendments on January 9, 2018. A notice of proposed rulemaking was published in the *D.C. Register* on November 17, 2017 at 64 DCR 011934. No comments were received in response to the notice of proposed rulemaking, and no changes have been made to the rules since publication of the notice. The final rules amend the fee for certificates of search to differentiate between searches for death records versus searches for birth records. The rule will become effective upon publication of this notice of final rulemaking in the *D.C. Register*.

Chapter 28, VITAL RECORDS, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 2880, GENERAL REQUIREMENTS, Subsection 2880.1, is amended to read as follows:

2880.1 The following fees shall be for the services provided by the Department of Health Vital Records Division:

<u>Description of Record or Service</u>	<u>Fee</u>
Adoption	\$28
Adjudication of parentage	\$23
Administrative copy of a vital record (government use only)	\$10
Archival birth certificate	\$23
Certificate of search for birth record (3 years searched)	\$23
Certificate of search for death record (3 years searched)	\$18
Correction to a birth record	\$23
Death certificate	\$18
Death record correction	\$23

Delayed birth record filing	\$23
Divorce record	\$18
Legal change without certificate	\$15
Legal name change	\$23
Marital acknowledgment	\$23
Verification of a vital record	\$5

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl. & 2017 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2013 Repl.)) hereby gives notice of an amendment to Chapter 71 entitled, “Medicaid Reimbursement for Early Intervention Services” of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

In accordance with the Individuals with Disabilities Education Act (IDEA), approved April 13, 1970 (84 Stat.175; 20 U.S.C. §§ 1400 *et seq.*), Medicaid-reimbursable early intervention (EI) services are provided to eligible beneficiaries by the District of Columbia Office of the State Superintendent of Education (OSSE). EI services are specialized habilitative and rehabilitative services designed to promote the optimal development of infants and toddlers, aged birth to three (3), who have a delay in one or more areas of development. EI services are required under Part C of IDEA. These rules remove the table included in the prior rulemaking that sets forth the Medicaid reimbursement rates and procedure codes, and replaces it with reference to the District’s Medicaid fee schedule. Since the original promulgation of the rule in 2014, procedure codes and modifiers for EI services have changed. These rules will align updates of the EI rates with the requirements for Medicaid fee schedule updates, as set forth under Section 988 of Chapter 9 of Title 29 DCMR. This will enable DHCF to periodically and prospectively update the fee schedule for EI services while complying with advance notice requirements, rather than promulgating a new rule every time the procedure codes or reimbursement rates for EI services change.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 20, 2017 at 64 DCR 010597. No comments were received and no substantive changes have been made. The Director has adopted these rules as final on January 24, 2018 and they shall become effective on the date of publication of this rulemaking in the *D.C. Register*.

Chapter 71, MEDICAID REIMBURSEMENT FOR EARLY INTERVENTION SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 7114, MEDICAID REIMBURSEMENT RATES, is deleted in its entirety and amended as follows:

7114 MEDICAID REIMBURSEMENT RATES

7114.1 Reimbursement for EI services shall be made according to the District of Columbia Medicaid fee schedule available online at www.dc-medicaid.com.

7114.2 All updates to the Medicaid fee schedule governing reimbursement rates for EI services shall comply with the requirements set forth under Section 988 (Medicaid Fee Schedule) of Chapter 9 of Title 29. A public notice of the rate changes shall be published in the *D.C. Register* at least thirty (30) calendar days in advance of the changes, and shall include a link to the Medicaid fee schedule.

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 D.C. Official Code § 47-874 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of this final action to amend Chapter 3 (Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR) by adding a new Section 337 (Homestead Deduction and Senior Citizen/Disabled Tax Relief).

The amendment to Section 337 provides guidance regarding the definition of owner for purposes of receiving the homestead deduction.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on November 10, 2017, 64 DCR 011730. No substantive comments were received concerning the proposed rulemaking. This final rulemaking is identical to the published text of the proposed rulemaking. This final rulemaking shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 337, [RESERVED], is amended by striking the title [RESERVED], and replacing the section in its entirety with the following:

337 HOMESTEAD DEDUCTION AND SENIOR CITIZEN/DISABLED TAX RELIEF

337.1 For purposes of DC Code §§ 47-849 through 47-850.03 and 47-863:

- (a) An owner of real property shall be a holder of title as set forth in the land records of the Recorder of Deeds, including the holder of an estate in fee simple or a freehold interest of indeterminate duration, including a life tenancy, but does not include a holder of a leasehold interest or future interest;
- (b) An individual who is not a title holder of record is not an owner of real property, except that the following individual shall be deemed to be an owner:
 - (1) A trust beneficiary who occupies real property owned of record by the trustee, as sole owner of an irrevocable special needs trust if the trust beneficiary has a disability as defined in Section

1614(a)(3) of the Social Security Act, approved October 30, 1972 (86 Stat. 1471; 42 U.S.C. §1382c(a)(3)). For the purposes of this subparagraph, a trust is a special needs trust if the trust instrument:

- (A) States, among its purposes, that the trust assets are not intended to be counted in determining the beneficiary's eligibility for needs-based governmental benefits;
 - (B) Names the beneficiary with a disability as the sole trust beneficiary during his or her lifetime; and
 - (C) Provides that the beneficiary with a disability shall not serve as trustee;
- (2) The grantor, settlor or trustor of a revocable trust that holds bare legal title to real property provided, that the grantor, settlor trustor is a beneficiary of the trust, resides in the real property as his or her principal residence in the District, exhibits all incidents of ownership of the real property and retains the power to revoke the trust; or
- (3) A partner of a partnership that holds record title to real property where all partners reside in the real property as their principal residence in the District.

- 337.2 The term "revocable" shall mean that the grantor, settlor, transferor, creator or trustor of the trust has the right to recover property transferred to the trust and to end the trust at any time, thereby regaining absolute ownership of the trust property.
- 337.3 A trust is revocable if the grantor, settlor or trustor expressly reserves the power to revoke the trust under the terms of the trust instrument.
- 337.4 If a power to revoke is not expressly reserved, the revocability of the trust is determined under the law governing the trust. Trusts created under District law prior to March 10, 2004 are presumed irrevocable, while District trusts created on or after that date are presumed revocable.
- 337.5 For purposes of the homestead deduction and the senior citizen/disabled tax relief, if the grantor, settlor or trustor of a revocable trust resides in the real property as his or her principal residence in the District, then he or she is deemed to be a beneficiary of the revocable trust.

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 317 of the District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1117 (2013 Repl.)), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019; Pub.L. 109-356, D.C. Official Code § 1-102.24d (2016 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 this final action to amend Chapter 5 (Tax on Recordation of Deeds), of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR), by amending Sections 501, 510 and 519.

The amendment of Section 501 coordinates the application of the exemption provided for purchase money instruments with other provisions of the Act defining such instruments. A conforming change is also made in Section 519.

The amendment of Section 510 removes obsolete language and updates its provisions to reflect current law, including coordinating the application of the recordation tax exemption provided by Section 302(11) of the Act, (D.C. Official Code § 42-1102(11)), applicable to permanent deeds of trust or mortgages which replace construction loan deeds of trust or mortgages, with the tax treatment of refinances of deeds of trust provided under Section 303(a)(3) of the Act (D.C. Official Code § 42-1103(a)(3)).

This rule was published as Notice of Proposed Rulemaking in the *D.C. Register* on December 1, 2017 at 64 DCR 012331. Two comments were received concerning the proposed rulemaking, and those comments were duly considered. This final rulemaking is identical to the published text of the proposed rulemaking. This final rulemaking shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 5, TAX ON RECORDATION OF DEEDS, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 501, EXEMPTIONS FROM THE RECORDATION TAX, is amended by adding a new Subsection 501.4 to read as follows:

501.4 To qualify for the exemption provided under Section 302(5) of the Act (D.C. Official Code § 42-1102(5)), a purchase money mortgage or purchase money deed of trust must be recorded simultaneously with the deed conveying the real property for which the purchase money mortgage or deed of trust was obtained. To qualify as a purchase money instrument, a mortgage or deed of trust must be: (1) provided as full or partial payment of the purchase price of the real property conveyed; (2) fully executed within thirty (30) days from the date of the execution of the deed of conveyance; (3) recorded within thirty (30) days after the

recording date of the deed of conveyance; (4) executed by the purchaser as part of a series of transactions conveying title to the real property to the purchaser; (5) reference the deed of conveyance by date and document number, if available; (6) recite on its face this is it a purchase money mortgage or deed of trust; and (7) recite on its face the amount of purchase money that it secures.

Section 510, CONSTRUCTION LOAN AND PERMANENT LOAN DEEDS OF TRUST AND MORTGAGES, is amended as follows:

Subsection 510.1 is amended to read as follows:

510.1 The exemption under Section 302(11) of the Act (D.C. Official Code § 42-1102(11)) is available only for a permanent loan deed of trust or mortgage that directly replaces a construction loan deed of trust or mortgage. For purposes of this Section 510, the term “construction loan deed of trust or mortgage” means a deed of trust or mortgage upon real property which is given to secure a loan for new construction of, additions to, or rehabilitation of improvements, or modifications to land, and the term “permanent loan deed of trust or mortgage” means a deed of trust or mortgage upon real property which secures an instrument made by the same obligors who made the instrument which the construction loan deed of trust or mortgage secured, and which conveys substantially the same real property.

Subsection 510.2 is amended to read as follows:

510.2 When a permanent loan deed of trust or mortgage is submitted for recording and the tax on the construction loan deed of trust or mortgage that it replaces has been timely and properly paid, no additional tax liability arises under Section 303 of the Act (D.C. Official Code § 42-1103), except that a tax shall be imposed on the amount by which the principal amount of the permanent loan deed of trust or mortgage exceeds the principal balance due on the construction loan.

Subsection 510.3 is amended to read as follows:

510.3 In order to qualify for the exemption, the permanent loan deed of trust or mortgage shall contain a reference to the construction loan deed of trust or mortgage and the date of its recording and its document number.

New Subsections 510.4 – 510.6 are added to read as follows:

510.4 A refinancing or amendment, modification or restatement of a construction loan deed of trust or mortgage (including replacement thereof by a permanent loan deed of trust or mortgage) shall be taxed in the manner provided in Section 303(a)(3) of the Act (D.C. Official Code § 42-1103(a)(3)).

510.5 On a deed conveying a security interest in real property, the principal amount of

debt that the deed secures shall be the principal amount of the debt recited on the face of the deed unless, from other information available to the Recorder of Deeds, the Recorder of Deeds determines that the principal amount of debt is a higher amount.

- 510.6 Within thirty (30) days after a security interest in a real property is given pursuant to a construction loan deed of trust or mortgage or a permanent loan deed of trust or mortgage, all transferees of, and all holders of the security interest in, real property shall record a fully acknowledged copy of the security interest instrument, including the lot and square number of the real property transferred or encumbered, with the Recorder of Deeds. If the thirtieth (30th) day is a Saturday, Sunday, or legal holiday, the time limitation for recording shall be extended to include the first day after the 30th day which is not a Saturday, Sunday, or legal holiday.

Section 519, CONSIDERATION ALLOCABLE TO REAL PROPERTY, is amended by striking the text of Subsection 519.3a and inserting the following in its place:

- 519.3a A purchase money mortgage or deed of trust securing indebtedness incurred to acquire an economic interest is exempt from tax if it is recorded simultaneously with the filing of the economic interest deed.

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 D.C. Official Code § 42-1117 (2012 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of this final action to amend Chapter 5 (Tax on Recordation of Deeds) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR) by adding a new Section 528 (Revocable Trusts).

A Notice of Proposed Rulemaking was published in the *D.C. Register* on November 10, 2017, 64 DCR 011732. The amendment to Section 528 provides guidance regarding the meaning of the terms revocable and irrevocable for purposes of the recordation tax exemption in connection with revocable trusts.

No comments were received concerning the proposed rulemaking. This final rulemaking is identical to the published text of the proposed rulemaking. This final rulemaking shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 5, TAX ON RECORDATION OF DEEDS, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:**A new Section 528 is added to read as follows:****528 REVOCABLE TRUSTS**

- 528.1 The term “revocable” shall mean that the grantor, settlor, transferor, creator or trustor of the trust has the right to recover property transferred to the trust and to end the trust at any time, thereby regaining absolute ownership of the trust property.
- 528.2 A trust is revocable if the grantor, settlor or trustor expressly reserves the power to revoke the trust under the terms of the trust instrument.
- 528.3 If a power to revoke is not expressly reserved, the revocability of the trust is determined under the law governing the trust. Trusts created under District law prior to March 10, 2004 are presumed irrevocable, while District trusts created on or after that date are presumed revocable.
- 528.4 The grantor, settlor, transferor, creator or trustor of a revocable trust is deemed to be the present beneficiary of the trust.

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 D.C. Official Code § 47-920 (2015 Repl.), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of this final action to amend Chapter 6 (Real Property Transfer Tax) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR) by adding a new Section 613 (Revocable Trusts).

The amendment to Section 613 provides guidance regarding the meaning of the terms revocable and irrevocable for purposes of the transfer tax exemption in connection with revocable trusts.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on November 10, 2017, 64 DCR 011734. No comments were received concerning the proposed rulemaking. This final rulemaking is identical to the published text of the proposed rulemaking. This final rulemaking shall become effective upon publication of this notice in the *D.C. Register*.

Chapter 6, REAL PROPERTY TRANSFER TAX, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

A new Section 613 is established to read as follows:

613 REVOCABLE TRUSTS

- 613.1 The term “revocable” shall mean that the grantor, settlor, transferor, creator or trustor of the trust has the right to recover property transferred to the trust and to end the trust at any time, thereby regaining absolute ownership of the trust property.
- 613.2 A trust is revocable if the grantor, settlor or trustor expressly reserves the power to revoke the trust under the terms of the trust instrument.
- 613.3 If a power to revoke is not expressly reserved, the revocability of the trust is determined under the law governing the trust. Trusts created under District law prior to March 10, 2004 are presumed irrevocable, while District trusts created on or after that date are presumed revocable.
- 613.4 The grantor, settlor, transferor, creator or trustor of a revocable trust is deemed to be the present beneficiary of the trust.

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF PROPOSED RULEMAKING

The District of Columbia Retirement Board (the Board), pursuant to the authority set forth in § 121(e) of the District of Columbia Retirement Reform Act (Reform Act), approved November 17, 1979 (Pub. L. 96-122, 93 Stat. 866; D.C. Official Code § 1-711(e) (2016 Repl.)), hereby gives notice of its intent to adopt the following additions to the Board Rules under Chapter 15 (District of Columbia Retirement Board) of Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Board was established by the Reform Act as an independent agency of the District of Columbia. DCRB is responsible for managing and controlling the Police Officers and Fire Fighters' Retirement Fund and the Teachers' Retirement Fund, as well as implementing and administering the retirement and post-employment benefit programs (the Retirement Program) for members and officers of the Metropolitan Police Department and the Fire and Emergency Medical Services Department of the District of Columbia and the teachers in the public day schools of the District of Columbia covered under the Police Officers and Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 (Replacement Plan Act), approved September 18, 1998 (D.C. Law 12-152; D.C. Official Code §§ 1-901.01 et seq. (2016 Repl.)). The Reform Act provides the Board with authority to promulgate rules and regulations, adopt resolutions, issue directives for the administration and transaction of its business, and perform other functions necessary to carry out its responsibilities under the Reform Act and the Replacement Plan Act.

Rules which currently comprise Chapter 15 of Title 7 DCMR set forth the Board's organizational structure and operational components. The Board proposes to extend Chapter 15 to include the provisions governing the election of Board Trustees to represent active and retired teachers, police officers, and firefighters. The Board approved the proposed rules on September 26, 2017.

Upon adoption, these rules will amend the current rules in Chapter 15 of Title 7 DCMR.

Chapter 15, DISTRICT OF COLUMBIA RETIREMENT BOARD, of Title 7 DCMR, EMPLOYMENT BENEFITS, is amended as follows:

To add the following sections to Chapter 15 to read as follows:

1510 DEFINITIONS

- 1510.1 "Act" means the District of Columbia Retirement Reform Act, Pub. Law 96-122, Nov. 17, 1979, as amended (codified in D.C. Official Code §§ 1-701 *et seq.*).
- 1510.2 "Replacement Plan Act" means the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 (D.C. Official Code §§ 1-901.01 *et seq.*).

- 1510.3 “Board” or “Board of Trustees” means the District of Columbia Retirement Board established by Section 121(a) of the Act (D.C. Official Code § 1-711(b)(1)(A)).
- 1510.4 “Chairman” means the chairman or chairperson, or his or her designee, of the District of Columbia Retirement Board (“DCRB”).
- 1510.5 “Day” means a calendar day unless expressly stated otherwise. Any day on which a submission is due or other action occurs must be a day on which the District of Columbia Government is open for regularly scheduled business.
- 1510.6 “Election official” means the person or entity appointed by the Board to undertake the activities outlined in these Rules. The election official must be independent, experienced and qualified to conduct elections and may be any one, or combination, of the following:
- (a) an officer or employee of the Board;
 - (b) an officer, employee, or agency of District of Columbia Government; or
 - (c) an individual, partnership, firm, or corporation.
- A qualified voter of any category may not be an election official. An election official will be considered qualified and experienced if the election official has successfully performed independent electoral services of, at least, a similar like, kind and volume as the services described in these Rules.
- 1510.7 “Election cycle” means the timeframe during which an election of a trustee or trustees is conducted. Except in the event of a special election, or where extenuating circumstances result in a delay, an election cycle shall begin on August 1st of any year in which a qualified voter position is eligible for election to the Board.
- 1510.8 “Eligible candidate” means a qualified voter who has submitted valid Statements of Candidacy and Qualification and meets all of the criteria to be eligible for election to the Board as defined under these Rules.
- 1510.9 “Executive Director” means the Executive Director, or his or her designee, of the District of Columbia Retirement Board.
- 1510.10 “Qualified voter” means an active or retired member of the Retirement Plans as reflected in the records of the applicable personnel office, payroll office, or DCRB, as the benefits administrator of the Retirement Plans, at the start of an election cycle.

A qualified voter must be:

- (a) An “active firefighter” who is a sworn member or officer of the District of Columbia Fire and Emergency Medical Services Department (“FEMS”);

- (b) A “retired firefighter” who has retired from FEMS under the provisions of the Police Officers & Firefighters’ Plan;
- (c) An “active police officer” who is a sworn member or officer of the District of Columbia Metropolitan Police Department (“MPD”);
- (d) A “retired police officer” who has retired from MPD under the provisions of the Police Officers & Firefighters’ Plan;
- (e) An “active teacher” who is an employee of District of Columbia Public Schools (“DCPS”) in a salary class position ET 1-15 or an employee of a District of Columbia public charter school who is an active member of the Teachers’ Plan; or
- (f) A “retired teacher” who has retired from DCPS or a District of Columbia public charter school under the provisions of the Teachers’ Plan.

1510.11 “Retirement Plans” means the following:

- (a) District of Columbia Police Officers and Firefighters’ Retirement Plan (“Police Officers & Firefighters’ Plan”), which includes the benefits established under the Replacement Plan Act that applies to service accrued after June 30, 1997 (D.C. Official Code §§ 5-701 *et seq.*) and the benefits in place under Title XI of the Balanced Budget Act of 1997, Pub. Law 105-33, Aug. 5, 1997 (codified in D.C. Official Code §§ 1-801.01 *et seq.*), that apply to service accrued on or before June 30, 1997 (former D.C. Official Code §§ 4-601 *et seq.*).
- (b) District of Columbia Teachers’ Retirement Plan (“Teachers’ Plan”), which includes the benefits established under the Replacement Plan Act that applies to service accrued after June 30, 1997 (D.C. Official Code §§ 38-2021.01 *et seq.*) and the benefits in place under Title XI of the Balanced Budget Act of 1997, Pub. Law 105-33, Aug. 5, 1997 (codified in D.C. Official Code §§ 1-801.01 *et seq.*) that apply to service accrued on or before June 30, 1997 (former D.C. Official Code §§ 31-1221 *et seq.*).

1511 ELECTION OF TRUSTEES

1511.1 In accordance with the Act, the Board of Trustees is responsible for and shall conduct elections to allow qualified voters to elect:

- (a) One (1) active member representative and one (1) retired member representative from FEMS;
- (b) One (1) active member representative and one (1) retired member representative from MPD;

- (c) One (1) active member representative and one (1) retired member representative from DCPS.
- 1511.2 The Board is authorized to act as the election official or to enter into an agreement with an election official to delegate certain functions and responsibilities vested in the Board by the Act. The election official shall adhere to these Rules without partiality toward any candidate.
- 1511.3 The election official shall be the primary point of contact for all matters pertaining to a Board election during an election cycle. To avoid the appearance of a conflict of interest or partiality, the Board and Board staff shall refrain from communicating with qualified voters, including prospective or eligible candidates, on matters related to a Board election during an election cycle and shall direct any inquiries or concerns to the attention of the election official immediately.
- 1511.4 The election official shall prepare a schedule for conducting the election of a trustee or trustees during each election cycle. The election schedule shall include:
- (a) The date on which Statement of Candidacy forms shall be made available to qualified voters by the election official;
 - (b) The date on which completed Statement of Candidacy forms must be submitted to the election official by qualified voters;
 - (c) The date on which the election official will distribute ballots to qualified voters;
 - (d) The last date on which the completed ballots must be received by the election official from qualified voters; and
 - (e) The date on which the certified election results will be published.
- 1511.5 Timing.
- (a) The election schedule shall:
 - (1) Allow for no fewer than twenty (20) days for qualified voters to complete and submit a Statement of Candidacy form;
 - (2) Provide for notification to nominated qualified voters of their eligibility or ineligibility to stand for election no later than ten (10) days after the due date for submission of Statement of Candidacy forms has passed and the forms have been validated;
 - (3) Allow qualified voters no less than thirty (30) days to complete and submit election ballots;
 - (4) Allow eligible candidates no fewer than seven (7) days to request a

recount of the election ballots after the publication of the certified election results in accordance with Section 1523 of these Rules.

1511.6 Method of Delivery.

- (a) Election materials, which include any related schedules and notices, shall be provided in a manner that is contemplated to reach the greatest number of qualified voters, including, but not limited to, mail, electronic mail, and publication on the Board's website or other Board communication portal, provided that the method of distribution allows qualified voters a reasonable time to comply with the dates included in the election schedule for an election cycle.
- (b) The method or methods used to distribute election materials shall clearly and prominently state:
 - (1) That the communication is made on behalf of the Board;
 - (2) The category of qualified voter to which the communication is addressed; and
 - (3) That the communication contains election materials.

1511.7 Any substantive amendment to election materials, which impacts any date included in the election schedule for an election cycle, must be made available to qualified voters as soon as administratively possible in the same manner provided for in Section 1511.5 of these Rules.

1511.8 Election materials may also be made available by the election official upon request from a qualified voter.

1511.9 The Board shall make election materials available to a list of qualified voters assembled as of a payroll or pension roll paid within thirty (30) days, but no more than sixty (60) days, prior to distribution of election notices.

1512 ELECTION NOTICE

1512.1 During any election cycle, the election official must notify all qualified voters of the impending election of a trustee or trustees within the timeframe provided in the election schedule.

1512.2 The election notice shall include:

- (a) A copy of the election schedule;
- (b) A Statement of Candidacy form (or location where such a form may be

accessed), which includes:

- (1) The category of qualified voter slated for trustee election;
 - (2) An explanation of the qualifications, duties, responsibilities, and compensation of Board trustees;
 - (3) A blank section for input of a prospective candidate’s name (written how he or she would like his or her name to be listed on the ballot), address, and contact information. By providing an email address, the prospective candidate consents to receiving official communication by email to the email address provided;
 - (4) Instructions for the submission and completion of the Qualifications Statement;
 - (5) An oath, signed and dated by the prospective candidate, attesting that the candidate meets the qualifications for holding the office sought and, if elected, he or she understands and agrees to comply with the duties and responsibilities of Board trustees;
 - (6) A declaration, signed and dated by the prospective candidate, affirming that all of the information included in and with the Statement of Candidacy form, is true and correct to the best knowledge and belief of the prospective candidate;
 - (7) Instructions for filling out and submitting the Statement of Candidacy form, including the date, time, location, and method(s) of submission.
- (c) A reference to where qualified voters may access these Rules in their entirety; and
 - (d) Any other information the election official considers necessary for qualified voters to fully understand the purpose and procedures of the election.

1512.3 The election notices shall be distributed to qualified voters in a manner consistent with Section 1511.5 of these Rules.

1513 ELIGIBILITY OF CANDIDATES

1513.1 Any qualified voter may nominate himself or herself for election.

1513.2 To qualify as an eligible candidate for election to the Board and have his or her name printed on a ballot, a prospective candidate must:

- (a) Be a qualified voter in the category in which the prospective candidate is seeking election;
- (b) qualify to serve as a fiduciary to the District of Columbia Police Officers and Fire Fighters' and the Teachers' Retirement Funds (the "Funds") pursuant to D.C. Code §1-744(a);
- (c) file with the election official a valid Statement of Candidacy form in accordance with Section 1514 of these Rules; and
- (d) not be an "elected official" or be a candidate for the office of an elected official in the District of Columbia, as defined in D.C. Code §1-151511.02(13).

1514 VALIDATION OF STATEMENTS OF CANDIDACY

1514.1 A Statement of Candidacy shall be considered valid if it satisfies all of the following conditions:

- (a) the Statement of Candidacy is received by the election official on or before the date and time designated by the election official;
- (b) the Statement of Candidacy is on a form provided or authorized by the Board and all sections have been completed in legible font or print;
- (c) the Statement of Candidacy is filed by a person who is a qualified voter in the category for which the trustee election is being held;
- (d) the Statement of Candidacy is accompanied by a valid Qualifications Statement;
- (e) the Statement of Candidacy contains a signed oath and declaration.

1514.2 A Qualifications Statement shall be considered valid if it satisfies all of the following conditions:

- (a) The Qualifications Statement shall be submitted with the Statement of Candidacy form pursuant to Section 1512.2(b)(4) of these Rules; either typed or printed on the Statement of Candidacy form or on a separate blank sheet of paper.
- (b) The Qualifications Statement shall identify the eligible candidate and the qualified voter category for which the candidate is seeking election. The statement may also state the candidate's qualifications and experience, and outline his or her plans and goals if elected;

- (1) The statement shall not include any endorsements by a current trustee, Board employee or union organization.
- (c) The Qualifications Statement shall not exceed two hundred and fifty (250) words in length. For purposes of this section, the following rules shall apply to the counting of words in a Qualifications Statement:
 - (1) Punctuation is not counted;
 - (2) Each word shall be counted as one (1) word, except as specified in this subsection;
 - (3) All geographical names shall be considered as one (1) word; for example, "District of Columbia" shall be counted as one (1) word;
 - (4) Each abbreviation of a word, phrase, or expression shall be counted as one (1) word;
 - (5) Hyphenated words that appear in any generally available dictionary shall be considered as one (1) word. Each part of all other hyphenated words shall be counted as a separate word;
 - (6) Dates consisting of a combination of words and digits shall be counted as two (2) words. Dates consisting of only a combination of digits shall be counted as one (1) word; and

Any number consisting of a digit or digits shall be considered one (1) word. For example, any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one (1) word whereas "one hundred" shall be counted as two (2) words. The number one hundred "100" expressed in digits shall be counted as one (1) word.

- 1514.3 The election official shall exclude from print on the ballot or other election materials any portion of a Qualifications Statement that exceeds the maximum word limitation or that includes a statement that is false or misleading. The election official may, but is not required to, allow a candidate the opportunity to correct a false or misleading statement included within a Qualifications Statement.
- 1514.4 The election official may, but is not required to, provide acknowledgement of receipt of a prospective candidate's Statement of Candidacy.
- 1514.5 Upon receipt of Statement of Candidacy forms, the election official shall determine whether the statements are valid. The election official shall document how the eligibility or ineligibility of each candidate was determined and provide a report, including each candidate's Statement of Candidacy form, to the Executive Director no later than three (3) days after the date Statements of Candidacy are due to the election official.

- 1514.6 The determination by the election official as to the validity of Statements of Candidacy shall be final and only subject to further administrative review at the discretion of the Executive Director. A determination of eligibility or ineligibility shall be based solely on information contained in the Statements of Candidacy and upon information contained in other public records and documents available to the election official. The Executive Director may reverse a determination of eligibility prior to the certification of election results based upon evidence that was not known to the election official at the time of the initial determination of eligibility or upon evidence of a change in circumstances.
- 1514.7 The election official shall provide notification to a prospective candidate of his or her ineligibility to stand for election no later than ten (10) days after the due date for the submission of Statement of Candidacy forms has passed and the statements have been validated.
- (a) A prospective candidate who is ineligible for election because his or her Statement of Candidacy is rejected for reasons other than those outlined in Sections 1513.2 and 1514.1(a) of these Rules, may submit one (1) new or amended Statement of Candidacy, which must be received by the election official no later than five (5) days after the date his or her notice of deficiency was mailed.
- 1514.8 Once all eligible candidates have been identified, a notification of eligibility, including a copy of the eligible candidate's Qualifications Statement, shall be provided to each eligible candidate no fewer than seven (7) days prior to the scheduled date of the drawing of lots to determine ballot position. The notification of eligibility shall include:
- (a) The time, date, and location for drawing lots; and
- (b) Notification of the eligible candidate's sole opportunity to proofread and correct any transcription errors, such as spelling and grammatical errors, which may be included in the eligible candidate's Qualifications Statement, with instructions on how to make any such corrections.
- 1514.9 A candidate may withdraw his or her candidacy only by written notice to the election official. A candidate is presumed to have withdrawn from the election if he or she fails to submit a new or amended Statement of Candidacy, upon request, pursuant to Section 1514.7(a) of these Rules. A withdrawal shall be irrevocable only for the election cycle in which it occurs. The election official shall inform the Executive Director of any withdrawals. Where a withdrawal impacts the accuracy of information included on the ballots, after ballots have been printed or made available to qualified voters, the election official shall provide notice to all qualified voters within the impacted qualified voter category as soon as administratively possible in accordance with Section 1511.5 of these Rules.

- 1514.10 If the election official determines that there are no prospective candidates eligible to stand for election, the election official shall:
- (a) Terminate the election for which no candidate is eligible to be placed on the ballot;
 - (b) Promptly prepare a new election schedule in substantial conformity with Section 1511.4 of these Rules;
 - (c) Proceed, if applicable, with any other election of trustees with more than one eligible candidate; and
 - (d) Conduct an election for the impacted qualified voter category in accordance with the new election schedule.

1514.11 Uncontested Election – One Eligible Candidate in a Category

- (a) If an election official certifies that only one (1) eligible candidate exists in a qualified voter category, the election official shall:
 - (1) Declare an uncontested election and discontinue the election process for the qualified voter category;
 - (2) Distribute a notice informing impacted qualified voters that they will not receive an election ballot due to an uncontested election and that the results of the uncontested election shall be certified with the election results of the other qualified voter categories included in the election cycle, in accordance with Section 1522 of these Rules.
 - (3) If an election cycle does not include another qualified voter category for election, the Board shall proceed with certifying the results of the uncontested election in accordance with Section 1522 of these Rules.

1515 CAMPAIGNING

- 1515.1 A candidate must behave in an ethical and professional manner when engaged in any activities related to his or her candidacy.
- 1515.2 A candidate may not campaign or otherwise advance his/her candidacy for election in any way prior to receiving notice from the election official that he/she is eligible for election.
- 1515.3 No staff, officer, or trustee of the Board shall campaign on behalf of, or endorse, any candidate in preference to any other candidate.

- 1515.4 A candidate may not engage in any unfair campaign practice, including, but not limited to: libeling or slandering another candidate; maliciously disrupting another candidate's campaign; making verbally or in writing, potentially defamatory or discriminatory remarks or comments, either orally or in writing; or otherwise violate any provisions of Section 1515 of these Rules.
- 1515.5 A candidate may not, in connection with his or her candidacy, make or repeat any statement that is untruthful, deceptive, or misleading, or that omits material information that renders a statement untruthful or misleading.
- 1515.6 A candidate may not campaign by offering any gift, favor, sticker, badge, button or other object or paraphernalia to a qualified voter; or by buying or offering any food, beverage, accommodation or other hospitality to any qualified voter.
- 1515.7 A candidate may not imply that the way a qualified voter votes will result in any reward or retaliation of any funding, benefit or opportunity under the Retirement Plans.
- 1515.8 A candidate may not use any resources for campaign purposes that belong to or that are exclusively available to the candidate in his or her capacity as a trustee, officer, appointee or representative of the Board.
- 1515.9 Each candidate is responsible for activity that another undertakes on his or her behalf, as if the candidate is undertaking the activity himself or herself, unless the candidate sincerely and affirmatively discourages such activity publicly.
- 1515.10 A candidate may create a website or use other forms of social media to promote his or her candidacy in accordance with this Section. Upon its creation or use for campaign purposes, the candidate must notify the election official and provide the election official with a link to the website or social media page.

1516 DRAWING OF LOTS FOR BALLOT ORDER

- 1516.1 In each election cycle, for each qualified voter category, the election official shall determine, by drawing lots, the order of eligible candidate names on the ballots.
- 1516.2 Drawing lots shall be conducted by the election official in the following manner:
- (a) The name of each eligible candidate shall be typed or written on separate slips of paper and placed in a container in a manner such that the names on the slips of paper shall be hidden from the view of the individual drawing.
 - (b) The election official shall draw from the container one slip of paper at a time until all names have been drawn.
 - (c) The eligible candidate whose name is pulled first from the container shall

have his or her name appear first on the ballot. The eligible candidate whose name is pulled second shall have his or her name placed second on the ballot. This order shall continue until all eligible candidate ballot positions have been determined.

- (d) In the event of the withdrawal or disqualification of an eligible candidate prior to the printing of the ballots, the position of each eligible candidate that appears beneath the name of the former candidate shall be raised to the next higher position. The election official shall make reasonable efforts to remove or strike from the ballots the name of an eligible candidate who has withdrawn or been disqualified after the ballots have been printed.

1516.3 Upon approval by the Executive Director, where appropriate and available, the election official may utilize an electronic method which closely resembles the in-person lottery outlined in this section, provided that the election official attests, in writing, that method used is confidential, secure, reliable and results in a randomized order of eligible candidates on the ballots.

1516.4 An eligible candidate, or his or her designated authorized representative, may view the drawing of lots. An eligible candidate must notify the election official of their intent to view the drawing of lots, in writing, no later than twenty-four (24) hours prior to the scheduled date of the drawing of lots.

1517 BALLOT CONTENT AND FORM

1517.1 The election official shall provide official ballots to all qualified voters to be used by the voter for selecting an eligible candidate preference in an election.

1517.2 Official ballots shall include the following information:

- (a) The category of qualified voter from which the person is eligible to elect a representative;
- (b) The name and Qualifications Statement of each eligible candidate. Qualifications Statements need not be printed on, but must be included with, the ballots. Names of eligible candidates shall appear on the ballot:
- (1) in the same form as each eligible candidate's name appears on his or her Statement of Candidacy form. No titles, ranks, prefixes, or degrees associated with a name shall appear on the ballot; and
 - (2) in the order determined by the drawing of lots conducted in accordance with Section 1516 of these Rules;
- (c) Instructions for completing and submitting ballots drafted specifically for any form or method of balloting being used.

- 1517.3 Ballots shall be distributed or made available to each qualified voter no fewer than thirty (30) days before the date balloting shall be completed.
- 1517.4 A qualified voter may contact the election official to request the issuance of a replacement ballot. The election official shall maintain a record identifying the voter to ensure that the issuance of a replacement ballot does not result in unauthorized or duplicate balloting. When a qualified voter requests a replacement ballot within fewer than five (5) days before the date balloting is scheduled to be completed, the qualified voter shall only have the option of submitting an electronic or telephone ballot.
- 1517.5 An individual who did not receive a ballot due to his/her name not being included on the list of qualified voters at the time such list was provided to the election official, may contact the election official to request the issuance of a provisional ballot. The election official shall maintain a record identifying the voter to ensure that the issuance of a provisional ballot does not result in unauthorized or duplicate balloting. When an individual requests a provisional ballot within fewer than five (5) days before the date balloting is scheduled to be completed, the individual shall only have the option of submitting an electronic or telephone ballot.
- (a) The Executive Director shall have an individual verified as a qualified voter in the applicable qualified voter category prior to the completion of ballot counting. The election official shall not count as valid any provisional ballot submitted by an individual who has not been verified to be a qualified voter in the applicable qualified voter category.
- 1517.6 The election official shall not issue more than three (3) ballots, one (1) original and two (2) replacements, to any qualified voter during an election cycle. Before the election official issues a replacement ballot, the election official shall inform the qualified voter of the qualified voter's limited remaining replacement ballots.
- 1517.7 Completed ballots shall be received by the election official on or before the date and time designated on the ballot.
- 1517.8 The Executive Director shall authorize the election official to use a balloting system that consists of paper balloting, telephonic balloting, electronic balloting, or any combination thereof, provided that the election official shall conduct the balloting in a manner that is consistent with the principles and objectives enumerated in this Chapter. The election official shall take every reasonable precaution to safeguard the authenticity and secrecy of the balloting system and process, as well as individual ballots.
- 1517.9 The election official shall distribute or make available an official ballot for each qualified voter category that shall be separate and distinct from the ballot for any other qualified voter category in an election cycle. Each ballot shall contain a unique control number and be readily identifiable from the ballot for any other

qualified voter category. The election official shall maintain a record identifying the unique control number for each ballot.

1517.10 A ballot shall have a selection method immediately next to the name of each eligible candidate included on the ballot where a qualified voter must indicate his or her choice with a single mark.

1517.11 If applicable, paper ballots shall be returned to the election official in pre-addressed, postage paid return envelopes, preprinted with the unique control number included on the ballot.

1518 VALIDITY OF BALLOTS AND VOTES

1518.1 Only official ballots shall be validated and counted. Improper ballots or votes shall be deemed invalid and not counted. Improper ballots or votes shall include, but are not limited to:

- (a) Any ballot which is received by the election official after the date and time determined by the election official for return of ballots, except for those ballots mailed prior to the deadline but delayed in the mail;
- (b) Any ballot which is not an original, replacement, or provisional ballot issued by the election official to a qualified voter;
- (c) Any ballot cast in which the qualified voter fails to mark a choice;
- (d) Any ballot which is signed, initialed, or otherwise marked in a manner which serves to reveal the identity of the qualified voter;
- (e) Any ballot on which the qualified voter has filled in the voting positions for more than one eligible candidate name included on the ballot (extraneous marks or other matter on a ballot which do not lead to confusion as to the intention of the qualified voter, may be disregarded and the ballot considered valid);
- (f) Any ballot on which a qualified voter has written in the name of a person other than an eligible candidate whose name is pre-printed on the ballot;
- (g) Any paper ballot which is not returned within a pre-addressed, postage paid return envelopes with a unique control number corresponding with the unique control number included on the ballot (except for any ballot submitted by an authorized electronic means).

1518.2 No qualified voter shall cast more than one ballot, in any form, in an election or vote in a category other than the category in which he/she is a qualified voter. Duplicate or unauthorized ballots or votes shall be deemed improper.

- 1518.3 Nothing contained in Section 1518.1 of these Rules shall be construed as invalidating any ballot solely because of a voter's failure to follow the instructions for filling out an official ballot provided pursuant to Section 1517.2(c) of these Rules. If a voter draws an arrow pointing to an eligible candidate's name, circles an eligible candidate's name or the voting box next to an eligible candidate's name, places a check, asterisk, or other mark in such a manner that clearly indicates his or her intended choice, the ballot shall be considered valid and shall be counted as a vote for such eligible candidate.
- 1518.4 The election official shall make determinations of the validity of ballots or votes. The determination of the election official in charge as to the validity of any ballot or vote shall be final and only subject to further administrative review at the discretion of the Executive Director.
- 1518.5 Any ballot counter or authorized watcher who is uncertain whether a ballot or vote is valid shall refer the ballot to the election official in charge for a determination.
- 1518.6 No ballot counter shall mark on any ballot. The election official in charge may only mark a ballot to denote that the ballot has been determined to be invalid. The election official in charge shall initial the ballot below his/her marking. A ballot determined to be invalid shall remain in the custody of the election official in charge and stored in a secure location, separate from ballots deemed valid.

1519 BALLOTING SYSTEM STANDARDS AND TESTING

- 1519.1 The election official shall allow the Executive Director the opportunity to review and approve proofs of final election materials, including official ballots, prior to their printing or distribution to qualified voters.
- 1519.2 The election official shall use a balloting system that a qualified voter can quickly and easily use to cast a ballot for the eligible candidate of the qualified voter's choice. The balloting system shall be capable of:
- (a) Creating an accurate record of every ballot and vote cast;
 - (b) Generating a final report of the election, as well as interim reports, as necessary;
 - (c) Identifying errors, including system errors, which impact qualified voters' ability to cast ballots or which impact the overall validity of the election;
 - (d) Allowing secured voting in absolutely secrecy; and
 - (e) Providing a confirmation of the vote cast by a qualified voter, except in the case of paper balloting.

- 1519.3 The election official shall allow the Executive Director to conduct testing of any telephonic or electronic balloting system before the use of such system for an election.
- 1519.4 The testing shall ensure that the balloting system:
- (a) Contains correct ballot information, including the names and Qualifications Statements of all eligible candidates;
 - (b) Records votes accurately, consistently and securely; and
 - (c) Is free of any evidence of malfunction.
- 1519.5 The balloting system configuration tested and approved during the testing period shall be the same configuration used during the balloting period.
- 1519.6 The election official shall immediately correct any errors or deficiencies identified in or with the balloting system during the testing or balloting period.

1520 BALLOT COUNTING

- 1520.1 The election official shall designate an election official in charge who shall be responsible for the direct supervision and oversight of the ballot counting process. The election official shall also designate ballot counters authorized to count and tally ballots. No person who is a qualified voter may be a ballot counter for the category in which he or she is eligible to vote.
- 1520.2 The election official shall strive to count the ballots and complete its official voting record for the Board within two (2) days after the date that balloting is completed, but no later than seven (7) days after such date.
- 1520.3 The election official shall maintain returned ballots by secure means and shall use appropriate safeguards to ensure that the security of each ballot is preserved.
- 1520.4 When paper ballots are counted by hand, the election official in charge shall have full authority to maintain order in the designated ballot counting location.
- 1520.5 The only persons permitted to be present in a designated ballot counting location while ballots are being counted shall be the election official in charge, ballot counters, designated representatives of the Board, police officers requested by the Board and authorized watchers.
- 1520.6 The election official shall count the number of valid ballots cast for each eligible candidate in each qualified voter category by every form or method of balloting used in an election.

- 1520.7 The eligible candidate receiving the highest number of votes in each qualified voter category included in an election shall be declared the winner for that category.
- 1520.8 Following the tally of all ballots, the election official shall provide the Board with an official voting record for each category of qualified voter. The record shall identify for each qualified voter category:
- (a) The method or methods of balloting used;
 - (b) The number of ballots cast and counted for each eligible candidate;
 - (c) The total number of ballots issued;
 - (d) The total number of replacement and provisional ballots issued;
 - (e) The total number of ballots issued, but not cast;
 - (f) The total number of ballots cast and counted;
 - (g) The total number of ballots cast in each method of balloting, if more than one method is used;
 - (h) The total number of blank ballots returned;
 - (i) The total number of ballots returned and invalidated or voided;
 - (j) Any claims of discrepancy or error in the counting of the ballots made during the balloting process; and
 - (k) The results of the election.
- 1520.9 The election official in charge shall attest that the ballots and balloting procedures used in the election conform with the requirements set forth in Chapter IV of these Rules.
- 1520.10 The Board may declare the results of any election in any qualified voter category void and conduct a new election for that category, where the Board determines the winner to be ineligible for service on the Board due to:
- (a) fraud, bribery, intimidation, or interference with voting in that category;
 - (b) tampering with ballots in that category;
 - (c) violation of the campaigning rules included in Section 1515 of these Rules; or
 - (d) any other mistake or defect serious enough to vitiate the election in that category as a fair expression of the will of the voters voting therein.

1521 AUTHORIZED WATCHERS

- 1521.1 When paper ballots are counted by hand, an eligible candidate shall be notified of his or her right to be present to observe the counting of ballots in person as an authorized watcher, or to designate another to act as an authorized watcher to attend the ballot counting on his or her behalf.
- (a) Eligible candidates shall be notified of the time, date, and location of the counting of ballots no fewer than five (5) days before the date of ballot counting.
 - (b) An eligible candidate must notify the election official, in writing, of their intent to be, or designate, an authorized watcher no later than twenty-four (24) hours prior to the scheduled date of the ballot counting.
- 1521.2 An authorized watcher shall be required to show a valid form of photo identification to enter the ballot counting location.
- 1521.3 Each authorized watcher shall be issued a badge with space for the watcher's name and, if a designee of an eligible candidate, the name of the eligible candidate represented by the authorized watcher.
- 1521.4 Badges shall be worn in plain view by the authorized watcher at all times, when he or she is inside the ballot counting location while ballot counting is being conducted.
- 1521.5 An authorized watcher shall comply with any measures put in place by the election official in charge to maintain order in the ballot counting place and shall conform to the provisions of Section 1521 of these Rules.
- 1521.6 No authorized watcher shall, at any time during the ballot counting process, do any of the following:
- (a) touch any official record or ballot;
 - (b) obstruct or interfere with the progress of the counting; or
 - (c) talk to any ballot counter while the count is under way, except to request that a ballot be referred to the election official in charge for a determination as to its validity.
- 1521.7 If an authorized watcher has any questions, or claims any discrepancy or error in the counting of the vote, the authorized watcher shall direct the question or complaint to the election official in charge.
- 1521.8 Any authorized watcher who, in the judgment of the election official in charge,

has failed to comply with any of the requirements contained in Section 1521 of these Rules, failed to obey any reasonable order of the election official in charge, or acted in a disorderly manner, shall be warned to cease and desist such conduct. If the authorized watcher fails to cease and desist such conduct, the election official in charge may order such authorized watcher to leave the ballot counting location. In such event, the authorized watcher's credentials shall be deemed cancelled, and he or she shall leave the ballot counting location immediately. The election official in charge may request a member of MPD to evict the authorized watcher or otherwise enforce his or her lawful orders.

1522 CERTIFICATION OF ELECTION RESULTS

- 1522.1 The Board shall certify the results of each election and publish the results in the District of Columbia Register and on the Board's website.
- 1522.2 The election results shall be deemed final and not subject to further administrative review thirty (30) days after publication in the District of Columbia Register of the certified election results, or any amendment to the certified election results required after a petition for recount, which resulted in a change to an election winner.
- 1522.3 Following certification of the results of the election, the Board shall retain and store in a secure and locked storage location, all election materials used during the election cycle where they shall remain for at least thirty (30) days after the certified election results have been published in the District of Columbia Register.

1523 RECOUNTS AND RESOLVING TIE VOTES

- 1523.1 An eligible candidate in any election may, within seven (7) days after the Board certifies the election results, petition the Board, in writing, for a recount of the ballots cast in that election. Such petition shall explicitly state the justification for a ballot recount.
- 1523.2 Upon receipt of a recount petition, the Board shall direct the election official to prepare an estimate of the time and cost to perform the recount, which shall be provided to the petitioner in writing.
- 1523.3 If the petitioner chooses to proceed, the petitioner shall deposit with the Board the estimated cost of the recount within seven (7) days of receipt of the estimate of the time and cost of the recount.
- 1523.4 Deposits shall be paid by certified check or money order made payable to the "District of Columbia Retirement Board." No cash deposit will be accepted.
- 1523.5 Upon receipt of a recount petition, the Board shall direct the election official to conduct a recount, at no cost to any eligible candidate, if the certified election

results show a margin of victory for an eligible candidate that is less than one percent (1%) of the total votes cast or fifty (50) votes, whichever is less, for the qualified voter category.

- 1523.6 At the conclusion of the recount, a report of the recount results shall be presented to the Board and posted on the Board's website.
- 1523.7 If the recount changes the results of the election, the entire amount deposited by the petitioner shall be refunded.
- 1523.8 If the result of the election is not changed, the petitioner is liable for the actual cost of the recount, minus the deposit already made. If the actual cost of the recount is less than the deposit made, the difference shall be refunded to the petitioner.
- 1523.9 There shall only be one (1) recount per election in a qualified voter category. The results of a recount are final and not subject to further administrative review.
- 1523.10 The Board shall not publish an amended certification of election results in the District of Columbia Register, unless the outcome of an election has changed as a result of a recount.
- 1523.11 In the event of a tie vote for a winner of an election, the election official shall conduct an automatic recount, at no cost to any eligible candidate. If the recount confirms the tie vote, the election official shall determine, by drawing lots, the resolution of the tie vote and winner of the election.
- 1523.12 After a recount confirms the tie vote, a notification of the drawing of lots for the resolution of a tie vote, shall be provided to each eligible candidate no fewer than three (3) days prior to the scheduled date of the drawing of lots. The notification shall include the time, date, and location of the drawing of lots.
- 1523.13 An eligible candidate, or his or her designated authorized representative, may view the drawing of lots for the resolution of a tie vote. An eligible candidate must notify the election official of his or her intent to view the drawing of lots, in writing, no later than twenty-four (24) hours prior to the scheduled date of the drawing of lots.
- 1523.14 Drawing of lots for the resolution of a tie vote shall be conducted by the election official in the following manner:
- (a) The name of each of the tied eligible candidates shall be typed or written on separate slips of paper and placed in a container in a manner such that the names on the slips of paper shall be hidden from the view of the individual drawing.
 - (b) The election official shall draw from the container one slip of paper.
 - (c) The eligible candidate whose name is pulled first from the container shall

be deemed the winner of the election.

**1524 SPECIAL ELECTION FOR VACANCY OF TRUSTEE POSITION
DURING TERM**

- 1524.1 If a Board trustee dies or resigns before completion of his or her term, where the remainder of the term is greater than six (6) months, the Board shall authorize the election official to conduct a special election to elect a successor trustee to serve for the remainder of the trustee's term. The election shall be conducted in substantial conformity with the procedures set forth in these Rules.

Comments on this proposed rulemaking should be submitted in writing to Erie. F. Sampson, General Counsel, District of Columbia Retirement Board, 900 7th Street, N.W., 2nd Floor, Washington, D.C. 20001, or by email to erie.sampson@dc.gov, within thirty (30) days of the publication of this notice in the *D.C. Register*. Additional copies of this proposed rulemaking are available on the Board's website: <http://www.dcrb.dc.gov>.

OFFICE OF TAX AND REVENUE

NOTICE OF PROPOSED RULEMAKING

The Deputy Chief Financial Officer of the District of Columbia Office of Tax and Revenue (OTR), of the Office of the Chief Financial Officer, pursuant to the authority set forth in D.C. Official Code §§ 47-874 and 47-1010 (2015 Repl.), Section 22 of the Business Improvement Districts Act of 1996, approved May 29, 1996 (D.C. Official Code § 2-1215.22 (2016 Repl.)), Section 311 of the District of Columbia Public Space Rental Act of 1968, approved October 17, 1968 (82 Stat. 1156, D.C. Official Code § 10-1103.10 (2013 Repl. and 2017 Supp.)), Section 201(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2019, Pub. L. 109-356; D.C. Official Code § 1-204.24d (2016 Repl.)), 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 intent to amend Chapter 3 (Real Property Taxes) of Title 9 (Taxation and Assessments) of the District of Columbia Municipal Regulations (DCMR), by revising Section 313 related to real property tax refunds and application of payments.

The proposed amendment to Section 313 defines when a refund of a real property tax payment is authorized and the extent thereof, and it also defines how payments are applied when delinquencies exist. Such proposed amendment also allows for limited refunds in hardship cases, similar to the taxpayer protection in the Internal Revenue Code, 26 U.S.C. § 6343. The proposed payment application rule is consistent with the provisions of D.C. Official Code § 47-1331(c).

OTR gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 3, REAL PROPERTY TAXES, of Title 9 DCMR, TAXATION AND ASSESSMENTS, is amended as follows:

Section 313, PAYMENT OF REAL PROPERTY TAX, is amended as follows:

Subsections 313.1, 313.2, 313.4 and 313.5 are amended to read as follows:

313.1 Real property taxes are levied as of the beginning of every real property tax year. A payment of a tax year's real property tax made anytime during that tax year constitutes payment to be applied against such tax levy for the entire tax year, provided that any prior tax year's liability is first satisfied. Consequently, a payment applied to the current tax year or an earlier open period is not refundable, except to the extent that such payment exceeds all of the real property's outstanding tax liabilities, including its liability for the entire, current tax year's real property tax.

313.2 Notwithstanding subsection 1 of this section, a payment of real property tax may, at the discretion of the DCFO, be refunded if the payment thereof is a result of a substantial error that would cause an injustice to the property owner; provided, that no refund shall be allowed to the extent that such refund shall create a

delinquency for any half tax year or full tax year.

...

313.4 [Repealed]

313.5 Payments of taxes or other charges levied or imposed under chapters 8 or 10 of Title 47 (including possessory interest taxes), Business Improvement District (BID) taxes, or vault rents where the property or taxpayer is delinquent as to such tax, rent or charge, shall be applied to such delinquencies based on the date that each arose, beginning with the oldest such delinquency and ending with the current liability, until the payment is exhausted. The payment shall be applied to each such delinquency or liability in the following order: costs, penalties, interest, and the original amount of the tax, rent, or other charge.

Comments on this proposed rulemaking should be submitted to Robert McKeon, Deputy Chief Counsel, Office of Tax and Revenue, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Robert McKeon may be contacted by: mail at D.C. Office of Tax and Revenue, 1101 4th Street, S.W., Suite 750, Washington, D.C. 20024; telephone at (202) 442-6500; or, email at robert.mckeon@dc.gov. Copies of this rule and related information may be obtained by contacting Robert McKeon as stated herein.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to Section 4(d) of the District of Columbia Charitable Solicitation Act, approved July 10, 1957 (Pub. L. 85-87; D.C. Official Code § 44-1703(d)) (2012 Repl.) (“Charitable Solicitation Act”), and 16 DCMR § 1310.1, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Title 16 (Consumers, Commercial Practices, and Civil Infractions), Chapter 13 (Charitable Solicitation), Section 1301.1 of the District of Columbia Municipal Regulations (DCMR).

This second emergency rulemaking is necessary to preserve the health, safety, and well-being of District organizations by immediately increasing the threshold that applies to the exemption from the requirement that charitable solicitors be registered with the District. The threshold is raised from \$1,500 in received solicitations to \$25,000 in received solicitations, as allowed by Section 4(d) of the Charitable Solicitation Act (D.C. Official Code § 44-1703(d)). The amendment also clarifies how the total yearly solicitations will be calculated. Identical language was adopted on October 1, 2017, in a Notice of Emergency and Proposed Rulemaking, which was published in the *D.C. Register* on December 15, 2017 (64 DCR 12737). The internal review process for the final rulemaking and consideration of the comments submitted during the comment period for the proposed rulemaking is ongoing.

This second emergency rulemaking was adopted on January 29, 2018, became effective on that date, and shall remain in effect for up to one hundred twenty (120) days, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

To clearly show the changes being made to the DCMR, additions are shown in underlined text and deletions are shown in ~~strikethrough~~ text.

Chapter 13, CHARITABLE SOLICITATION, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Section 1301, EXEMPTION OF SMALL SOLICITATIONS, Subsection 1301.1, is amended to read as follows:

1301.1 Under the authority of § 4(d) of the Act [D.C. Official Code § 44-1703(d)~~(1981 Ed.)~~], any person or individual who, in connection with a solicitation, ~~does~~ did not actually receive contributions in excess of ~~fifteen hundred twenty-five thousand~~ twenty five thousand dollars (\$ ~~1,500-25,000~~) during a the previous calendar year and who does not expect to receive contributions in excess of twenty five thousand dollars (\$25,000) during the current calendar year and who complies with the provisions of this section, shall be exempt from the provisions of §§ 4(a), 6, and 7 of the Act [D.C. Official Code §§ 44-1703(a), 44-1705, and 44-1706-(2001 ed.)].

All persons desiring to comment on these proposed regulations should submit comments in writing to Kelly Watson, Program Support Specialist, Legislative Affairs, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5100, Washington, D.C. 20024, or via e-mail at Kelly.Watson2@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400.

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF EMERGENCY & PROPOSED RULEMAKING

The Director of the Department of For-Hire Vehicles, pursuant to the authority set forth in Sections 8 (c) (1), (2), (3), (5), (7), (10), (12), (13), and (19); 14; 20; 20a; 20j; and 20l of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97); D.C. Official Code §§ 50-301.07(c) (1),(2), (3), (5), (7), (10), (12), (13), and (19); 50-301.13; 50-301.19; 50-301.20; and 50-301.29 (2014 Repl. & 2017 Supp.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 8 (Operating Rules for Public Vehicles for Hire) and Chapter 99 (Definitions), of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This emergency and proposed rulemaking amends Chapter 8 to encourage the use of shared riding for digital taxicab solutions through a clarified structure for calculating shared ride fares. The Department finds there is an immediate need to preserve and promote the safety and welfare of District residents by increasing the taxicab industry’s competitiveness and maintaining the availability of taxicab service by lowering the wait time rate. In addition, the current shared riding system outlined under the Department’s current regulations is being underutilized. The new system will make shared riding more attractive to both operators and passengers by instituting a clarified structure for calculating shared ride fares that incentivizes the use of digital meters, an innovative technology that would apportion shared ride fares in a manner that maximizes consumer choice and operator income. In transporting two (2) or more shared ride fares, operators will earn more money than had they only transported one (1) passenger or fare at once. Passengers, in turn, will save money by paying a lower time and distance rate in sharing a ride with others—a benefit that has long been available on the private sedan segment of the for-hire transportation industry through services such as UberPOOL, Lyft Line, and Via.

This rulemaking also amends Chapter 8 to reduce the wait time rate from \$35 per hour to \$25 per hour. The wait time rate was increased from \$25 to \$35 in 2015, but most operators’ modern taximeter systems were never reprogrammed with the same rate. With the beginning of the DTS rollout, many passengers have raised concerns to the Department about the higher wait time rate, and the Department has also heard from taxicab owners and operators that the higher rate is bad for business and places taxicabs at a greater competitive disadvantage versus the private sedans.

This notice of emergency and proposed rulemaking was adopted on November 30, 2017, and took effect immediately. It will remain in effect for one hundred twenty (120) days after the date of its adoption (expiring on March 30, 2018), unless earlier superseded by an amendment or repeal by the Department, or by the publication of final rulemaking in the *D.C. Register*, whichever occurs first. The Director hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than forty-five (45) days after the publication of this notice in the *D.C. Register*. A public hearing will be held on the proposed rulemaking in not fewer than 20 days from the date of publication. Directions for submitting comments may be found at the end of this notice.

Chapter 8, OPERATING RULES FOR PUBLIC VEHICLES FOR HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended as follows:

Subsection 801.7 (c) is amended to read as follows:

- (1) The time and distance charges that shall be generated automatically by the taximeter for a taxicab trip booked by street hail, by telephone dispatch, or by digital dispatch through a DDS that does not process digital payments, are established as follows:
 - (A) Minimum fare (flag drop rate): three dollars and twenty- five cents (\$3.25) plus the first one eighth (1/8) of a mile.
 - (B) Distance (after the first one eighth (1/8) of a mile):
 - (i) General distance rate: two dollars and sixteen cents (\$2.16) per mile (or twenty-seven cents (\$0.27) per one-eighth (1/8) of a mile); or
 - (ii) Special shared ride distance rate (available for digital taximeter systems only): one dollar and twenty cents (\$1.20) per mile (or fifteen cents (\$0.15) per one-eighth (1/8) of a mile).
 - (C) Time (wait time):
 - (i) Twenty-five dollars (\$25) per hour, to be calculated in sixty (60) second increments;
 - (ii) Time shall be charged when the vehicle is stopped, and when the vehicle is slowed to a speed of less than ten (10) miles per hour for longer than sixty (60) seconds;
 - (iii) Time shall be charged for delays and stopovers en route at the direction of the passenger;
 - (iv) Time shall not be charged during periods lost due to vehicle or operator inefficiency; and
 - (v) If the vehicle is responding to a dispatch, time shall be charged beginning five (5) minutes after the time pickup was requested by the customer. There shall be no additional charge for early arrival.

- (2) The authorized additional charges which shall be generated automatically by the taximeter for a taxicab trip booked by street hail, by telephone dispatch, or by digital dispatch through a DDS that does not process digital payments, are established as follows:
- (A) A fee for telephone dispatch, if any, which shall be two dollars (\$2);
 - (B) A taxicab passenger surcharge, which shall be twenty-five cents (\$0.25) (per trip or per segment of a shared ride, and not per passenger);
 - (C) A charge for delivery service where there is no passenger present shall be determined by an applicable administrative issuance or other document approved by the Department;
 - (D) The amount of any airport surcharge or toll paid by the taxicab operator;
 - (E) An additional passenger fee for each segment of a group or shared ride where more than one (1) passenger is present in the vehicle, which shall be one dollar (\$1.00) regardless of the number of additional passengers (the total additional passenger fee shall never exceed one dollar (\$1.00)), provided however, that no additional passenger fee shall be charged when the special shared ride distance rate applies; and
 - (F) A snow emergency fare when authorized under § 804.

Chapter 99, DEFINITIONS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Subsection 9901.1, of Section 9901, DEFINITIONS, is amended to add the following definition:

“Special shared ride distance rate” – the taximeter distance rate for a shared ride in a vehicle with a digital taximeter which has been reprogrammed for this rate.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting the Department of For-Hire Vehicles, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dfhv@dc.gov or by mail to the Department of For-Hire Vehicles, 2235 Shannon Place, S.E., Suite 3001, Washington, DC 20020, no later than forty-five (45) days after the publication of this notice in the D.C. Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2018-017
February 2, 2018

SUBJECT: Amendment to Mayor's Order 2017-297 - Acting Director, District Department of Transportation

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2016 Repl.), and in accordance with Mayor's Order 2017-297, dated November 8, 2017, it is hereby **ORDERED** that:

1. Section 3 of Mayor's Order 2017-297, dated November 8, 2017, is amended to read as follows:
 - “3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 10, 2017.”
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Jeremy Alper

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Alper’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Alper has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his two-year term on July 25, 2018.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Alper’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before March 12, 2018. All communications must be mailed or delivered in a sealed envelope marked "Confidential – ALJ Reappointments," addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Robert Hildum

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Hildum’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Hildum has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of his two-year term on July 25, 2018.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Hildum’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before March 12, 2018. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE SEEKING COMMENTS REGARDING REAPPOINTMENT OF
ADMINISTRATIVE LAW JUDGE**

The Commission on Selection and Tenure of Administrative Law Judges (“Commission”) seeks comments regarding the potential reappointment of Administrative Law Judge Yewande Aderoju.

This is to notify members of the District of Columbia Bar and the general public, pursuant to section 3705.7 of Title 6 of the District of Columbia Municipal Regulations (“DCMR”), that the Commission has begun reviewing Administrative Law Judge Aderoju’s qualifications for reappointment to the District of Columbia Office of Administrative Hearings. Administrative Law Judge Aderoju has filed a statement with the Commission requesting reappointment to a six-year term upon the expiration of her two-year term on July 25, 2018.

Section 3705.21 of Title 6 of the DCMR provides:

In deciding whether to reappoint an Administrative Law Judge, the Commission shall consider all information it has received concerning the reappointment, and the voting members shall give significant weight to the recommendation of the Chief Administrative Law Judge, unless they determine that the recommendation is not founded on substantial evidence. The Commission shall reappoint the Administrative Law Judge if it finds that the Administrative Law Judge has satisfactorily performed the responsibilities of his or her office and is likely to continue to do so.

In addition to the specific qualifications contained in Section 3703 of Title 6 of the DCMR (*Appointment, Reappointment, Discipline and Removal of Administrative Law Judges by the Commission on Selection and Tenure of Administrative Law Judges*), applicable to all Administrative Law Judges, Section 3703.5 of Title 6 of the DCMR states: “An Administrative Law Judge shall possess judicial temperament, judgment, expertise and analytical and other skills necessary and desirable for an Administrative Law Judge.”

The Commission hereby requests that members of the Bar and other attorneys, litigants, interested organizations, and members of the public submit any information bearing on Administrative Law Judge Aderoju’s qualifications, which they believe will aid the Commission in deciding whether to reappoint this Administrative Law Judge. The cooperation of the community at an early stage will greatly aid the Commission in fulfilling its responsibilities. The identity of any person submitting information shall be kept confidential unless expressly authorized by the person submitting the information.

All communications must be received by the Commission on or before March 12, 2018. All communications must be mailed or delivered in a sealed envelope marked “Confidential – ALJ Reappointments,” addressed to:

Commission on Selection and Tenure of Administrative Law Judges
Office of Administrative Hearings
District of Columbia Government
441 4th Street, N.W.
Suite 450N
Washington, D.C. 20001

The members of the Commission are:

The Honorable Yvonne Williams
Chief Administrative Law Judge Eugene A. Adams
Nadine C. Wilburn, Esq.
Joseph N. Onek, Esq.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

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

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Donald Isaac, Sr., Bobby Cato, Rema Wahabzadah,

- Protest Hearing (Status)** **9:30 AM**
Case # 18-PRO-00001; Allure Lounge, LLC, t/a Allure Lounge, 711 H Street NE, License #108303, Retailer CT, ANC 6C
Application for a New License
This hearing is cancelled due to the approval of a Settlement Agreement. See Board Order No. 2018-046.
- Protest Hearing (Status)** **9:30 AM**
Case # 17-PRO-00086; Foggy Bottom Grocery, LLC, t/a FoBoGro, 2140 F Street NW, License #82431, Retailer B, ANC 2A
Application to Renew the License
- Protest Hearing (Status)** **9:30 AM**
Case # 17-PRO-00090; Lemma Holdings, LLC, t/a Bliss, 2122 24th Place NE License #95711, Retailer CT, ANC 5C
Substantial Change (Request a Rooftop Summer Garden with 183 seats and Live Entertainment)
- Show Cause Hearing (Status)** **9:30 AM**
Case # 17-CMP-00612; Salma, LLC, t/a Red Lounge Hookah, 2013 14th Street NW, License #76011, Retailer CR, ANC 1B
Failed to File Quarterly Statement
- Show Cause Hearing (Status)** **9:30 AM**
Case # 17-251-00159; Debebe Addis, t/a Mesobe Restaurant and Deli Market 1853 7th Street NW, License #81030, Retailer CR, ANC 1B
Operating after Hours, Substantial Change in Operation Without Board Approval, No ABC Manager on Duty, Interfered with an Investigation

Board’s Calendar
February 14, 2018

Show Cause Hearing (Status) 9:30 AM

Case # 17-CMP-00663; Ima Pizza Store 7, LLC, t/a & Pizza, 1400 K Street NW, License #96224, Retailer CR., ANC 2F
No ABC Manager on Duty

Show Cause Hearing* 10:00 AM

Case # 17-251-00029, # 17-251-00029(a) and 17-251-00029(b)
Gebtri, Inc., t/a Cedar Hill Bar & Grill/Uniontown Bar & Grill, 2200 Martin Luther King, Jr Ave SE, License #91887, Retailer CT, ANC 8A
Failed to Comply with Board Order and Failed to Follow Security Plan, Attempted Bribery, Interfered with an Investigation (Attempted Bribery), Failure to Operate the Establishment as the true and actual owner
This hearing has been rescheduled to April 11, 2018 at 10:00 am.

Show Cause Hearing* 10:00 AM

Case # 17-CMP-00567
Black's 14th Street NW, LLC, t/a Pearl Dive Oyster Palace/Black Jack, 1612 14th Street NW, License #85382, Retailer CR, ANC 2F
Noise Violation

**BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM**

Protest Hearing* 1:30 PM

Case # 17-PRO-00088; Spero, LLC, t/a Reverie, 3210 Grace Street NW License #108125, Retailer CR, ANC 2E
Application for a New License

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA

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

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

ABRA-086037 – **Vita Restaurant and Lounge/Penthouse Nine** – Retail – C – Tavern – 1318
9th Street NW

[Licensee requested cancellation.]

ABRA-082376– **Lena Market** – Retail – B – 1206 Underwood Street NW

[The Board dismissed the Licensee’s renewal application in December, 2017, and the Licensee did not seek reinstatement.]

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

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

On Wednesday, February 14, 2018 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case# 17-CMP-00717, Policy/Colada Shop/Bresca, 1904 14th Street N.W., Retailer CR, License # ABRA-076804

2. Case# 17-CMP-00723, Agora, 1527 17th Street N.W., Retailer CR, License # ABRA-098029

3. Case# 17-251-00253, Old Engine 12, 1626 North Capitol Street N.W., Retailer CT, License # ABRA-092685

4. Case# 17-251-00236, Café Citron, 1343 Connecticut Avenue N.W., Retailer CR, License # ABRA-060138

5. Case# 17-AUD-00081, Bistro Italiano, 320 D Street N.E., Retailer CR, License # ABRA-023539

6. Case# 17-AUD-00082, Ambar, 523 8th Street S.E., Retailer CR, License # ABRA-090240

7. Case# 17-CC-00138, The Cheesecake Factory, 5345 Wisconsin Avenue N.W., Retailer CR, License # ABRA-014760

-
8. Case# 17-AUD-00083, DC Boat House, 5441 MacArthur Boulevard N.W., Retailer CR, License # ABRA-060747
-
9. Case# 17-CMP-00721, Sign of the Whale, 1825 M Street N.W., Retailer CT, License # ABRA-085120
-
10. Case# 17-CMP-00719, Masa 14, 1825 14th Street N.W., Retailer CR, License # ABRA-081469
-
11. Case# 17-CC-00124, A & S Grocery, 4748 Sheriff Road N.E., Retailer B, License # ABRA-101367
-
12. Case# 17-CC-00125, South Capitol Liquors, 4652 Livingston Road S.E., Retailer A, License # ABRA-016866
-
13. Case# 17-CMP-00725, S & G Liquors, 5421 Georgia Avenue N.W., Retailer A, License # ABRA-093800
-
14. Case# 17-CMP-00724, Hay Adams Hotel, 800 16th Street N.W., Retailer CH, License # ABRA-075078
-
15. Case# 17-CMP-00729, The Green Island Café/Heaven & Hell, 2327 18th Street N.W., Retailer CT, License # ABRA-074503
-
16. Case# 17-CC-00077, North Sea Restaurant, 2479 18th Street N.W., Retailer B, License # ABRA-073973
-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

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

1. Review Application for Class Change from Retailer B 25% to Retailer B Beer and Wine store. ANC 2B. SMD 2B01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *The Mediterranean Way Gourmet Market*, 1717 Connecticut Avenue NW, Retailer B 25%, License No. 098845.

2. Review Application for Sidewalk Café with seating for 26 patrons. *Proposed Hours of Operation for Sidewalk Café*: Sunday-Thursday 6am to 2am, Friday-Saturday 6am to 3am. *Proposed Hours of Alcoholic Beverage Sales and Consumption for Sidewalk Café*: Sunday-Thursday 10am to 2am, Friday-Saturday 10am to 3am. ANC 4C. SMD 4C05. The Establishment has two pending investigative matters with OAG and pending Show Cause hearings. No conflict with Settlement Agreement. *Golden Paradise Restaurant*, 3903-3905 14th Street NW, Retailer CR, License No. 098205.

3. Review Application for Sidewalk Café with seating for 48 patrons. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Café*: Sunday-Thursday 10am to 11pm, Friday-Saturday 10am to 12am. ANC 2F. SMD 2F07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Supra*, 1013 M Street NW, Retailer CR, License No. 106618.

4. Review Request to remove a projection booth and add an additional bar in the same space. This process will not change the capacity, seating, or overall structure of the establishment. ANC 1B. SMD 1B12. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Lincoln Theatre*, 1215 U Street NW, Retailer CX, License No. 093202.

5. Review Application for Tasting Permit. ANC 8A. SMD 8A02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Good Hope Deli & Market*, 1736 Good Hope Road SE, Retailer B, License No. 108872.
-

***In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Classroom Furniture, Classroom Supplies, and School Office Furniture**

AppleTree Early Learning PCS is seeking an organization to provide one or all of the following products: Classroom furniture, classroom supplies, and school office furniture for a new school building (hallways, offices, meeting rooms, classrooms). Please contact Dwight Crawford, Chief Operating Officer, for details on the RFPs. The deadline for responding to the RFPs is February 21, 2018 at 5pm. Contact Dwight Crawford, Chief Operating Officer, 1801 Mississippi Avenue SE, Washington, DC 20020, or e-mail him at Dwight.crawford@appletreeinstitute.org.

APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Interior Design of a New School**

AppleTree Early Learning PCS is seeking a consultant to design the main public spaces of a new school building (hallways, offices, meeting rooms). Work will include meeting with school staff, providing recommendations on design and furnishings, and ensuring that the work is completed by July 1. Please contact Anne Zummo Malone, Chief of Schools, for details on the RFP. The deadline for responding to the RFP is February 21, 2018 at 5pm. Contact Anne Zummo Malone, Chief of Schools, 415 Michigan Avenue NE, Washington, DC 20017, or e-mail her at amalone@appletreeinstitute.org

DC COMMISSION ON THE ARTS AND HUMANITIES**NOTICE OF FUNDING AVAILABILITY****FY 2018 MuralsDC Program**

The DC Commission on the Arts and Humanities (CAH) announces the availability of grants to support public art projects of the MuralsDC program in the District of Columbia during Fiscal Year 2018.

The DC Commission on the Arts and Humanities seeks to provide support for graffiti and aerosol mural artists and/or artist teams to design and install murals that inspire the various communities in which they will be placed.

Artist/Artist teams must meet eligibility criteria listed in the program's guidelines. Preference will be given to District of Columbia-based artists. All District of Columbia based artists must possess a Citywide Clean Hands Certification at the time of application.

All eligible applications are reviewed through a competitive process. CAH will publish evaluation criteria and eligibility requirements in its forthcoming MuralsDC Request for Applications (RFA). All activities funded by the grant must be completed by September 30, 2018.

The RFA will be available electronically beginning February 22, 2018 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for this application is April 13, 2018.

For more information, please contact:

Keona Pearson
Public Art Program Coordinator
DC Commission on the Arts and Humanities
200 I (EYE) St. SE
Washington, DC 20003
(202) 724-5613 or Keona.Pearson@dc.gov

BRIDGES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****COMPUTER EQUIPMENT SUPPLY SERVICES**

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY 17-18

- Computer Equipment Supply Services

Proposals should be submitted in PDF format and for any further information regarding this notice to bids@bridgespcs.org no later than **4:00 pm Wednesday, February 21, 2018.**

BRIDGES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****SPECIAL EDUCATION COORDINATOR SERVICES**

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY 17-18

- Special Education Coordinator Services

Proposals should be submitted in PDF format and for any further information regarding this notice to bids@bridgespcs.org no later than **4:00 pm Tuesday, February 20, 2018**.

CEDAR TREE ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Multiples Services**

Cedar Tree Academy Public Charter School invites proposals for the following:

- 1. Legal Services – Real Estate**
- 2. Marketing Services**

Bid specifications may be obtained from our website at www.Cedartree-dc.org. Any questions regarding these bids must be submitted in writing to Lhenderson@Cedartree-dc.org before the RFP deadline. Bids must be submitted to Dr. LaTonya Henderson, Executive Director, Cedar Tree Academy PCS 701 Howard Road SE, Washington DC 20020.

Cedar Tree Academy will receive bids until Friday, February 23, 2018, no later than 2:00PM.

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Public Relations Editor

City Arts + Prep PCS solicits proposals for the following:

- **Public Relations Editor**

Proposals and requests for the full RFP should be emailed to bids@cityartspcs.org no later than 5:00 P.M., Tuesday, February 20, 2018.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in four (4) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 2A08, 3D07, 7F07 and 8C01

Petition Circulation Period: Monday February 12, 2018 thru Monday, March 5, 2018
Petition Challenge Period: Thursday, March 8, 2018 thru Wednesday, March 14, 2018

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
1015 Half Street, SE, Suite 750
Washington, DC 20003-3654**

For more information, the public may call **727-2525**.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections “Board” from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Angelica Castañon
Single-Member District 1A06

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**

**5119-5131 Nannie Helen Burroughs Ave. NE and 612 Division Ave. NE
Case No. VCP2017-054**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 5119 – 5131 Nannie Helen Burroughs Ave NE and 612 Division Ave NE is Nannie Helen Owners LLC, c/o NHP Foundation, 1090 Vermont Ave. NW, Washington, DC 20005. The application identifies the presence of Volatile Organic Compounds (VOC) in soil and groundwater. The applicant intends to redevelop the property into a six-story multi-use building.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-7C) for the area in which the property is located. The application is available for public review at the following location:

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

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

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

Please refer to Case No. VCP2017-054 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF FUNDING AVAILABILITY****2018 Boating Access Request for Partners**

The Department of Energy and Environment (the Department) seeks eligible entities to Select organizations to be funded to provide increased access to District waterways by recreational boaters. The amount available for the project is approximately \$400,000.00.

Beginning 2/9/2018, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to fwdrfa.grants@dc.gov with "Request copy of RFA 2018-1813-FWD" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Joanne Goodwin at (202) 535-1798 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Joanne Goodwin RE:2018-1813-FWD" on the outside of the envelope.

The deadline for application submissions is 3/5/2018, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to fwdrfa.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: fwdrfa.grants@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY

FY18 Green Building Fund - Deep Green Building

The Department of Energy and Environment (DOEE or the Department) seeks eligible entities to make available to the planning/design/construction community technical resources for the built environment that will accelerate the adoption of new technology, energy conservation measures, high-performance systems, and resilient design strategies. The amount available for the project for this fiscal year is \$100,000.00.

Beginning 2/9/2018, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

Email a request to greenbuildingrfa.grants@dc.gov with "Request copy of RFA 2018-1801-USA" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Jay Wilson at (202) 535-2460 and mention this RFA by name.

Write DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Jay Wilson RE:2018-1801-USA" on the outside of the envelope.

The deadline for application submissions is 3/9/2018, at 4:30 p.m. Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to greenbuildingrfa.grants@dc.gov.

Eligibility: All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to greenbuildingrfa.grants@dc.gov.

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS**NOTICE OF INTENT TO ACCEPT UNSOLICITED PROPOSALS – MARCH 1, 2018
TO APRIL 2, 2018**

The District of Columbia Office of Public-Private Partnerships (“DC OP3”), pursuant to the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228, D.C. Official Code § 2-271.01 *et seq.*) (“P3 Act”) and in accordance with the procedures set forth in Chapter 48 (Public-Private Partnerships) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (“P3 Rules”), hereby gives notice of its intent to accept unsolicited proposals for possible public-private partnership projects.

Interested parties should review the process for submitting unsolicited proposals, which are detailed in the DC OP3 Guidelines and Procedures (“P3 Guidelines”). The P3 Guidelines, along with several forms that must be included as part of an unsolicited proposal, are available at <http://op3.dc.gov/proposals>.

Unsolicited proposals will only be accepted between the hours of 9:00 a.m. EST and 4:00 p.m. EST on business days that the District of Columbia government is open beginning on **Thursday, March 1, 2018** and ending on **Monday, April 2, 2018**. Unsolicited proposals must be delivered by hand, by U.S. Mail, or by a delivery service. Only proposals meeting all of the requirements stated in the P3 Rules and P3 Guidelines and submitted during the times listed above will be considered for review by DC OP3.

Interested parties are encouraged to meet with the DC OP3 before submitting an unsolicited proposal. For additional information, please contact DC OP3 at op3@dc.gov or (202) 724-2128.

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF *CANCELLED* OPEN PUBLIC MEETING

The District of Columbia Retirement Board (DCRB) Open meeting scheduled for Thursday, February 15, 2018, at 1:00 p.m., has been cancelled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

SUSTAINABLE FUTURES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Filing of IRS 990 Form**

Sustainable Futures PCS, a 1st-year public charter school operating in Washington, D.C., is requesting proposals for the completion and filing of its IRS Form 990 for the fiscal year ended June 30, 2017. The fiscal year in question was the school's "planning year," and as such, it did not serve students during that time. The school prefers that the Form 990 be completed by an audit firm approved by the D.C. Public Charter School Board, as it sees this engagement as an opportunity to begin building a relationship with its eventual full-time audit firm.

During FY2017, the school had approximately \$578,000 in revenue, mostly consisting of one federal grant and one foundation grants, and \$612,000 in expenses, mostly consisting of personnel costs. Total year-end assets were \$110,000 and year-end liabilities were \$144,000. The school enrolled 46 students in 2017-18 and plans to enroll 215 students in 2018-19.

Competitive proposals should include:

- **Proposed fee for the FY2017 Form 990, as well as proposed fee structure to perform a full audit and complete the 990 for at least the next three fiscal years;**
- Evidence of the firm's qualifications to provide the requested services;
- Background and experience in completing 990s and auditing charter school clients;
- Size and organizational structure of your firm;
- Statement of firm's understanding of the work to be performed;
- Detail of billing rates and procedures for technical questions that may arise during the year, or whether these occasional services are covered in the proposed fee structure;
- Names of the partner, audit manager, and field staff who will be assigned to us;
- A copy of your firm's most-recent peer review report, the related letter of comments, and the firm's response to the letter of comments; and
- References and contact information from at least 3 public charter school clients.

Proposals are due by Monday, February 26, 2018. Submit your proposal in PDF format to Lauren Bryant (lbryant@sfpcsd.org) and cc Steven Sheffield (steven@ed-ops.com), our third-party accountant and finance specialist.

We would like data collection and/or field work for the 990 to begin by the last week of February, with the first draft finished by March 16. Following Finance Committee review, the final version must be submitted to the IRS by May 15.

If you have questions or would like further clarification on any aspect of this request, please direct your inquiry to Steven (steven@ed-ops.com).

TWO RIVERS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Video Production**

Two Rivers Public Charter School is soliciting proposals from qualified firms to produce videos that inspire educators to define, teach towards, and assess deeper learning. For a copy of the RFP, please email Sarah Richardson at procurement@tworiverspcs.org.

UNIVERSITY OF THE DISTRICT OF COLUMBIA

BOARD OF TRUSTEES

NOTICE OF PUBLIC MEETINGS

Regular Meetings of the Board of Trustees - 2018

Wednesday, February 21, 2018 – 6:00 p.m.

Wednesday, April 18, 2018 – 6:00 p.m.

Wednesday, June 6, 2018 – 6:00 p.m.

Wednesday, September 26, 2018 – 6:00 p.m.

Wednesday, November 7, 2018 – 6:00 p.m.

All meetings will be held in the Board Room, Third Floor, Building 39 at the University of the District of Columbia, Van Ness Campus, 4200 Connecticut Avenue, N.W., Washington, D.C. 20008. Information regarding the meetings, including the final agenda, will be posted to the University of the District of Columbia's website at www.udc.edu.

For additional information, please contact: Beverly Franklin, Executive Secretary, at (202) 274-6258 or bfranklin@udc.edu.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, February 22, 2018 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|------------------------------------|------------------------------|
| 1. | Call to Order | Chairman |
| 2. | January 2018 Financial Report | Director of Finance & Budget |
| 3. | Agenda for March Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, February 20, 2018 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dewater.com.

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

DRAFT AGENDA

- | | | |
|----|---------------------|-------------------------|
| 1. | Call to Order | Committee Chairman |
| 2. | Monthly Updates | Chief Financial Officer |
| 3. | Committee Work plan | Chief Financial Officer |
| 4. | Other Business | Chief Financial Officer |
| 5. | Adjournment | Chief Financial Officer |

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

Appeal No. 19274-A of Advisory Neighborhood Commission 3D, pursuant to 11 DCMR §§ 3100 and 3101,¹ from a March 24, 2016 determination letter issued by the Zoning Administrator, Department of Consumer and Regulatory Affairs, pertaining to the proposed redevelopment of the Spring Valley Shopping Center, located at the 4800 block of Massachusetts Avenue, N.W. in the C-2-A Zone (Square 1500, Lots 1-3).

HEARING DATES: June 14, 2016, June 28, 2016, and July 6, 2016²

DECISION DATE: July 6, 2016

CORRECTED³ ORDER DENYING APPEAL

This appeal was submitted on April 4, 2016 by the Advisory Neighborhood Commission (“ANC”) 3D, to challenge a letter issued by the Zoning Administrator (“ZA”), at the Department of Consumer and Regulatory Affairs (“DCRA”), issued March 24, 2016, determining that a proposed redevelopment of the Spring Valley Shopping Center was compliant with the parking requirements of the Zoning Regulations (“Determination Letter”). Following a full public hearing, the Board of Zoning Adjustment (the “Board”) voted to affirm the decision of the ZA and deny the appeal.

PRELIMINARY MATTERS

Notice of Public Hearing

The Office of Zoning scheduled a hearing on June 14, 2016. In accordance with 11 DCMR §§ 3112.13 and 3112.14, the Office of Zoning mailed notice of the hearing to the Appellants, to

¹ All references to Title 11 DCMR within the body of this order are to provisions that were in effect on the date the case was decided by the Board of Zoning Adjustment (the “1958 Zoning Regulations”), but which were repealed as of September 6, 2016 and replaced by new text (the “2016 Zoning Regulations”). The repeal and adoption of the replacement text has no effect on the validity of the Board’s decisions in this case or of this order.

² The initial hearing was administratively rescheduled to June 28, 2016, then the hearing was postponed to July 6, 2016 at the Appellant’s request.

³ This order is issued to correct the reference to the Appellant on page 10 of the original order. It is ANC 3D, not ANC 3C. In all other respects, the order remains the same as Order No. 19274.

DCRA, and to the owner of the subject property, Washington Real Estate Investment Trust (“REIT”) (“the Owner”).

Parties

Appellant

The Appellant is ANC 3D, the ANC for the area within which the property that is the subject of the appeal is located. The Appellant was represented by the ANC Chairperson, Thomas M. Smith.

DCRA

DCRA was represented by its Office of the General Counsel, Maximillian Tondro, Esq. The Zoning Division of DCRA is headed by the Zoning Administrator (“ZA”), Matthew LeGrant, and is charged with administering the Zoning Regulations. Mr. LeGrant issued the Determination Letter in question and testified at the public hearing on behalf of DCRA.

Property Owner

As the owner of the subject property, Washington REIT is automatically a party under 11 DCMR § 3199.1, and will be referred to as the Owner. The Owner was represented by Goulston & Storrs, Allison Prince, Esq. and Christine Roddy, Esq.

ANC 3D Report

In a resolution dated February 2, 2016, issued after a regularly scheduled meeting with a quorum present, the ANC voted to appeal “any decision by the [ZA] to issue permits without first requiring [the Owner] to file and secure a parking variance from the BZA.” (Exhibit 5.) Prior to the appeal being heard, the ANC made an additional filing in which it amplified its statement for challenging the ZA’s Determination Letter of March 24, 2016. (Exhibit 27.) Because the ANC is the appellant in this case, the ANC participated fully during the appeal.

Motion to Intervene

On June 9, 2016, the Spring Valley-Wesley Heights Citizen Association filed a Motion to Intervene as a party in support of the appeal. (Exhibit 24.) However, at the public hearing on July 6, 2016, Jeffrey Kraskin, the Citizen Association’s representative, agreed to join with the ANC in making its case to the Board. (Hearing Transcript “Tr.,” p. 8.)

FINDINGS OF FACT

The Property

1. The property which is the subject of this appeal is known as the Spring Valley Shopping Center (“the Property”).
2. The Property consists of three lots (Lots 1, 2, and 3) which comprise the entirety of Square 1500.
3. The Property is in the C-2-A Zone District.
4. The Property was designated as a historic landmark by the District of Columbia Historic Preservation Review Board (“HPRB”) on July 19, 1989.
5. The Property currently has five buildings, three of which are attached (buildings located at 4872, 4866 and 4860 Massachusetts Avenue), totaling approximately 75,265 sf gross floor area spread over the three record lots. The remainder of the land area provides accessory parking spaces. The buildings and parking were constructed prior to the adoption of the 1958 Zoning Regulations, which became effective in May 12, 1958.
6. The Owner intends to combine the three existing record lots into a single record lot, and construct a new infill building of approximately 15,159 total sf gross floor (“the Addition”) to be devoted to retail uses.
7. The Property currently has 72 parking spaces, eight of which extend into the public space along 49th Street, N.W. The Owner proposed to provide 65 parking spaces entirely within the Property’s new lot lines.

The Parking Issues

A. Whether additional spaces are needed.

8. Pursuant to 11 DCMR § 2101.1 the off-street parking spaces required for the Addition’s retail use is “[i]n excess of 3,000 sq. ft., 1 for each additional 300 sq. ft. of gross floor area and cellar floor area.” With a proposed square footage of 15,159, the Addition would ordinarily be required to provide 41 new parking spaces.
9. However, § 2120.3 provides that “a historic resource and any additions thereto are exempt from providing additional parking unless: (a) the gross floor area of the historic resource is being increased by 50% or more, and (b) where parking requirement attributable to the increase in gross floor area is at least four (4) spaces.”

10. Having been landmarked, the Property is a “historic resource” within the meaning of 11 DCMR § 2120.2,⁴ and the Addition is an “addition thereto.”
11. As to the two circumstances that preclude the Addition from the exemption, the first condition does not apply because the new square footage is far less than 50% of the Property’s existing gross floor area.
12. The Appellant notes that exemption does “not apply to new unattached structures constructed on the same lot as a historic resource,” (11 DCMR § 2120.1), and contends that the Addition meets that description.
13. The Owner submitted into the record a portion of the plans and elevations for the project submitted to Historic Preservation Review Board as part of the Owner’s application for conceptual review (“the HPRB Plans”).
14. The HPRB Plans show that the facade of the Addition would be fastened to the 4860 Massachusetts Avenue building through mortar joints (Details 2 and 5 on Sheet A3.01 of the plans, contained in Attachment B to Exhibit 25, of the Owner’s Pre-Hearing Statement.).
15. After the HPRB granted its conceptual approval, but before the issuance of the Determination Letter, the Owner and its legal Counsel met with the ZA to confirm the validity of its proposed parking plan.
16. The ZA was not provided with the HPRB plans, but was furnished with a land title survey, an “Existing Site Plan” dated September 25, 2015 and a “Proposed Site Plan.”
17. The Proposed Site Plan showed that the Addition would be attached to the 4860 Massachusetts Avenue building.
18. At the hearing, the ZA indicated that he “looked at those plans and ... said, okay ... I don't see any gaps between portions of the structure that ... did not have a level of detail that of course we see today. But my recollection is it was presented to me as attached and I didn't dwell too much on that point at that point in time.” (Tr., pp. 55-56.) The ZA explained that “later at the building permit stage this will have to be verified.” (Tr., p. 54.)⁵

⁴ 2120.2 For the purposes of this section, a historic resource is a building or structure listed in the District of Columbia Inventory of Historic Sites or a building or structure certified in writing by the State Historic Preservation Officer as contributing to the character of the historic district in which it is located.

⁵ Because this and other determination letters are non-binding, the Board has held that they are subject to being dismissed. *See* Appeal No. 18522 of Washington Harbour Condominium Unit Owners’ Association. The Board dismissed Appeal No. 18522 based upon the ZA’s representation that “at the time a building permit application and

19. The ZA's complete ruling on the exemption issue is as follows:

Pursuant to Section 2120.3 of the Zoning Regulations, an addition to 'a historic resource' does not trigger a parking requirement unless the gross floor area of the historic resource is increased by at least 50% and the increase triggers a requirement of at least 4 spaces. Under Section 2120.2, the 'historic resource' is that listed in the D.C. Inventory - in this case, 'Square 1500' or the entire Property of the five existing buildings. The Addition consists of approximately 15,159 square feet, which increases the Property's existing 75,265 square foot gross floor area by just over 20%, far below the 50% threshold established by Section 2120.3. Therefore, the Addition does not trigger a parking requirement under Section 2101.1, as I previously confirmed in my Letter dated January 15, 2015.

(Exhibit 27.)

20. The land survey, the Existing Site Plan, and the Proposed Site Plan were attached to the letter.
21. Although the ZA made no explicit finding as to whether the Addition would be attached, the Board concludes from his testimony that the ZA made that finding, subject to future verification, and that the finding formed a basis for the Determination Letter.

B. Whether the parking spaces now provided are being reduced.

22. Subsection 2100.1 provides in pertinent part that "all buildings or structures erected on or after May 12, 1958 [i.e. the effective date of the 1958 Zoning Regulations] shall be provided with parking spaces to the extent specified in § 2101."
23. Although § 2101.1 grandfathered properties with less than the number of parking spaces that became required as of May 12, 1958, the Zoning Regulations also required that "if the existing number of parking spaces *now provided* is less than or equal to the minimum number of parking spaces *now required* by this chapter, the number of parking spaces cannot be reduced." (Emphasis added).
24. For the reasons stated in the conclusions of law, the Board concludes the phrases "now provided" and "now required" refer to parking provided and required as of May 12, 1958.

plan set is submitted, even in the case where there was a prior determination letter ... that application [gets] the same thorough vetting analysis." However, since neither DCRA nor the Owner moved to dismiss the instant appeal, the Board heard and decided it, but reserves its right to dismiss similar appeals in the future whether or not a motion is made.

25. The parties agree that as of May 12, 1958, the number of parking spaces that served the buildings on the Property was less than required by § 2101.1.
26. The parties also agree that: (a) as of May 12, 1958, eight of these spaces extended beyond the Property's front lot line on to the public space along 49th Street; (b) that this configuration exists at present; (c) that a public space permit was and still is required for the occupation of such public space; and (d) no public space permit has been issued for the eight spaces.
27. The parties further agree that these eight spaces do not comply with the Zoning Regulations. (Tr., pp. 15-16, and 31.)
28. As previously found, the Owner met with the Zoning Administrator to discuss its proposed parking plan. At that meeting, the ZA was provided an Existing Site Plan showing September 25, 2015 and a Proposed Site Plan.
29. The Existing Site Plan showed 64 parking spaces within the Property's lot lines and eight parking spaces extending into the public right of way. The Proposed Site Plan, in addition to showing that the Addition would be attached, showed 65 parking spaces located entirely within the Property's lot lines. The Owner asked the ZA to confirm that the eight spaces shown on the "Existing Site Plan" as extending into the public space should not be counted towards "the existing number of parking spaces now provided."
30. In the Determination Letter, the Zoning Administrator stated that he "agreed that the eight spaces that straddle the street lot line along 49th Street, and which intrude partly into the public right of way do not count as existing parking subject to Section 2100.10." He concluded that the "spaces violate at least the intent of Section 2116.4's bar on parking between street lot lines and the nearest building facades⁶ and lack the requisite public space permit." The ZA thus concluded that "the number of existing parking spaces required to be retained under Section 2100.10(a) on the Property is 64." Since that was less than 65 spaces shown in the Proposed Parking Plan, the ZA concluded the plan would comply with the Zoning Regulations.
31. At the hearing, the ZA noted that his decision not to count noncompliant parking spaces against a building's minimum parking requirement is a longstanding practice and through

⁶ Subsection 2116.4 provides:

2116.4 Parking spaces shall not be located in the following areas:

- (a) Between a building restriction line and a lot line abutting a street; or
- (b) Except in an Industrial District or a building used solely as a parking attendant shelter, between a lot line abutting a street and the more restrictive of either a building façade or a line extending from and parallel to a building façade.

prior experience learned that the District Department of Transportation (DDOT) will require the removal of parking spaces that extend from private property onto public space when redevelopment occurs. (Tr., p. 50.)

32. In an email dated June 24, 2016 to the Owner's legal counsel, a DDOT Senior Transportation Planner/Engineer confirmed that the Owner was advised by DDOT that the eight parking spaces that intruded into the public space violate District regulations and that the Owner was expected (and had agreed) to remove them.
33. The Board finds that the 2015 Existing Site Plan provides the best evidence of the parking that was provided on the Property as of May 12, 1958.
34. The Appellant claims that there were at least 80 spaces at that time based upon aerial photographs it claims were taken in 1957 and 1963. (Exhibit 10.) However, these photographs do not show sufficient detail to support the assertion.
35. The Appellant has submitted "Engineering Designs" in support of its claim that in 1987 the Property had (plus or minus) 76 spaces. Although one of the documents states "Existing Spaces 76," there is no evidence that such spaces ever existed and none of the spaces depicted extend into the 49th Street right-of-way. That same document also states "Proposed Spaces 90," but no evidence was presented showing the plan's implementation and the Board credits the Owner's assertion that it was not.

C. Whether bicycle spaces are required.

36. The minimum bicycle parking requirements of § 2119.2 are tied to an automobile parking requirement. Since the ZA's Determination Letter found (as does the Board) that the Addition is exempt from providing additional automobile parking spaces, the ZA found that the § 2119.2 requirement does not apply either.

CONCLUSIONS OF LAW

The Board is authorized by the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to hear and decide appeals when it is alleged by the appellant that there is an error in any decision made by an administrative officer in the administration of the Zoning Regulations. (11 DCMR §§ 3100.2 and 3200.2.) In an appeal, the Board may reverse or affirm, in whole or in part, or modify the decision appealed from. (11 DCMR § 3100.4.) After considering the pleadings, the evidence in the record and the argument by the parties, the Board is not persuaded by the Appellant that the ZA erred in finding the proposed parking plan to be valid.

The Addition is exempt from providing additional parking under § 2120.3

The Appellant does not contest that the Addition is a historic resource or that it will increase the gross floor area of the existing buildings on the landmarked site by 50% or more. Rather, the Appellant contends that the exemption is not available because the Addition is a “new unattached structure” within the meaning of § 2120.1. Although the proposed infill development is certainly new, it is also definitely attached.

The terms “attached” and “unattached” are not defined in the Zoning Regulations. Therefore, under § 199.2 of the Regulations, the Board must apply the definition contained in Webster’s Unabridged Dictionary.⁷

The definition of “attached” in Webster’s includes the concepts of “fastening”, “joining”, and “connecting”. As the plans and elevations approved by HPRB show, the facade of the Addition will be fastened to the 4860 Massachusetts Avenue building by mortar joints. (*See*, Finding of Fact 14.) However, the ZA’s finding that the exemption was available was not based upon these plans, but the Proposed Site Plan. Although the Proposed Site Plan did not show the degree of detail as the HPRB Plans entered in the record of this case, the Proposed Site Plan clearly showed that the new and existing buildings would be attached. In any event, the Appellant did not object to the introduction of the HPRB Plans. And although the Board’s decision remains primarily based upon the facts available to the ZA at the time the Determination Letter was issued, such additional materials “have proven useful in ‘confirming our view as to the proper disposition of this case.’” *Appeal No. 16998 of Advisory Neighborhood Commission 5B* (2004), quoting, *George Washington University v. D.C. Board of Zoning Adjustment*, 831 A.2d 921, 945 n22 (2003).

Thus, the Board concludes that the Addition is not a “new unattached structure” within the meaning of § 2120.1 and the parking exemption therefore applies.

The ZA correctly determined that 64 existing parking spaces were being provided.

As noted in the finding of facts, § 2100.10(a) disallows the reduction of existing parking spaces “now provided” when a property’s parking is less than what the Zoning Regulations “now required.” The provision became effective on May 12, 1958. Therefore, the phrases “now provided” and “now required” either refer to that date or the date upon which the Zoning Administrator determines compliance with the provision. To find that the latter date applies would mean that an Owner could at any point after 1958 reduce the parking on its property and

⁷ At the public hearing, Appellant argued that, instead of utilizing Webster’s as a guide, the Board should look to various definitions in the 2016 Zoning Regulations (regulations which were adopted, but not yet in effect at the time of the hearing), and zoning regulations from Philadelphia and a county in California. (Tr., p. 20) to conclude that the addition would be “unattached.” However, as explained, that would be contrary to the directive in § 199.2 of the zoning regulations in effect when the Determination Letter was issued. Further, the Board would have been ill advised to rely upon regulations that were not in effect, particularly since the Commission made over 100 changes to the adopted rules prior to September 6 effective date. *See* Z.C. Orders 08-06C through E.

then later claim that the reduced parking should be considered the spaces “now provided.” The point of § 2100.10 is to freeze grandfathered parking as of the date increased parking became required. And for this site, that date is May 12, 1958.⁸

The Appellant claims that this benchmark date is superseded by § 2120.4, which provides that “[a]ny parking provided for a historic resource in excess of that which existed at the time the historic resource was listed in the District of Columbia Inventory of Historic Sites or the historic district was created shall be exempt from § 2115, and §§ 2117.5 and 2117.6.” The Board agrees with DCRA that the date that a property is listed in the registry is only germane to the limited exemption § 2120.4 provides from certain location and size requirements and does not alter the benchmark time for determining whether a property is providing less parking than required and what the existing parking is.

Although the Appellant focused on the parking in existence as of the Property’s listing date, it did argue that approximately 80 spaces were in existence as of May 12, 1958. The proffered aerial photographs are not sufficiently clear to demonstrate what parking existed on that date. The 1987 plans purporting to show 76 existing spaces and 90 proposed spaces were conceptual in nature and never effectuated. Indeed, the plans do not show any spaces extending into the 49th Street right-of-way, even though Appellant agrees that this configuration existed long before 1958 and has not changed since.

The earliest evidence in the record that unequivocally shows the parking that existed on the Property is the 2015 Existing Site Plan, which shows an existing parking layout of 72 spaces, with eight of those spaces partially within the public space right-of-way along 49th Street. The Appellant does not dispute that those eight spaces violate both the Zoning and Public Space Regulations. Nevertheless, the Appellant claims that these spaces should be counted as “now provided” claiming that it is counterintuitive to ignore a parking space based upon its legal status, particularly when doing so absolves an owner of the need to seek variance relief.

The Board agrees with the Zoning Administrator that the Zoning Regulations should be applied in a consistent manner. The Board further finds that the ZA has customarily refused to count noncompliant spaces towards a property’s parking requirement. The ZA explained that it is often the case after a property is purchased for redevelopment, the new owner discovers that some of the parking spaces extend into public space. The ZA indicated that based upon his experience he knows “that in the course of the redevelopment, when they get to public space they’re not going to be allowed.” (Tr., p. 40.) Therefore, when presented with a development with parking spaces that extend into the public space, the Owner is told “to take those off their count and they revise their plans to show that they’re eliminated. That’s just been my practice. Not only in this case, but in other cases.” *Id.*

⁸ The Board has reviewed its prior decisions involving § 2100.10 and found all but one to be summary orders, and the one full order granted relief from the provision without determining the applicable timeframe.

This is a reasonable interpretation of the Zoning Regulations and should be consistently applied, both when additional parking is required or, as in the case here, when the property is exempt from compliance.

No bicycle parking is required at the Property.

Lastly, the Appellant claims that the parking plan does not provide for the required bicycle parking. Again, the Appellant is incorrect. No bicycle parking is required under the Zoning Regulations. Subsection 2119.2 of the Regulations requires bicycle parking spaces equal to at least five percent (5%) of the number of parking spaces required under § 2101.1 (the parking schedule). However, as discussed previously, as a historic resource, the Property is exempted from providing additional parking spaces under § 2120.3.

ANC Great Weight.

The Board is required to give “great weight” to the issues and concerns raised by the affected ANC (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code §1.309.10(d) (2012 Repl.)).) In this case, ANC **3D** was the appellant and submitted a resolution in support of the appeal. For the reasons discussed above, the Board does not find the ANC’s advice to be persuasive.

Based on the evidence of record and the submissions of the parties, the Board concludes that DCRA did not err when it issued its Determination Letter finding that the proposed parking plan did not require zoning relief. It is therefore **ORDERED** that the ZA’s determination is **SUSTAINED**, and this appeal is **DENIED**.

It is therefore **ORDERED** that this appeal is hereby **DENIED**.

VOTE: **3-1-1** (Frederick L. Hill, Anita Butani D’Souza, Jeffrey L. Hinkle to DENY the Appeal and SUSTAIN the Zoning Administrator’s decision; Robert E. Miller opposed to the motion; Marnique Y. Heath not participating.)

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

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

FINAL DATE OF ORDER: January 31, 2018

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

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

Application No. 19655 of Benjamin Flowers, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle G § 1200 from the lot occupancy requirements of Subtitle G § 404.1 and from the side yard requirements of Subtitle G § 406.2, and under Subtitle G § 1201 from the rear yard requirements of Subtitle G § 405.2, and pursuant to 11 DCMR Subtitle X, Chapter 10, for a variance from the nonconforming structure requirements of Subtitle C § 202.2, to construct a two-story rear addition to an existing one-family dwelling in the MU-4 Zone at premises 508 7th Street S.E. (Square 903, Lot 23).

HEARING DATES: December 20, 2017 and January 31, 2018
DECISION DATE: January 31, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 45 (Revised); Exhibit 13 (Original).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on December 12, 2017, at which a quorum was present, the ANC voted 10-0-0 to support the application. (Exhibit 37.) Though the ANC's written report was in reference to the originally-requested relief, the Applicant submitted confirmation from the ANC's Planning and Zoning Committee Chair

¹ The Applicant originally requested relief for nonconforming structure under Subtitle C § 202.2 as a special exception, (Exhibit 13.) but amended the application to request area variance relief from this provision based on an interpretation from the Office of Attorney General at the public hearing on December 20, 2017. The caption has been revised accordingly.

acknowledging the amendment of the application and indicating that a further presentation before the ANC is not necessary. (Exhibit 44.)

The Office of Planning (“OP”) submitted a timely report recommending approval of the application. (Exhibit 35.) OP also submitted a supplemental report recommending approval of the amended application. (Exhibit 43.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 32.)

Both adjacent property owners submitted letters of support to the record. (Exhibits 33 and 34.)

Variance Relief

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 an area variance from the nonconforming structure requirements of Subtitle C § 202.2, to construct a two-story rear addition to an existing one-family dwelling in the MU-4 Zone.

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 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.

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 special exceptions under Subtitle G § 1200 from the lot occupancy requirements of Subtitle G § 404.1 and from the side yard requirements of Subtitle G § 406.2, and under Subtitle G § 1201 from the rear yard requirements of Subtitle G § 405.2.

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 §§ 1200, 404.1, 406.2 and 1201, 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.

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. Pursuant to 11

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 16, WITH SHEET C-2 AS REVISED BY EXHIBIT 41.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White and Peter G. May, to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: February 1, 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. 19669 of David Benjamin Douglas, 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, and from the rear yard requirements of Subtitle D § 306.2, and under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, to construct a two-story rear addition to an existing one-family dwelling in the R-3 Zone at premises 2339 3rd Street, N.E. (Square 3558, Lot 51).

HEARING DATE: January 24, 2018

DECISION DATE: January 24, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6, original; Exhibits 13 and 33, revised¹.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 5E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 16, 2018, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 38.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 36.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that, the Applicant's request will have no adverse impacts on the travel conditions of the District's

¹ The revised self-certification forms revised the computations page, but did not amend the relief requested in the application.

transportation network as long as parking is not being accessed from the sidewalk. DDOT stated that it had no objection to the approval of the application on the condition that the Applicant remove the existing paving in public space and ensure that parking is done from the alley only. (Exhibit 35.)

In response to DDOT's concerns, the Applicant submitted a TDM Plan agreeing to DDOT's condition to remove the existing paving in public space and ensure parking access is done from the alley. (See Exhibit 39.)

Letters were submitted into the record from the ANC Single Member District Commissioner for 5E10 and three other neighbors in support of the application. (Exhibit 10.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle D § 5201 from the lot occupancy requirements of Subtitle D § 304.1, from the rear yard requirements of Subtitle D § 306.2, and under Subtitle C § 703.2 relief from the minimum parking requirements of Subtitle C § 701.5, to construct a two-story rear addition to an existing one-family dwelling in the R-3 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle D §§ 5201, 304.1, and 306.2, and Subtitle C §§ 703.2 and 701.5, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 8 – ARCHITECTURAL PLANS AND ELEVATIONS - AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall implement the Transportation Demand Management plan in Exhibit 39 of the record.

VOTE: 3-0-2 (Frederick L. Hill, Peter A. Shapiro, and Carlton E. Hart to APPROVE; Lesylleé M. White not present, not voting; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: January 29, 2018

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

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

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITION 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 CONDITION 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.

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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. 19673 of Kim Ball, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the rear addition requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-3 Zone at premises 407.5 4th Street S.E. (Square 793, Lot 12).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: January 24, 2018 (Expedited Review Calendar)

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on January 9, 2018, at which a quorum was in attendance, ANC 6B voted 7-0-0 to support the application. (Exhibit 36.)

The Office of Planning ("OP") submitted a timely report, dated January 12, 2018, in support of the application. (Exhibit 35.) The District Department of Transportation ("DDOT") submitted a timely report, dated January 10, 2018, expressing no objection to the approval of the application. (Exhibit 30.) The Architect of the Capitol submitted a letter, dated January 17, 2018, expressing no objection to the application. (Exhibit 37.)

One letter of support from the resident of 407 4th Street, S.E. was submitted to the record. (Exhibit 12.) A letter of support for the application from the Capitol Hill Restoration Society was also submitted to the record. (Exhibit 31.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the rear addition requirements of Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family dwelling in the RF-3 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2, and Subtitle E §§ 5201, 304.1, and 205.4, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

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

VOTE: **3-0-2** (Frederick L. Hill, Lesylleé M. White, and Carlton E. Hart to APPROVE; Peter A. Shapiro, not participating, not voting; one Board seat vacant).

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

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

FINAL DATE OF ORDER: January 25, 2018

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

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

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

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

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

Application No. 19676 of Coresite 1099 14th Street, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(a) & (b) to construct rooftop mechanical equipment and screening on an existing office building in the D-6 Zone at premises 1099 14th Street N.W. (Square 248, Lot 75).

HEARING DATE: January 24, 2018

DECISION DATE: January 24, 2018

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator, certifying the required relief. (Exhibits 5 (original) and 40A (revised).)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 2F and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. The ANC submitted a timely report recommending approval of the application. The ANC’s report resolution indicated that at a regularly scheduled, properly noticed public meeting on December 6, 2017, at which a quorum was present, the ANC voted 6-0-1 to support the application. (Exhibit 30.)

The Office of Planning (“OP”) submitted a timely report in support of the application. (Exhibit 38.)

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 36.)

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 § 1504 from the penthouse setback requirements of Subtitle C § 1502.1(a) & (b) to construct rooftop mechanical equipment and screening on an existing office building in the D-6 Zone. The only parties to the case were the Applicant and the ANC. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP 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 C §§ 1502.1 (a) and (b), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

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

VOTE: **3-0-2** (Carlton E. Hart, Frederick L. Hill, and Peter A. Shapiro to APPROVE;
Lesylleé M. White, not present; and one Board seat vacant.)

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

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

FINAL DATE OF ORDER: January 25, 2018

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

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, 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

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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. 19678 of St. Patrick's Episcopal Day School, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the use regulations of Subtitle U § 203.1(l) and under Subtitle C § 1504 from the penthouse requirements of Subtitle C § 1502.1, to construct a new play area/sports deck on the campus of an existing private school in the R-1-B Zone at premises 4701 Whitehaven Parkway N.W. (Square 1374, Lot 857).

HEARING DATE: January 31, 2018
DECISION DATE: January 31, 2018

SUMMARY ORDER

SELF-CERTIFICATION

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. The ANC submitted a written report indicating that at a regularly scheduled, properly noticed public meeting on January 10, 2018, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 32.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application, subject to the conditions of the most recent Order issued for the Subject Property, Order No. 18465, and four additional conditions. (Exhibit 29.) The Applicant accepted the additional conditions proposed by OP, and accordingly, those conditions were incorporated into the Applicant's revised plans (Exhibits 34 and 35) or adopted as part of this Order. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 30.)

One letter in support was submitted to the record from The Lab School of Washington. (Exhibit 31.)

As directed by 11 DCMR Subtitle X § 901.3, the Board required the Applicant to satisfy the burden of proof pursuant to Subtitle X § 901.2, for special exceptions under the use regulations of Subtitle U § 203.1(l) and under Subtitle C § 1504 from the penthouse requirements of Subtitle C § 1502.1.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle U § 203.1(l), and Subtitle C §§ 1502.1 & 1504, 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.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 35 AND WITH THE FOLLOWING CONDITIONS:**

1. The number of students shall not exceed 485. This enrollment cap shall apply to Nursery through Grade 8 located on the Whitehaven Campus. The total number of staff and faculty shall not exceed 105 persons.
2. The Applicant shall file an annual report with the Advisory Neighborhood Commission indicating the total number of faculty and staff, with a breakdown showing how the number of employees is no greater than 105 persons.
3. The Applicant shall hold quarterly meetings with the Advisory Neighborhood Commission and the community.
4. The evergreen buffer required by Order No. 14009, as amended, will be maintained to mitigate the visual and aural effects of the gymnasium approved in Order No. 16517.
5. There will be no exterior lighting of the gymnasium except that required for security and identification purposes.

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6. No light fixture attached to the gymnasium or installed in the adjacent parking lot shall be visible from an occupied level of a Berkeley Terrace residence.
7. There will be no lighting of the playing field. Any lighting of the parking lot will be installed such that the rays are directed toward the surface of the lot to avoid an impact on adjacent properties.
8. There will be no sound systems installed outside. Portable sound systems may be used only in connection with school and church events and only during daytime hours, subject to reasonable limitations (or instruction to the coaches or masters of ceremony).
9. The gymnasium roof shall remain free of any fixtures or attachments, such as lights, HVAC equipment, antennas and satellite dishes.
10. St. Patrick's shall install and maintain evergreen trees along the southern edge of the playing field.
11. The school facilities shall be used for school and church purposes only except that non-profit 501(c)(3) organizations, such as community groups, may use school facilities subject to a maximum of three times a month. On Saturdays, Sundays, and holidays, the playing field may be used for school or church purposes. Use by non-school, non-church organizations during this time shall be limited to once per month.
12. There shall be a 6:00 p.m. curfew on the use of the playing field.
13. No stadium seating or bleachers shall be constructed either of a temporary or a permanent nature or shall be installed on the playing field level.
14. The Applicant shall close the pedestrian curb cut on the Whitehaven Parkway lay-by within two years of the issuance of a certificate of occupancy reflecting the increase in the student enrollment cap.
15. The Applicant shall install at least one inverted bicycle U-rack at the main building entrance.
16. The Applicant shall install at least five inverted bicycle U-racks in the parking garage.
17. The Applicant shall provide a sidewalk on the south side of Whitehaven Parkway for the portion of property immediately abutting the School. The sidewalk shall be provided within two years of issuance of a certificate of occupancy reflecting the increase in student enrollment.
18. The screen shall be covered with a material or vegetation to visually lessen the starkness of the metal as viewed from Whitehaven Parkway.

19. Lighting for the parking and the play area/sports deck shall be downward focused and limited to that required for security purposes.
20. No light fixture attached to the play area/sports deck shall be visible from any occupied level of a Berkeley Terrace residence.

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White and Peter G. May, to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: February 1, 2018

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

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

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF

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ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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