



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing on Bill 23-41, Taxpayer Advocate Act of 2019
- Department of Behavioral Health revises reimbursement rates for Adult Substance Abuse Rehabilitation Services (ASARS)
- Department of Behavioral Health announces funding availability for expanding peer recovery support services and access to opioid use disorder (OUD) treatment
- Department of Energy and Environment extends the public comment period for the Underground Storage Tank Regulations
- Department of Health updates the list of Schedule V Drugs
- Office of the Deputy Mayor for Planning and Economic Development schedules public hearings for disposition of two properties
- D.C. Water and Sewer Authority adds new fees for events and equipment, fats oil and grease (FOG) facility, and Cross-Connection/Backflow Prevention

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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The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

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MURIEL E. BOWSER
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ADMINISTRATOR

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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**

B23-139	Capitol Hill Arts Workshop Lease Renewal Authorization Act of 2019 Intro. 02 - 12 - 2019 by Councilmember Allen and referred sequentially to the Committee on Facilities and Procurement and the Committee on Business and Economic Development
B23-140	Uniform Partition of Heirs' Property Act of 2019 Intro. 02 - 12 - 2019 by Councilmember Allen and referred to the Committee on Judiciary and Public Safety
B23-141	Uniform Fiduciary Access to Digital Assets Act of 2019 Intro. 02 - 12 - 2019 by Councilmember Allen and referred to the Committee on Judiciary and Public Safety
B23-143	Department of General Services Procurement Authority Amendment Act of 2019 Intro. 02 - 14 - 2019 by Chairman Mendelson and referred to the Committee on Facilities and Procurement
B23-145	District of Columbia Psychology Interjurisdictional Compact Act of 2019 Intro. 02 - 19 - 2019 by Councilmembers Nadeau, Grosso, Silverman, Gray, and Cheh and referred sequentially to the Committee on Health and the Committee of the Whole
B23-146	Open Movie Captioning Requirement Act of 2019 Intro. 02 - 19 - 2019 by Councilmembers Allen, R. White, Silverman, Bonds, Grosso, Nadeau, and Evans and referred to the Committee of the Whole

B23-147 Office on Deaf and Hard of Hearing Establishment Amendment Act of 2019

Intro. 02 - 19 - 2019 by Councilmembers Allen, R. White, Evans, Grosso, Nadeau, and Bonds and referred to the Committee on Government Operations with comments from the Committee on Health

B23-148 Transportation Benefits Equity Amendment Act of 2019

Intro. 02 - 19 - 2019 by Councilmembers Allen and Cheh and referred to the Committee on Transportation and the Environment

B23-149 Fair Tenant Screening Act of 2019

Intro. 02 - 19 - 2019 by Councilmember T. White and referred to the Committee on Government Operations with comments from the Committee on Housing and Neighborhood Revitalization

B23-150 Dyslexia and Other Reading Disabilities Screening and Prevention Pilot Program Act of 2019

Intro. 02 - 19 - 2019 by Councilmembers Todd, Allen, Evans, Nadeau, and Bonds and referred sequentially to the Committee on Education and the Committee of the Whole

B23-151 Blind Students Literacy and Education Rights Act of 2019

Intro. 02 - 19 - 2019 by Councilmembers Todd, Grosso, Nadeau, Allen, and Bonds and referred sequentially to the Committee on Education and the Committee of the Whole

PROPOSED RESOLUTIONS

PR23-113 Board of Library Trustees Leif Dormsjo Confirmation Resolution of 2019

Intro. 02 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR23-114 Board of Library Trustees Shanel Anthony Confirmation Resolution of 2019

Intro. 02 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR23-115 Board of Library Trustees Victor Reinoso Confirmation Resolution of 2019

Intro. 02 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR23-116 Health Benefit Exchange Authority Executive Board Tamara L. Watkins Confirmation Resolution of 2019

Intro. 02 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR23-117	Commission on Health Equity Lori Kaplan Confirmation Resolution of 2019 Intro. 02 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
PR23-118	Board of Dietetics and Nutrition Kimberly Thompson Confirmation Resolution of 2019 Intro. 02 - 11 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
PR23-120	District of Columbia Board of Ethics and Government Accountability Charles Nottingham Confirmation Resolution of 2019 Intro. 02 - 13 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
PR23-122	Food Policy Council Evangelos (Spike) Mendelsohn Confirmation Resolution of 2019 Intro. 02 - 14 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
PR23-123	Food Policy Council Emil Reyes Confirmation Resolution of 2019 Intro. 02 - 14 - 2019 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

**COUNCIL OF THE DISTRICT OF COLUMBIA
ABBREVIATED NOTICE OF PUBLIC HEARINGS
AGENCY PERFORMANCE OVERSIGHT HEARINGS
FISCAL YEAR 2018-2019**

2/19/2019

SUMMARY

February 4, 2019	Committee of the Whole Public Briefing on the Fiscal Year 2018 Comprehensive Annual Financial Report (CAFR) at 1:30 p.m. in Room 500
February 6, 2019 to March 1, 2019	Agency Performance Oversight Hearings on Fiscal Year 2018-2019

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2018 and FY 2019. The hearings will begin Wednesday, February 6, 2019 and conclude on Friday, March 1, 2019 and will take place in the Council Chamber (Room 500), Room 412, Room 123, and Room 120 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the committee at which you are testifying. If a written statement cannot be provided prior to the day of the hearing, please have at least 10 copies of your written statement available on the day of the hearing for immediate distribution to the Council. Unless otherwise stated by the Committee, the hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule, please contact the committee of interest.

ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
2/7/2019	2/21/2019	Office of Partnerships & Grants (Government Operations; Room 500; 11:00 a.m.)
2/14/2019	2/14/2019	Committee on Government Operations; Room 120; Time change from 10:00 a.m. to 1:00 p.m.
2/14/2019	2/14/2019	Committee on Labor & Workforce Development; Room 123; Time change from 10:00 a.m. to 1:00 p.m.
2/15/2019	2/15/2019	Committee on the Judiciary & Public Safety; Room 123; Time change from 9:30 a.m. to 10:30 a.m.
2/20/2019	2/11/2019	Committee on Recreation and Youth Affairs; Room 123; 11:00 a.m.
2/21/2019	2/14/2019	Serve DC (Government Operations; Room 123; 11:00 a.m.)
2/21/2019	2/20/2019	Committee on Labor & Workforce Development; Room 123; 1:00 p.m.
2/21/2019	2/25/2019	Metropolitan Washington Council of Governments (COW; Room 123; 9:30 a.m.)
2/22/2019	2/12/2019	Committee on Recreation and Youth Affairs; Room 123; 11:00 a.m.
2/22/2019	2/21/2019	Committee on Government Operations; Room 120; 3:00 p.m.
2/26/2019	2/20/2019	Committee on Business & Economic Development; Room 120; 2:00 p.m.
2/26/2019	2/26/2019	District of Columbia Public Schools (Education & COW; Room 500; Time change from 10:00 a.m. to 12:00 p.m.)
2/26/2019	2/26/2019	Committee on Housing and Neighborhood Revitalization; Room 500; Time Change from 11:00 a.m. to 1:00 p.m.
2/26/2019	2/26/2019	Committee on Transportation and the Environment; Room 120; Time Change from 11:00 a.m. to 10:00 a.m.

PUBLIC HEARING SCHEDULE**COMMITTEE OF THE WHOLE****Chairman Phil Mendelson**

MONDAY, FEBRUARY 4, 2019; COUNCIL CHAMBER (Room 500)	
Time	Subject
1:30 p.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2018 Comprehensive Annual Financial Report (CAFR)

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**Chairperson Charles Allen**

WEDNESDAY, FEBRUARY 6, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:30 a.m. - 4:00 p.m.	Office of Victim Services and Justice Grants
	Office of the Chief Medical Examiner
	Office of Unified Communications

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH**Chairperson Vincent Gray**

WEDNESDAY, FEBRUARY 6, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Health and Human Services
	Department of Health Care Finance
	United Medical Center
	United Medical Center Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON GOVERNMENT OPERATIONS**Chairperson Brandon Todd**

THURSDAY, FEBRUARY 7, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Executive Office of the Mayor
	Mayor's Office of Legal Counsel
	Office of the City Administrator
	Office of the Senior Advisor
	Secretary of the District of Columbia
	Office of Partnerships and Grants

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**Chairperson Charles Allen**

THURSDAY, FEBRUARY 7, 2019; Room 412	
Time	Agency
9:30 a.m. - 4:00 p.m.	Criminal Justice Coordinating Council
	Office of Police Complaints
	Metropolitan Police Department

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**Chairperson Anita Bonds**

THURSDAY, FEBRUARY 7, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Real Estate Commission
	Board of Real Estate Appraisers
	Rental Housing Commission
	Housing Finance Agency
	Office of the Tenant Advocate
	Condominium Association Advisory Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**Chairperson Charles Allen**

FRIDAY, FEBRUARY 8, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - 5:00 p.m.	District of Columbia Sentencing Commission
	Criminal Code Reform Commission
	Deputy Mayor for Public Safety and Justice
	Office of Neighborhood Safety and Engagement

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

FRIDAY, FEBRUARY 8, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

MONDAY, FEBRUARY 11, 2019; Room 412	
Time	Agency
12:00 p.m. - End	Fire and Emergency Medical Services Department Office of the Attorney General

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

TUESDAY, FEBRUARY 12, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON EDUCATION

Chairperson David Grosso

TUESDAY, FEBRUARY 12, 2019; Room 412	
Time	Agency
11:00 a.m. - End	State Board of Education Office of the Ombudsman Office of the Student Advocate

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON FINANCE & REVENUE

Chairperson Jack Evans

WEDNESDAY, FEBRUARY 13, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Washington Metropolitan Area Transit Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Brandon Todd

WEDNESDAY, FEBRUARY 13, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Office on Women's Policy and Initiatives Office of Veterans' Affairs Office of Lesbian, Gay, Bisexual, Transgender & Questioning Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, FEBRUARY 13, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development Department of Insurance, Securities and Banking Department of For-Hire Vehicles For-Hire Vehicle Advisory Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

THURSDAY, FEBRUARY 14, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
9:30 a.m. - End	District of Columbia Office on Aging Commission on Aging Age Friendly DC Task Force

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

THURSDAY, FEBRUARY 14, 2019; Room 412	
Time	Agency
11:00 a.m. - End	Commission on Climate Change and Resiliency
	Department of Energy and the Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

THURSDAY, FEBRUARY 14, 2019; Room 123	
Time	Agency
1:00 p.m. - End	Office of Employee Appeals
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Brandon Todd

THURSDAY, FEBRUARY 14, 2019; Room 120	
Time	Agency
1:00 p.m. - End	Office on African Affairs
	Office of African American Affairs
	Office of Asian and Pacific Islander Affairs
	Office of Latino Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

FRIDAY, FEBRUARY 15, 2019; Room 412	
Time	Agency
11:00 a.m. - End	Food Policy Council
	Department of Public Works

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

FRIDAY, FEBRUARY 15, 2019; Room 123	
Time	Agency
10:30 a.m. - End	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	District of Columbia National Guard
	Homeland Security and Emergency Management Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE

Chairperson David Grosso

Chairman Phil Mendelson

FRIDAY, FEBRUARY 15, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Education
	District of Columbia Public Charter School Board

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS

Chairperson Trayon White, Jr.

TUESDAY, FEBRUARY 19, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
1:00 p.m. - End	Department of Youth Rehabilitation Services
	Juvenile Abscondence

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming (nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE ON HEALTH

Chairperson Vincent Gray

TUESDAY, FEBRUARY 19, 2019; Room 123	
Time	Agency
1:30 p.m. - End	District of Columbia Health Benefit Exchange Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Malcolm Cameron (mcameron@dccouncil.us) or by calling 202-654-6179.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

Chairperson Charles Allen

TUESDAY, FEBRUARY 19, 2019; Room 120	
Time	Agency
1:00 p.m. - End	Board of Elections
	Office of Campaign Finance
	Board of Ethics and Government Accountability

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON FACILITIES AND PROCUREMENT

Chairperson Robert C. White, Jr.

WEDNESDAY, FEBRUARY 20, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Office of Advisory Neighborhood Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS

Chairperson Trayon White, Jr.

WEDNESDAY, FEBRUARY 20, 2019; Room 123	
Time	Agency
11:00 a.m. - End	Deputy Mayor for Greater Economic Opportunity
	Commission on Fathers, Men, and Boys

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming (nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, FEBRUARY 20, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Public Service Commission
	Office of the People's Counsel
	Office of Cable Television, Film, Music and Entertainment
	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

THURSDAY, FEBRUARY 21, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLE

Chairperson David Grosso

Chairman Phil Mendelson

THURSDAY, FEBRUARY 21, 2019; Room 412	
Time	Agency
9:30 a.m. - 10:00 a.m.	Metropolitan Washington Council of Governments
10:00 a.m. - End	Office of the State Superintendent

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

THURSDAY, FEBRUARY 21, 2019; Room 123	
Time	Agency
1:00 p.m. - End	Office of Human Resources
	Office of Labor Relations and Collective Bargaining

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-8835.

COMMITTEE ON FACILITIES AND PROCUREMENT

Chairperson Robert C. White, Jr.

THURSDAY, FEBRUARY 21, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Office of Returning Citizen Affairs
	Commission on Re-Entry and Returning Citizen Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**Chairperson Anita Bonds**

FRIDAY, FEBRUARY 22, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
3:00 p.m. - End	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON FINANCE & REVENUE**Chairperson Jack Evans**

FRIDAY, FEBRUARY 22, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON RECREATION AND YOUTH AFFAIRS**Chairperson Trayon White, Jr.**

FRIDAY, FEBRUARY 22, 2019; Room 123	
Time	Agency
11:00 a.m. - End	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may email: Nate Fleming (nfleming@dccouncil.us) or by calling 202-727-7903.

COMMITTEE OF GOVERNMENT OPERATIONS**Chairperson Brandon Todd**

FRIDAY, FEBRUARY 22, 2019; Room 120	
Time	Agency
3:00 p.m. - End	Office of Nightlife and Culture
	Office of Public-Private Partnerships
	Serve DC

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentoperations@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT**Chairperson Mary Cheh**

MONDAY, FEBRUARY 25, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
11:00 a.m. - End	Bicycle Advisory Council
	Pedestrian Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON FINANCE & REVENUE**Chairperson Jack Evans**

MONDAY, FEBRUARY 25, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Real Property Tax Appeals Commission
	DC Lottery
	Office of the Chief Financial Officer

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE OF THE WHOLE**Chairman Phil Mendelson**

MONDAY, FEBRUARY 25, 2019; Room 123	
Time	Agency
10:30 a.m. - End	New Columbia Statehood Commission
	Metropolitan Washington Airports Authority
	District of Columbia Auditor
	Office of Budget and Planning
	District Retiree Health Contribution
	District of Columbia Retirement Board/Funds

Persons wishing to testify about the performance of any of the foregoing agencies may email: cw@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON EDUCATION

Chairperson David Grosso

MONDAY, FEBRUARY 25, 2019; Room 120	
Time	Agency
11:30 a.m. - End	District of Columbia Public Library

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

JOINT HEARING WITH COMMITTEE ON EDUCATION & COMMITTEE OF THE WHOLEChairperson David Grosso
Chairman Phil Mendelson

TUESDAY, FEBRUARY 26, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
12:00 p.m. - End	District of Columbia Public Schools

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION

Chairperson Anita Bonds

TUESDAY, FEBRUARY 26, 2019; Room 412	
Time	Agency
1:00 p.m. - End	Department of Housing and Community Development (Public Witnesses Only)
	Housing Production Trust Fund (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

COMMITTEE ON HUMAN SERVICES

Chairperson Brianne Nadeau

TUESDAY, FEBRUARY 26, 2019; Room 123	
Time	Agency
11:00 a.m. - End	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

TUESDAY, FEBRUARY 26, 2019; Room 120	
Time	Agency
10:00 a.m. - End	DC Water
	Washington Aqueduct

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

TUESDAY, FEBRUARY 26, 2019; Room 120	
Time	Agency
2:00 p.m. - End	Public Service Commission
	Office of the People's Counsel
	Office of Cable Television, Film, Music and Entertainment
	Alcoholic Beverage Regulation Administration

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Chairperson Kenyan McDuffie

WEDNESDAY, FEBRUARY 27, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Chanell Autrey (cautrey@dccouncil.us) or by calling 202-724-8053.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

WEDNESDAY, FEBRUARY 27, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: cw@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

WEDNESDAY, FEBRUARY 27, 2019; Room 123	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Public Witnesses Only)
	Workforce Investment Council (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

COMMITTEE ON FACILITIES AND PROCUREMENT

Chairperson Robert C. White, Jr.

WEDNESDAY, FEBRUARY 27, 2019; Room 120	
Time	Agency
10:00 a.m. - End	Office of Contracting and Procurement
	Contract Appeals Board

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE OF THE WHOLE

Chairman Phil Mendelson

THURSDAY, FEBRUARY 28, 2019; COUNCIL CHAMBER (Room 500)	
Time	Agency
10:00 a.m. - End	University of the District of Columbia
	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: cow@dccouncil.us or by calling 202-724-8196.

COMMITTEE ON FACILITIES AND PROCUREMENT

Chairperson Robert C. White, Jr.

THURSDAY, FEBRUARY 28, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may email: facilities@dccouncil.us or by calling 202-741-8593.

COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT

Chairperson Mary Cheh

THURSDAY, FEBRUARY 28, 2019; Room 123	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin (abenjamin@dccouncil.us) or by calling 202-724-8062.

COMMITTEE ON GOVERNMENT OPERATIONS

Chairperson Brandon Todd

THURSDAY, FEBRUARY 28, 2019; Room 120	
Time	Agency
10:00 a.m. 2:00 p.m.	Office of Administrative Hearings
	Office of the Inspector General
	Office of the Chief Technology Officer
	Office of Human Rights
	Office of Risk Management

Persons wishing to testify about the performance of any of the foregoing agencies may email: governmentservices@dccouncil.us or by calling 202-724-6663.

COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Chairperson Elissa Silverman

FRIDAY, MARCH 1, 2019; COUNCIL CHAMBER; Room 500	
Time	Agency
10:00 a.m. - End	Department of Employment Services (Government Witnesses Only)
	Workforce Investment Council (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster (croyster@dccouncil.us) or by calling 202-724-7772.

**JOINT HEARING WITH COMMITTEE ON HUMAN SERVICES AND
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION**

Chairperson Brianne Nadeau

Chairperson Anita Bonds

FRIDAY, MARCH 1, 2019; Room 412	
Time	Agency
10:00 a.m. - End	Department of Human Services
	Interagency Council on Homelessness

Persons wishing to testify about the performance of any of the foregoing agencies may email: humanservices@dccouncil.us or by calling 202-724-8170.

COMMITTEE ON FINANCE & REVENUE**Chairperson Jack Evans**

FRIDAY, MARCH 1, 2019; Room 123	
Time	Agency
9:30 a.m. - 12:00 p.m.	Events DC
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy (sloy@dccouncil.us) or by calling 202-724-8058.

COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**Chairperson Charles Allen**

FRIDAY, MARCH 1, 2019; Room 123	
Time	Agency
1:00 p.m. - End	Department of Forensic Sciences
	Department of Corrections
	Corrections Information Council

Persons wishing to testify about the performance of any of the foregoing agencies may email: judiciary@dccouncil.us or by calling 202-727-8275.

COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**Chairperson Anita Bonds**

FRIDAY, MARCH 1, 2019; Room 120	
Time	Agency
12:00 p.m. - End	Department of Housing and Community Development (Government Witnesses Only)
	Housing Production Trust Fund (Government Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel (omontiel@dccouncil.us) or by calling 202-724-8198.

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

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

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

ANNOUNCES A PUBLIC HEARING ON:

Bill 23-41, the “Taxpayer Advocate Act of 2019”

Monday, March 18, 2019

10:00 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 hearing to be held on Monday, March 18, 2019 at 10:00 a.m. in Room 120, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 23-41, the “Taxpayer Advocate Act of 2019” would amend Chapter 1 of Title 47 of the District of Columbia Official code to establish, as an independent agency, the Office of the Taxpayer Advocate. The purposes of the Office of the Taxpayer Advocate would be to: assist taxpayers in resolving complex tax problems with the District that have not been resolved through normal channels, including helping taxpayers navigate District tax offices, assisting taxpayers in understanding any tax issues with the District, and helping expedite return processing, as well as identifying areas in which taxpayers have problems in dealings with the District.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 9:30 a.m. on Friday, March 15, 2019. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE

on

**PR 23-70, Director of the Office of Planning Andrew Trueblood
Confirmation Resolution of 2019**

on

**Thursday, February 28, 2019
2:00 p.m. (or immediately following the preceding oversight hearing),
Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable before the Committee of the Whole on PR 23-70, the “Director of the Office of Planning Andrew Trueblood Confirmation Resolution of 2019.” The roundtable will be held at **2:00 p.m. (or immediately following the preceding oversight hearing)**, on **Thursday, February 28, 2019** in the Council Chamber of the John A. Wilson Building.

The stated purpose of PR 23-70 is to confirm the appointment of Andrew Trueblood to be Director of the Office of Planning. Mayor Bowser designated Mr. Trueblood as Interim Director on November 8, 2018, and submitted his nomination to the Council on January 7, 2019. The Office of Planning guides land use and development in the District, including historic preservation. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of Mr. Trueblood to be Director.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Evan Cash at (202) 724-7002, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Tuesday, February 26, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on February 26, 2019 the testimony will be distributed to Councilmembers before the roundtable. 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>. Roundtable materials, including a draft witness list, can be accessed 24 hours in advance of the roundtable at <http://www.chairmanmendelson.com/circulation>.

If you are unable to testify at the roundtable, 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 March 14, 2019.

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC ROUNDTABLE
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC ROUNDTABLE ON

**PROPOSED RESOLUTION 23-0095, THE “MATERNAL MORTALITY REVIEW
COMMITTEE DR. CONNIE BOHON CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0096, THE “MATERNAL MORTALITY REVIEW
COMMITTEE ROBERTA BELL CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0097, THE “MATERNAL MORTALITY REVIEW
COMMITTEE DONNA ANTHONY CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0098, THE “MATERNAL MORTALITY REVIEW
COMMITTEE KRISTIN ATKINS CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0099, THE “MATERNAL MORTALITY REVIEW
COMMITTEE DR. RITA CALABRO CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0100, THE “MATERNAL MORTALITY REVIEW
COMMITTEE DR. CHRISTINE COLIE CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0101, THE “MATERNAL MORTALITY REVIEW
COMMITTEE JANEEN CROSS CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0102, THE “MATERNAL MORTALITY REVIEW
COMMITTEE COURTNEY EDWARDS CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0103, THE “MATERNAL MORTALITY REVIEW
COMMITTEE SHAKIRA FRANKLYN CONFIRMATION RESOLUTION OF 2019”**

**PROPOSED RESOLUTION 23-0104, THE “MATERNAL MORTALITY REVIEW
COMMITTEE KAREN GEORGE CONFIRMATION RESOLUTION OF 2019”**

PROPOSED RESOLUTION 23-0105, THE “MATERNAL MORTALITY REVIEW COMMITTEE DR. MELISSA FRIES CONFIRMATION RESOLUTION OF 2019”

PROPOSED RESOLUTION 23-0106, THE “MATERNAL MORTALITY REVIEW COMMITTEE IMAN NEWSOME CONFIRMATION RESOLUTION OF 2019”

PROPOSED RESOLUTION 23-0107, THE “MATERNAL MORTALITY REVIEW COMMITTEE AZA NEDHARI CONFIRMATION RESOLUTION OF 2019”

PROPOSED RESOLUTION 23-0108, THE “MATERNAL MORTALITY REVIEW COMMITTEE DR. JAMILA PERRITT CONFIRMATION RESOLUTION OF 2019”

PROPOSED RESOLUTION 23-0109, THE “MATERNAL MORTALITY REVIEW COMMITTEE EVETTE HERANDEZ CONFIRMATION RESOLUTION OF 2019”

PROPOSED RESOLUTION 23-0110, THE “MATERNAL MORTALITY REVIEW COMMITTEE CHRISTINA MAREA CONFIRMATION RESOLUTION OF 2019”

AND

PROPOSED RESOLUTION 23-0111, THE “MATERNAL MORTALITY REVIEW COMMITTEE EBONY MARCELLE CONFIRMATION RESOLUTION OF 2019”

**Thursday, March 14, 2019, 11:30 am
Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, March 14, 2019, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public roundtable to consider Proposed Resolution 23-0095, the “Maternal Mortality Review Committee Dr. Connie Bohon Confirmation Resolution of 2019”; Proposed Resolution 23-0096, the “Maternal Mortality Review Committee Roberta Bell Confirmation Resolution of 2019”; Proposed Resolution 23-0097, the “Maternal Mortality Review Committee Donna Anthony Confirmation Resolution of 2019”; Proposed Resolution 23-0098, the “Maternal Mortality Review Committee Kristin Atkins Confirmation Resolution of 2019”; Proposed Resolution 23-0099, the “Maternal Mortality Review Committee Dr. Rita Calabro Confirmation Resolution of 2019”; Proposed Resolution 23-0100, the “Maternal Mortality Review Committee Dr. Christine Colie Confirmation Resolution of 2019”; Proposed Resolution 23-0101, the “Maternal Mortality Review Committee

Janeen Cross Confirmation Resolution of 2019”; Proposed Resolution 23-0102, the “Maternal Mortality Review Committee Courtney Edwards Confirmation Resolution of 2019”; Proposed Resolution 23-0103, the “Maternal Mortality Review Committee Shakira Franklyn Confirmation Resolution of 2019”; Proposed Resolution 23-0104, the “Maternal Mortality Review Committee Karen George Confirmation Resolution of 2019”; Proposed Resolution 23-0105, the “Maternal Mortality Review Committee Dr. Melissa Fries Confirmation Resolution of 2019”; Proposed Resolution 23-0106, the “Maternal Mortality Review Committee Iman Newsome Confirmation Resolution of 2019”; Proposed Resolution 23-0107, the “Maternal Mortality Review Committee Aza Nedhari Confirmation Resolution of 2019”; Proposed Resolution 23-0108, the “Maternal Mortality Review Committee Dr. Jamila Perritt Confirmation Resolution of 2019”; Proposed Resolution 23-0109, the “Maternal Mortality Review Committee Evette Hernandez Confirmation Resolution of 2019”; Proposed Resolution 23-0110, the “Maternal Mortality Review Committee Christina Marea Confirmation Resolution of 2019”; and Proposed Resolution 23-0111, the “Maternal Mortality Review Committee Ebony Marcelle Confirmation Resolution of 2019”. The roundtable will take place in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:30 a.m.

PR23-0095, PR23-0096, PR23-0097, PR23-0098, PR23-0099, PR23-0100, PR23-0101, PR23-0102, PR23-0103, PR23-0104, PR23-0105, PR23-0106, PR23-0107, PR23-0108, PR23-0109, PR23-0110, and PR23-0111 would confirm Connie Bohon, Roberta Bell, Donna Anthony, Kristin Atkins, Rita Calabro, Christine Colie, Janeen Cross, Courtney Edwards, Shakira Franklyn, Karen George, Melissa Fries, Iman Newsome, Aza Nedhari, Jamila Perritt, Evette Hernandez, Christina Marea, and Ebony Marcelle, respectively, to the Maternal Mortality Review Committee for terms to end January 10, 2022.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the roundtable should contact the Committee via email at judiciary@dccouncil.us and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, March 11**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the roundtable, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on March 28.**

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

Placard Posting Date: February 22, 2019
Protest Petition Deadline: April 8, 2019
Roll Call Hearing Date: April 22, 2019
Protest Hearing Date: June 19, 2019

License No.: ABRA-112781
Licensee: Southwest Social Scene
Trade Name: The Crucible
License Class: Retailer's Class "CX" Club
Address: 412 V Street, N.E.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 5

ANC 5E

SMD 5E03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on April 22, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **June 19, 2019 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Private Club featuring activities for members with an Entertainment Endorsement. Total Occupancy Load of 225 with seating for 225 patrons.

HOURS OF OPERATION

Sunday 2pm – 2am

Monday through Friday 4pm – 2am

Saturday 12pm- 2am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday 5pm – 2am

Monday through Friday 5pm – 2am

Saturday 12pm- 2am

HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 5pm – 2am

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC DISPOSITION HEARING
PURSUANT TO D.C. OFFICIAL CODE §10-801
FOR EDEN PLACE PHASE II**

Pursuant to D.C. Official Code § 10-801 *et seq.*, the District will conduct a public disposition hearing to receive comments on the proposed uses of the Eden Place Phase II property, located on the corner of Dix Street and 61st Street N.E., Washington, D.C. (“Property”). This public disposition hearing will be held to obtain community comments and suggestions on the proposed use of the Property. Received comments and suggestions will be submitted to the Council of the District of Columbia for its review.

The date, time and location of the public disposition hearing is:

Date: Wednesday, March 13, 2019

Time: 7:00 p.m. – 8:00 p.m.

Location: Sargent Memorial Presbyterian Church
5109 Nannie Helen Burroughs Avenue N.E.
Washington, D.C. 20019

Written public comments and suggestions will be accepted in person at the public disposition hearing and via email to miguel.garcia@dc.gov until Monday, March 18, 2019.

You may contact Miguel Garcia, DMPED Project Manager, at (202) 727-9742 or via the email above should you have any questions about the public disposition hearing.

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC DISPOSITION HEARING
PURSUANT TO D.C. OFFICIAL CODE §10-801
FOR HOWARD ROAD PROPERTY**

Pursuant to D.C. Official Code § 10-801 *et seq.*, the District will conduct a public disposition hearing to receive comments on the proposed uses of the Howard Road property, located on the corner of Howard Road and Shannon Place S.E., Washington, D.C. (“Property”). This public disposition hearing will be held to obtain community comments and suggestions on the proposed use of the Property. Received comments and suggestions will be submitted to the Council of the District of Columbia for its review.

The date, time and location of the public disposition hearing is:

Date: Tuesday, March 12, 2019

Time: 6:30 – 7:30 pm

**Location: DHCD Housing Resource Center
1800 Martin Luther King Jr. Avenue, S.E.
Washington, D.C. 20020**

Written public comments and suggestions will be accepted in person at the public disposition hearing and via email to mark.corneal@dc.gov until Monday, March 18, 2019.

You may contact Mark Corneal, DMPED Project Manager, at (202) 724-8940 or via email should you have any questions about the public disposition hearing.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, APRIL 17, 2019
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 EIGHT

17861A **Application of Bright Beginnings Inc,** pursuant to 11 DCMR Y § 704, for a
ANC 8C modification of significance to BZA Order No. 17861 to add a special exception
under the use provisions of Subtitle U § 203.1(g) to establish a daytime care
facility at an existing private school in the R-2 District at premises 3640 Martin
Luther King Jr. Avenue, S.E. (Square 6090, Lots 32, 810 and 813).

WARD FIVE

19972 **Application of David Do,** pursuant to 11 DCMR Subtitle X, Chapter 9, for
ANC 5D a special exception from the penthouse requirements under Subtitle U §
1500.4, to construct a third floor with a roof deck and a penthouse
enclosure on an existing two-story flat in the RF-1 Zone at premises 1449-
1451 Holbrook Street N.E. (Square 4075, Lot 182).

WARD FIVE

19975 **Application of Warner Capital LLC,** pursuant to 11 DCMR Subtitle X,
ANC 5B Chapter 9, for a special exception under the use provisions of Subtitle U §
513.1(a) to permit the expansion of an existing animal care and boarding
facility to an adjacent lot in the MU-4 Zone at premises 3509-3511 12th
Street N.E. (Square 3928, Lots 45, 46).

WARD EIGHT

19977 **Application of Winston Cox,** pursuant to 11 DCMR Subtitle X, Chapter
ANC 8B 9, for a special exception under the use provision of Subtitle U § 421.1;
and pursuant to Subtitle X, Chapter 10, for an area variance from the Floor
Area Ratio requirement of Subtitle F § 302.1, to construct an apartment
house in the RA-1 Zone at premises 2814 28th Street S.E. (Square 5729W,
Lot 8).

BZA PUBLIC HEARING NOTICE

APRIL 17, 2019

PAGE NO. 2

WARD EIGHT

19980
ANC 8A **Application of HIP DC LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the New Residential Development provisions of Subtitle U § 421.1, to construct a rear addition to an existing, detached principal dwelling unit and convert to a seven-unit apartment house in the RA-1 Zone at premises 2421 Shannon Place S.E. (Square 5788, Lot 821).

WARD FIVE

19982
ANC 5D **Application of Montello 1723 LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and under Subtitle G §§ 409, 1200 and 1201 from the lot occupancy requirements of Subtitle G § 404.1 and the rear yard requirements of Subtitle G § 405.2, and pursuant to Subtitle X, Chapter 10, for a variance from the nonconforming structure requirements of Subtitle C § 202.2, to construct a two-story addition and penthouse to an existing, one-story commercial building and convert it to a seven-unit apartment house in the MU-4 Zone at premises 1723 Montello Avenue N.E. (Square 4052, Lot 180).

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**

BZA PUBLIC HEARING NOTICE

APRIL 17, 2019

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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

ለመታዘት ዕርዳታ ያስፈልግዎታል?

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

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

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነዚህ 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 (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?

BZA PUBLIC HEARING NOTICE

APRIL 17, 2019

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

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

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: Monday, March 18, 2019, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 18-10 (High Street, LLC - Map Amendment @ Square 5799, Lot 976 [2352-2360 High Street, S.E.])

THIS CASE IS OF INTEREST TO ANC 8A

On June 27, 2018, the Office of Zoning received a petition from High Street, LLC (“Petitioner”) requesting approval of a Zoning Map amendment to rezone property located at 2352-2360 High Street, S.E. (Square 5799, Lot 976) (“Property”), from the R-3 zone to the RA-2 zone. On September 7, 2018, the Office of Planning submitted a report in support of setting down the petition for a public hearing. At its public meeting of September 17, 2018, the Zoning Commission voted to set down the petition for a public hearing. The Petitioner submitted its prehearing statement on September 21, 2018.

The Property consists of approximately 34,934 square feet of land area and is bounded by a public alley to the east, single family detached homes and a public alley to the south, High Street, S.E. to the west, and a single family detached home to the north. The Property is presently zoned R-3 and is designated as Moderate-Density Residential on the Comprehensive Plan Future Land Use Map.

The Petitioner seeks a Zoning Map amendment to rezone the Property from the R-3 zone to the RA-2 zone. The purposes of the RA zones are to (i) permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts; and (ii) permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive residential zones. The maximum density in the RA-2 zone is 1.8 FAR (2.16 as an Inclusionary Zoning development) and the maximum permitted building height is 50 feet with no limit on the number of stories.

The Zoning Commission has determined that this public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11-Z DCMR, Chapter 5.

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

¹ This case was previously scheduled for hearing on December 13, 2018.

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.

Time limits.

All individuals, organizations, or associations wishing to testify in this case are encouraged to inform the Office of Zoning of 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. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

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.

¿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.

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

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

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

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

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

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

TIME AND PLACE: **Monday, April 1, 2019, @ 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. 19-04 (Text Amendments to Subtitles B (§§ 100.2 & 200.2), C (§ 1500.5), H (§ 1103), K (§§ 410.3, 612.1, & 911.1), & U (§§ 201.1, 250.1, 600.1, & 801.1) (Community Renewable Energy Facility - CREF))

THIS CASE IS OF INTEREST TO ALL ANCs

On February 7, 2019, the Office of Planning (OP) filed a report with the Office of Zoning that served as a petition proposing text amendments to Subtitles B, C, H, K, and U of Title 11 DCMR (Zoning Regulations of 2016). The text amendments would define a Community Renewable Energy Facility (CREF) distinct from the facilities classified in the “Basic Utility” use category and would permit a CREF as a matter-of-right use in all zones except the MU-11 and SEFC-4 zones, with the size of the CREF subject to the yard and height development standards of each zone.

The proposed text amendment would apply city-wide and facilitate implementation of community solar installations that provide the benefits of solar energy to residents who can’t install systems on their residences, including renters, homeowners whose rooftops are shaded or need repairs, and residents in multi-family buildings, by allowing members to receive a credit on their electricity bill each month for their share of a solar installation not located on their residence. Community solar installations are a key component of efforts to meet the target of 100% renewable energy by 2032 included in the Clean Energy DC plan to implement the Clean Energy DC Omnibus Act of 2018. As part of these efforts the District Department of Energy and the Environment (DOEE) launched its Solar for All program to reduce the electric bills of at least 100,000 District low-income households with high energy burdens by at least 50% prior to December 31, 2032. DOEE has issued \$13 million in grants under the Solar for All program for community solar installations which must be completed prior to the end of this fiscal year on September 30, 2019.

Although the Zoning Regulations do not specifically regulate solar arrays as a use, community solar installations have been deemed to fall within the “Basic Utility” use category requiring a special exception to operate. DOEE is concerned that requiring community solar installations to obtain a special exception adds delay and expense and would adversely impact DOEE and the District’s achievement of the solar and renewable energy targets of the Clean Energy DC plan by potentially jeopardizing the 22 megawatts of planned community solar projects funded by DOEE’s Solar for All program.

The Zoning Regulations also do not specifically regulate the location of solar arrays; however, roof-mounted solar systems must comply with the Penthouse regulations found in Subtitle C, Chapter 15 and permanent ground-mounted solar arrays that are greater than four feet in height must comply with the development standards applicable to structures in each zone.

At its regular public meeting held on February 11, 2019, the Commission voted to grant OP's requests to (i) waive Subtitle Z § 400.6's requirement that OP file its pre-hearing report 10 days prior to the public meeting at which the Commission would consider the request to setdown the text amendments (OP's Setdown Report served as this pre-hearing filing), (ii) set down this petition for a public hearing, (iii) waive the 40-day notice period required Subtitle Z § 402.1 to allow a 30-day notice period prior to the public hearing at which the Commission will consider the proposed text amendments, and (iv) authorize the immediate publication of a Notice of Proposed Rulemaking. The Commission also adopted identical amendments to Subtitles B, C, H, K, and U on an emergency basis.

PROPOSED TEXT AMENDMENT

The proposed amendments to the text of Title 11 DCMR (Zoning Regulations of 2016) are as follows (text to be deleted is marked in ~~**bold and strikethrough**~~; new text is shown in **bold and underline**).

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

...¹

Community Centers, Private: A building, park, playground, swimming pool, or athletic field operated by a local community organization or association.

Community Renewable Energy Facility: The generation and subsequent sharing, through virtual net-metering, of renewable energy generated by a community solar energy system financially funded in whole or in part by the Department of Energy and Environment. Community solar energy systems commonly take the form of shared electricity output, which is provided to subscribers. Examples include but are not limited to roof-mounted solar arrays, ground-mounted solar arrays, or solar canopies, but would not include basic utility uses.

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

Community Service Use: A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.

...

Subparagraph (4) of paragraph (f) of § 200.2 of § 100, DEFINITIONS, of Chapter 2, USE CATEGORIES of Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

200.2 When used in this title, the following use categories shall have the following meanings:

...

(f) Basic Utilities:

- (1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information;
- (2) This use commonly takes the form of infrastructure services which are provided city-wide;
- (3) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation, or utility pumping station; and
- (4) Exceptions: This use category does not include uses which would typically fall within the antennas, community renewable energy facility, or waste-related services use categories;

...

Subsection 1500.5 of § 1500, PENTHOUSE GENERAL REGULATIONS, of Chapter 15 PENTHOUSES of Subtitle C, GENERAL RULES, is amended as follows:

1500.5 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, ~~or~~ electronic equipment of a type not necessary to the operation of the building or structure, or solar canopies on top of a parking garage. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), of Chapter 11, USE PERMISSIONS FOR NC ZONES of Subtitle H,

NEIGHBORHOOD MIXED USE (NC) ZONES, is amended by adding a new paragraph (r) as follows:

1103.1 The following uses in this section shall be permitted as a matter of right:

...

(p) Transportation infrastructure; ~~and~~

(q) Daytime care; and

(r) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 410.3 of Section 410, USE PERMISSIONS (HE), of Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (o) as follows:

410.3 The following uses are permitted in the HE zones:

...

(m) Retail; ~~and~~

(n) Service, general and financial; and

(o) Community renewable energy facility, subject only to the yard and height development standards of the zone.

Subsection 612.1 of Section 612, USE PERMISSIONS (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (y) as follows:

612.1 The following uses categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

...

(w) Service, general and financial; ~~and~~

(x) Transportation infrastructure; and

(y) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 911.1 of Section 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8 of Subtitle K, SPECIAL PURPOSE ZONES, is amended by adding a new paragraph (n) as follows:

911.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

...

(l) Retail subject to the conditions of Subtitle K § 912.10; ~~and~~

(m) Transportation infrastructure; ~~and~~

(n) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 201.1 of Section 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (c) as follows:

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

(a) A principal dwelling unit shall be permitted as follows:

...

(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or an attached building; ~~and~~

(b) Clerical and religious group residences for no more than fifteen (15) persons; ~~and~~

(c) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 250.1 of Section 250, ACCESSORY USES (R), of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (g) as follows:

250.1 The following accessory uses shall be permitted as a matter of right in all R zones subject to the associated conditions:

...

(e) An accessory apartment subject to the conditions of Subtitle U § 253; ~~and~~

- (f) Other accessory uses, buildings or structures customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one (1) sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period; **and**

(g) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 600.1 of Section 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOT of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (f) as follows:

600.1 The following uses shall be permitted as a matter-of- right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

...

- (d) Parking subject to the following conditions:

...

- (3) Parking garage on a lot not containing another use shall meet the following conditions:

...

- (C) The building shall open directly onto an alley; **and**

- (e) Residential dwelling, provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:

...

- (5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment; **and**

(f) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 801.1 of Section 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, MATTER-OF-RIGHT USES (PDR) of Subtitle U, USE PERMISSIONS, is amended by adding a new paragraph (cc) as follows:

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

...

- (aa) Waste incineration, including for conversion to energy subjects to the Standards of External Effects in Subtitle U §804, and the use shall not be permitted on any lot located in in whole or in part within one hundred feet 100 ft.) of a residential zone; ~~and~~
- (bb) Wholesale or storage establishment, including open storage, except a junk yard; and
- (cc) Community renewable energy facility subject only to the yard and height development standards of the zone.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended (D.C. Official Code § 6-641.01, *et seq.* (2018 Repl.)).

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

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.

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. | Organizations | 5 minutes each |
| 2. | Individuals | 3 minutes each |

The Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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

ANTHONY J. HOOD, ROBERT E. MILLER, PETER 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.

¿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.

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

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

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

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

ለመከተል ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከስብሰባው አግካት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነዚህ አገልግሎቶች የሚሰጡ በነጻ ናቸው።

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF FINAL RULEMAKING**

The Interim Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141-04, 7-1141.06 and 7-1141.07 (2012 Repl.)), hereby gives notice of the adoption of amendments to Chapter 62 (Reimbursement Rates For Services Provided By the Department of Behavioral Health Certified Substance Abuse Providers) and Chapter 64 (Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 63 Certified Substance Use Disorder Providers) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

This Final Rulemaking repeals a duplicative Section 6201 of Chapter 62 (Reimbursement Rates for Services Provided by the Department of Behavioral Health Certified Substance Abuse Providers) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR) and updates Chapter 64 (Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 63 Certified Substance Use Disorder Providers) reimbursement rates to Department of Behavioral Health-certified substance use disorder providers for Adult Substance Abuse Rehabilitation Services (ASARS). A comprehensive rate analysis had not been conducted since 2013. Thus, the Department of Behavioral Health, with the assistance of providers and stakeholders, conducted a comprehensive rate analysis of DBH’s current Medicaid community-based rates for covered behavioral health services provided to children, youth and adults under the District’s approved Medicaid State Plan and used a rate-setting methodology to ensure that reimbursement rates reflected the cost-basis of the services. As a result of the analysis, DBH published a number of proposed changes to the current ASARS rates. The aggregate fiscal impact of the rate changes is an increase in Medicaid expenditures of \$ 270,738.27 in fiscal year (FY) 2019 and \$277,777.47 in FY 2020.

A Notice of Emergency and Proposed Rulemaking was published on November 16, 2018 at 65 DCR 012835. DBH did not receive any comments and no changes were made to the emergency and proposed rulemaking. This rule was adopted as final on January 3, 2019 and will be effective on the publication of this notice in the *D.C. Register*.

Chapter 62, REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE DEPARTMENT OF BEHAVIORAL HEALTH CERTIFIED SUBSTANCE ABUSE PROVIDERS, of Title 22-A DCMR, MENTAL HEALTH, is amended as follows:

Section 6201, REIMBURSEMENT RATE, is repealed in its entirety.

Section 6401, REIMBURSEMENT RATE, of Chapter 64, REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE DEPARTMENT OF BEHAVIORAL HEALTH CHAPTER 63 CERTIFIED SUBSTANCE USE DISORDER PROVIDERS, is repealed and replaced in its entirety with the following:

6401 REIMBURSEMENT RATE

6401.1 Reimbursement for substance use services shall be as follows:

SERVICE	CODE	RATE per UNIT	UNIT
Urinalysis (Laboratory)	H0003	15.00	Per service
Breathalyzer Collection	H0048	8.80	Per service
Urinalysis Collection	H0048LR	8.80	Per service
Case Management	H0006	21.97	15 min.
Case Management (HIV)	H0006HKHF	21.97	15 min.
Clinical Care Coordination	T1017HF	26.42	15 min.
Counseling, Group	H0005	7.21	15 min.
Counseling, Group, Psycho-educational	H2027HQ	6.07	15 min.
Counseling, Group , Psycho-educational (HIV)	H2027HQHF	6.07	15 min.
Counseling, Individual, On-site, Behavioral Health Therapy	H0004HF	28.81	15 min.
Counseling, Individual, Off-site	H0004HFTN	29.43	15 min.
Counseling, Family	H0004HFHR	28.81	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
with Client			
Counseling, Family without Client	H0004HFHS	28.81	15 min.
Crisis Intervention	H0007HF	36.93	15 min.
Short-term MMIWM	H0010	598.12	Per diem
Behavioral Health Screening, Initial, Determine eligibility	H0002HF	86.43	Per service
Behavioral Health Assessment, on- going, Risk Rating	H0002TG	150.77	Per service
Diagnostic Assessment, Comprehensive, Adult	H0001	259.28	Per service
Diagnostic Assessment, Brief, Modify Tx Plan	H0001TS	86.43	Per service
Medication Assisted Treatment, Methadone, Clinic or Take Home	H0020	8.58	Dose
Medication Assisted Therapy, Administration	H0020HF	8.58	Per Service
Medication Management, Adult	H0016	50.26	15 min.
Multi-systemic Therapy for Transition Age Youth (TAY)	H2033HF	63.11	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
(ACRA) (ages 21 – 24)			
Residential Treatment, Room & Board	H0043	101.14	Per diem
Residential Treatment, Room & Board, Woman w/1 child	H0043UN	210.00	Per diem
Residential Treatment, Room & Board, Woman w/2 children	H0043UP	215.00	Per diem
Residential Treatment, Room & Board, Woman w/3 children	H0043UQ	220.00	Per diem
Residential Treatment, Room & Board, Women w/4 or more children	H0043UR	225.00	Per diem
Recovery Support Evaluation, Alcohol/drug Assessment	H0001HF	86.43	Per service
Case Management, Recovery Support	T1017	21.97	15 min.
Environmental Stability, Supported Housing, Individual	H0044HF	849.00	Per month
Environmental Stability, Supported Housing, Woman w/children	H0044HFUN	1000.00	Per month

SERVICE	CODE	RATE per UNIT	UNIT
Prevention Education Service, Recovery Mentoring, Coaching	H0025HF	24.27	15 min.
Training and Skills Development, Life Skills, Individual	H2014	24.27	15 min.
Training and Skills Development, Life Skills, Adult, Group	H2014HQ	6.07	15 min.
Substance Use Disorder Services NOS, Spiritual Support Group	H0047HF	6.07	15 min.
PsychoSocial Rehabilitative Service, Recovery Social Activities, Group	H2017HQ	6.07	15 min.
PsychoSocial Rehabilitative Service, Education Services, Individual	H2017HF	24.27	15 min.
PsychoSocial Rehabilitative Service, Education Services, Group	H2017HFHQ	6.07	15 min.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Director), pursuant to the authority set forth in § 201(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.01 (2014 Repl. & 2018 Supp.)), and Mayor's Order 98-49, dated April 15, 1998, hereby gives notice of the adoption of the following amendments to Chapter 12 (Controlled Substances Act Rules) of Title 22 (Health), Subtitle B (Public Health and Medicine) of the District of Columbia Municipal Regulations (DCMR).

The rule updates the list of Schedules V drugs by adding Epidiolex in Subsection 1205.1(b), and also corrects the lettering after Subsection 1205.1(c). The changes were adopted after considering the eight (8) factors set forth in Section 201(a) of the Act (D.C. Official Code § 48-902.01 (2014 Repl. & 2018 Supp.)).

A Notice of Proposed Rulemaking was published on December 7, 2018 at 65 DCR 13379 for a period of thirty (30) days. No comments have been received in response to publication of the notice and no changes have been made since publication of the notice.

The Director adopted these rules as final on January 18, 2019, and they will become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 12, CONTROLLED SUBSTANCES ACT RULES, of Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Section 1205, SCHEDULE V ENUMERATED, is amended to read as follows:

1205 SCHEDULE V ENUMERATED

1205.1 The following controlled substances listed below are included in Schedule V of the Act unless removed therefrom pursuant to Section 201 of the Act:

- (a) Narcotic drugs containing non-narcotic active medicinal ingredients: Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or salts thereof, that also contains one (1) or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal quantities other than those possessed by the narcotic drug alone:
 - (1) Not more than two hundred (200) milligrams of codeine per one hundred (100) milliliters or per one hundred (100) grams;
 - (2) Not more than one hundred (100) milligrams of dihydrocodeine per one hundred (100) milliliters or per one hundred (100) grams;
 - (3) Not more than one hundred (100) milligrams of ethylmorphine

- per one hundred (100) milliliters or per one hundred (100) grams;
- (4) Not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;
 - (5) Not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams;
 - (6) Not more than one half-tenth (0.5) milligrams of Difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;
- (b) Epidiolex 2-[(1R,6R)-3-Methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol;
 - (c) Pyrovalerone; and
 - (d) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:
 - (1) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester];
 - (2) Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]; and
 - (3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**NOTICE OF FINAL RULEMAKING**

The Board of Directors (Board) of the District of Columbia Water and Sewer Authority (DC Water), pursuant to the authority set forth in Sections 203(3) and (11) and 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11), and 216; D.C. Official Code §§ 34-2202.03(3) and (11) and § 34-2202.16 (2012 Repl. & 2018 Supp.)); and Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a) (2016 Repl.)), hereby gives notice of the adoption of amendments to Section 112 (Fees) of Chapter 1 (Water Supply), of Title 21 (Water and Sanitation) of the District of Columbia Municipal Regulations (DCMR).

Pursuant to Board Resolution #18-72, dated November 1, 2018, DC Water's Notice of Proposed Rulemaking was published in the *District of Columbia Register (D.C. Register or DCR)* at 65 DCR 13065 on November 23, 2018 to receive comments on the proposed rulemaking.

On January 22, 2019, the DC Retail Water and Sewer Rates Committee met to consider the comments offered during the public comment period and recommendations from the General Manager. At that meeting, the DC Retail Water and Sewer Rates Committee recommended that the Board adopt amendments to 21 DCMR § 112 to amend the miscellaneous fees and charges, permit review fees, pretreatment fees, and add new fees for: events and equipment; fats oil and grease (FOG) facility monthly fee and Cross-Connection/Backflow Prevention fees.

At its regularly scheduled meeting on February 7, 2019, the Board, through Resolution #19-07, after consideration of all the comments received, the report from the DC Retail Water and Sewer Rates Committee, and recommendations from the General Manager, voted to amend 21 DCMR § 112 to amend the miscellaneous fees and charges, permit review fees, pretreatment fees, and add new fees for: events and equipment; fats oil and grease (FOG) facility monthly fee and Cross-Connection/Backflow Prevention fees.

No changes were made to the proposed regulations.

These rules were adopted as final on February 7, 2019 by resolution, and will become effective on June 3, 2019, after publication of this notice in the *D.C. Register*.

Chapter 1, WATER SUPPLY, of Title 21 DCMR, WATER AND SANITATION, is amended as follows:

Section 112, FEES, Subsections 112.1 through 112.6, are amended to read as follows:

112 FEES

112.1 Fees for installation, inspection and removal/abandonment of water and sewer tap or connection, shall be as follows:

Inspection Type	Fee
Inspect Sewer Tap Removal/Abandonment	\$306
Inspect Pointing Up Sewer Taps	\$860
Inspect Insertion of Y-Branch	\$306
Inspect Installation of Standard Cleanout	\$306

Tap Insertion and Abandonment	Fee
Tap Insertion – 1" diameter	\$425
Tap Insertion – 1-1/2" diameter	\$500
Tap Insertion – 2" diameter	\$540
Water Connection	Reimbursable
Water Tap Removal/Abandonment – 2" diameter or less	\$400
Water Tap Removal/Abandonment – greater than 2" diameter	\$800

- 112.2 Fees for fire hydrants flow tests; fire hydrant meter rentals; rentals of fire hydrant meters with backflow preventer; and for the installation and removal of water bubblers shall be as follows:

Fee Name	Fee
Fire Hydrant Flow Test (Field Test)	\$300
Fire Hydrant Flow Test (Computer Model)	\$200
Fire Hydrant Flow Test (Recent Test Record Available)	\$125
Fire Hydrant Use – Water and Sewer Rate	Usage-Based, see 21 DCMR Chapter 41
Letter in Lieu of Hydrant Flow Test	\$125
Fire Hydrant Permit Fee	\$75
Private Fire Hydrant Flush	\$81
3" Fire Hydrant Meter Deposit	\$1,600 per rental
3" Fire Hydrant Meter Rental <15 days	\$75
3" Fire Hydrant Meter Rental ≥15 days	\$5 per day
3" Fire Hydrant Meter w/Backflow Preventer Deposit	\$2,200 per rental
3" Fire Hydrant Meter w/Backflow Preventer Rental <15 days	\$150 per rental
3" Fire Hydrant Meter w/Backflow Preventer Rental ≥15 days	\$10 per day
5/8" Fire Hydrant Meter w/Backflow Preventer Deposit	\$700 per rental
5/8" Fire Hydrant Meter w/Backflow Preventer Rental <15 days	\$75 per rental
5/8" Fire Hydrant Meter w/Backflow Preventer Rental ≥15 days	\$5 per day

Installation and Removal of Water Bubblers	Fee
1 Water Bubbler	\$262
Each additional Water Bubbler after the first in the same general location	\$54

- 112.3 For the purposes of § 112.2, the phrase "in the same general location" means that the distance between the first and last bubbler of the group is eight thousand feet

(8,000 ft.) or less. A distance greater than eight thousand feet (8,000 ft.) shall require a separate crew.

112.4 Retail customer fees and charges; legal and copying fees; and event and equipment fees shall be as follows:

(a) Retail customer fees and charges shall be as follows:

Fee Name	Fee
Customer Bad Check Fee	\$25.00
Declined Credit Card Fee	\$35.00
Customer Penalty Late Payment Fee	10.00% after 30 days
Additional Penalty Late Payment Fee	1%/month after 60 days, compounded monthly
New Customer Account Initiation Fee	\$50.00
Turn-Off Charges for Non-Payment	\$50.00
Reconnection Fee	\$50.00
Unauthorized Turn-On	\$245.00
Broken Bypass Seal	\$700.00
Second Water Audit within 24 months	\$125.00
Manual Meter Read ¹	\$20.00/month

¹ The Manual Meter Read Fee is charged if customer refuses or does not respond to install Automatic Meter Reader or if the meter transmission unit is not transmitting due to the customer's failure to provide appropriate transmission requirements.

(b) Legal and copying fees shall be as follows:

Witness Fee	Salary + Fringe
Standard Letter and Legal Pages	\$0.75 per sheet
Photocopying	

(c) Event and Equipment fees shall be as follows:

Size of Event (Attendees)	Number of DC Water Personnel Per Event¹	Cost per Event at \$81/hour per person
100 – 2,000	2	\$182/hour
2,000 – 5,000	4	\$324/hour
5,000 or more	6	\$486/hour

¹ Refers to the minimum number of personnel required for the event. Upon review of the event specifications, DC Water shall determine the appropriate number of personnel based on the assessed need.

Event Equipment	Cost per Unit per Event
Misting Tent ¹	\$550
Mobile Brita Hydration Station ¹	\$600
Cooling Station	\$420
Quench Buggy	\$2,500
DC Water Mascot	\$50

¹Refers to a per unit per event, assuming a single day event. For a multi-day event, the per unit cost would be multiplied by the number of days.

112.5 Fees for engineering reviews both standard and expedited, excessive submission, and as-builts shall be as follows:

(a) Small Plan Review fees (water service 2" or smaller) shall be as follows:

Fee Name	Standard Fee	Expedited Fee – 15 working days
Water and Sewer Availability Letter (small)	\$125	\$215
Small Sheet and Shore	\$1,000	\$1,750
Small basic non-residential project – 1 metered connection	\$3,300	\$5,800
Small basic non-residential project - 2 metered connections	\$6,600	\$11,600
Small basic non-residential project – 3 metered connections	\$9,900	\$17,400
Small basic non-residential project - 4 or more metered connections	\$13,200+ Determined on a per project basis	\$23,200+ Determined on a per project basis
Small Hybrid Non-Residential - 1 metered connection	\$5,000	\$8,700
Small Hybrid Non-Residential - 2 metered connections	\$10,000	\$17,400
Small Hybrid Non-Residential - 3 metered connections	\$15,000	\$26,100
Small Hybrid Non-Residential project - 4 or more metered connections	\$20,000+ Determined on a per project basis	\$34,800 Determined on a per project basis
Sanitary or combined Sewer connection - 6" or smaller	\$700	\$1,200
Storm Sewer Connection - less than 15"	\$700	\$1,200
Fire Service - greater than 2"	\$4,600	\$8,100
Single Family Residential – up to 50 metered connections	\$700 each up to \$25,000	\$1,200 each
Town Houses – up to 50 metered connections	\$700 each up to \$25,000	\$1,200 each
Single Family Units or Town Houses - More than 50 metered connections	\$700+ each up to 50; and \$350 each	\$1,200+ each up to 50 and \$600 each

Fee Name	Standard Fee	Expedited Fee – 15 working days
	above 50	above 50
Small Non-Residential or Residential Raze Utility Release Letter - No Abandonment	\$330	\$580
Small Non-Residential or Residential Raze Permit Review and Utility Release Letter - With Abandonments (2)	\$700	\$1,200
As part of a project review	\$300	\$600

(b) Large Plan Review fees (water service larger than two (2)-inch either domestic or fire or both services) shall be as follows:

Fee Name	Standard Fee	Expedited Fee – 15 working days
Base Plan Submission Administrative Fee – All Review Types	\$140	Not Applicable
Reject Plan Submission Administrative Fee – All Review Types	\$75	Not Applicable
Large Permit Basic (per submission)	\$10,000	\$17,400
Foundation to Grade - Large Commercial	\$1,000	Not Applicable
Approved Plan Revision (Field Conditions)	\$1,000	\$1,750
Large Project Sheeting and Shoring (Large Commercial)	\$6,500	\$11,300
Abandonment Waiver Request	\$500	\$880
Water and Sewer Availability Letter (Large)	\$500	\$880
Temporary Water Connections	\$3,300	\$5,800
Large Basic Plan Review Fee – 1 metered connection	\$10,000	\$17,400
Large Basic Plan Review Fee – 2 metered connections	\$20,000	\$34,800
Large Basic Plan Review Fee – 3 metered connections	\$30,000	\$52,200
Large Basic Plan Review Fee – 4 or more metered connections	\$40,000+ Determined on a per project basis	\$69,600+ Determined on a per project basis
Fire Service Only > 2” (no interior renovations)	\$4,500	\$7,800
Sanitary or Combined Connection 8” or larger	\$4,500	\$7,800
Sanitary or Combined Connection 6” or smaller	\$700	\$1,200
Storm Connection 15” or larger	\$4,500	\$7,800
Storm Connection less than 15”	\$700	\$1,200
Large Renovation no new water/sewer work - Project Document signoff only (inside a	\$400	\$700

Fee Name	Standard Fee	Expedited Fee – 15 working days
campus)		
Large Project Approved Plan Revision (Project Scope/Design Change, or field change) (1)	\$1,000	\$1,750
Large Project Sheeting and Shoring (2)	\$6,500	\$11,300
Large water meter size reduction plan (no other work)	\$3,300	\$5,800
Large Project Raze Utility Release Letter - No Abandonments	\$300	\$500
Large Project Raze Utility Release Letter - With Abandonments	\$700	\$1,200

(c) Excessive Submission (Additional Fee for 4th Submission) shall be as follows:

Fee Name	Standard Fee	Expedited Fee – 15 working days
Large Plan Excessive Submission Review	\$2,400	\$4,200
Small Non-Residential Plan Excessive Submission Review	\$600	\$1,050
Residential Plan Excessive Submission Review (3)	\$360	\$630
Request for Information (RFI)	\$30	\$60
Letter in Lieu	\$50	\$90
Request for As-Built Drawings	\$90/man hour	\$150/man hour
Water Meter Sizing Computation	\$90	\$150
Water and Sewer Availability Letter	\$500	\$880
Delayed Abandonment or Waiver from Standards Letter	\$500	\$880
Processing of Standard Easement Covenant	\$1,000	\$1,750
Processing of Non-Standard Easement Covenant	\$5,000	\$8,750
One Day Plan Design and Review and approval (Velocity type program)	\$20,000+ Determined on per project basis	Determined on per project basis

(d) Existing/Proposed As-Built shall be as follows:

Fee Name	Fee
Single Family Unit Residential Service Connection - Small Residential	\$250
Townhouses or Single Family Units from Multi-Unit Project	\$250
Small Non-Residential, Large Service Connection (per connection)	\$500

Small Non-Residential Fire Service	\$750
Large Non-Residential - water service 3" or larger, sewer service 8" or larger, fire service 3" or larger	\$750
New Water or Sewer Main (20 to 100 feet) (each)	\$2,500
Each additional 200 feet of water line	\$2,000
Each additional 400 feet of sewer main/line	\$2,000
If installing more than 200 linear feet or any Water line larger than 24" in diameter	Determined on a per project basis
If installing more than 200 linear feet of sewer or any sewer larger than 60" in diameter	Determined on a per project basis

- 112.6 Waste Hauler Permit and Disposal Fees; Pretreatment Industrial User Permit and Sampling Fees; High Strength Waste Fees; and FOG Facility fees shall be as follows:

Fee Name	Fee
Waste Hauler Discharge Annual Permit Fee per Vehicle	\$30
Waste Hauling Disposal Fees	
High strength grease trap waste	\$0.07 per gallon
High strength septage waste	\$0.07 per gallon
Domestic strength waste	\$0.003 per gallon
Low strength waste	\$0.003 per gallon
Industrial User Permit Fees	
Permit Initial Fee	\$2,500
Permit Renewal Fee	\$700
Industrial User Annual Compliance Fees	
Significant or Non-Significant Categorical Industrial User	
1 Outfall	\$3,100
2 or more Outfalls	\$4,300
Significant Non-Categorical Industrial User	
1 Outfall	\$3,100
2 or more Outfalls	\$4,300
Non-Significant Non-Categorical User	
1 Outfall	\$700
2 or more Outfalls	\$900
High Strength Waste Fees	
Biochemical Oxygen Demand (BOD)	\$0.135 per pound
Total Suspended Solids (TSS)	\$0.263 per pound
Total Kjeldahl Nitrogen (TKN) or Total Nitrogen (TN)	\$1.471 per pound
Total Phosphorus (TP)	\$4.524 per pound
Fats, Oil and Grease (FOG) Facility Monthly Fee	\$13.70 per month

Section 112, FEES, is amended by adding a new Subsection 112.12 to read as follows:

112.12 Cross-Connection/ Back Flow Prevention Fees and Turn-Off Charges

- (a) The Cross-Connection/ Back Flow Prevention Fees and Turn-Off Charges shall be as follows:

Fee Name	Fee
Cross-Connection/Back Flow Prevention Monthly Fee per Assembly	\$6.70
Cross-Connection Turn-off - 5/8" to 2"	\$200
Cross-Connection Turn-off - 3" to 5"	\$400
Cross-Connection Turn-off - 6" and larger	\$900

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****Z.C. Case No. 17-23¹****Office of Planning****(Text Amendments Subtitles A, B, C, D, E, F, K, and U - Side Yards)****January 28, 2019**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2018 Rep1.)), hereby gives notice of its adoption of amendments to Subtitles A (Authority and Applicability), B (Definitions, Rules of Measurement, and Use Categories), C (General Rules), D (Residential House (R) Zones), E (Residential Flat (RF) Zones), F (Residential Apartment (RA) Zones), K (Special Purpose Zones), and U (Use Permissions), of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The amendments amend the definitions for detached, semi-detached, and attached dwellings and eliminate the “common division wall” rule that prohibited new lot-line-to-lot-line buildings, even if permitted by right in a zone, by requiring a side yard where the proposed building could not attach to an existing or concurrently-constructed wall on an abutting lot. The amendments also consolidate side yard requirements in each subtitle and clarify that an existing non-conforming side yard cannot be reduced or eliminated and the minimum side yards for additions to existing structures with non-conforming side yards. These amendments were drafted by the Office of Planning (OP) and the Office of the Zoning Administrator (ZA) based on experience implementing the 2016 Zoning Regulations, in order to align the 2016 Zoning Regulations more closely with historic ZA practice related to side yard requirements.

In the 2016 Zoning Regulations, the Commission, among other things, changed how building types were defined, moving from the 1958 Zoning Regulations’ focus on the existence of a side yard to instead focus on the existence of an attachment to a “common division wall” shared with a building on an abutting lot. These 2016 definitions and side yard development standards resulted in a shift from prior longstanding practices. As a result, a new building on a lot abutting a lot that is vacant or that has a side yard adjacent to the new building lot could not be built as a lot-line to lot-line building even if that attached building use is permitted by right for that lot. Instead the new building must to either provide the required side yard, reducing the width of the new building, or obtain a variance from the side yard requirement of a common division wall.

Subtitle B is amended to revise the definitions of building types (including replacing “Building, Attached” with “Building, Row”) and to move the prohibition on eliminating non-conforming side yards to the relevant subtitle for each applicable zone. Subtitle D is amended to consolidate

¹ For Office of Zoning tracking purposes only, this Notice of Final Rulemaking shall also be known as Z.C. Order No. 17-23.

the side yard provisions of §§ 202, 207, 307, 407, 507, 607, 707, 807, 907, 1007, 1204, 1207, 1307, and 5005 into a new § 206 applicable to all R zones except the R-8, R-9, R-10, R-19, and R-20 zones. Subtitle E is similarly amended to consolidate the side yard provisions of §§ 307, 407, 507, and 607 into a new § 207 applicable to all RF zones. Subtitle F is amended to eliminate the common division wall rule and clarify the side yard requirements. Subtitles A, K, and U are amended to conform with the revised definitions of building types.

Prior to the public hearing to consider the proposed amendments, ANC 1D submitted a report recommending denial of the amendments based on concerns that allowing a lot-line wall abutting a side yard of a neighboring lot would create conflicts between the neighbors over access over the neighboring lot to maintain the lot-line wall. ANC 1D was particularly concerned with the impact of the proposed amendments on corner lots, which ANC 1D asserted should have a minimum five-foot side yard.

On October 15, 2018, upon the motion of Vice-Chairman Miller, as seconded by Commissioner Shapiro, the Zoning Commission took **PROPOSED ACTION** to authorize a notice of proposed rulemaking by a vote of **4-0-1** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May to approve; Michael G. Turnbull not present, not voting).

A Notice of Proposed Rulemaking for this case was published in the *D.C. Register* on November 2, 2018, at 65 DCR 012174. The National Capital Planning Commission (NCPC) confirmed that the proposed rulemaking was exempt from NCPC review.

Two responses were filed with the Commission, both in opposition. Advisory Neighborhood Commission (ANC) 8A submitted a report recommending denial of the amendments based on similar concerns to those expressed by ANC 1D, particularly the potential neighbor conflict caused by the maintenance needs for a lot line wall requiring access over a neighboring property. ANC 8A's report requested that the Commission maintain the current rule of requiring a side yard on the lot-line side unless the resulting building is attached to another building on the lot-line. In addition, the comments suggest that the Commission mandate that the end of a row, the first and last front facing lots on a street, be required to have a five-foot side yard, presumably to provide light and air to adjacent non-contiguous lots. The ANC Single Member Commissioner-elect 8A05 submitted a letter that echoed the same concerns and issues expressed by ANCs 1D and 8A.

At its December 3, 2018 public meeting, the Commission considered these comments in opposition and the testimony of OP. OP testified that the current rules require that an existing semi-detached building cannot eliminate its existing side yard without obtaining Board of Zoning Adjustment (BZA) relief and that the proposed rules would return to the provisions of the 1958 Zoning Regulations that permitted a new building in a zone that allowed lot line-to-lot line houses to not have side yards regardless of whether an abutting lot had a wall built along the shared lot line. The Commission asked OP to provide a supplemental report with graphics illustrating the impacts of the 1958 Zoning Regulations, of the current Zoning Regulations, and of the proposed changes.

OP's Supplemental Report included graphic representations of how the proposed changes returned the Zoning Regulations to the longstanding practice under the 1958 Zoning Regulations. The OP Supplemental Report also suggested two additional technical corrections suggested by the ZA: (i) in Subtitle F § 306.1 to clarify that no side yard is required for a row building containing one or two dwelling units in the RA zones, and (ii) in Subtitle F § 306.2(a) to clarify the minimum required side yard width for a multiple dwelling in the RA-1 zone. OP asserted that these technical corrections clarified the proposed changes and did not substantially change the intent, meaning, or application of the proposed changes and so did not require a new notice of proposed rulemaking.

On January 28, 2019, upon the motion of Commissioner May, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to adopt the amendments as proposed at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller, not present, not voting).

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)), to give great weight to Office of Planning recommendations. The Commission concurred with the Office of Planning that the proposed amendments will align the treatment of side yards in the zoning regulations with past practice and agreed with OP's recommended two additional technical corrections proposed in OP's Supplemental Report. The Commission found that these technical corrections only clarify meaning and make no substantial alteration to the language originally published in the Notice of Proposed Rulemaking for this case and so do not require a new notice of proposed rulemaking. (*see* 1 DCMR §§ 310.5, 310.6)

The Zoning Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2018 Supp.)) to give great weight to the issues and concerns raised in an ANC's written report. The Commission did not find persuasive the recommendations of ANCs 1D and 8A to require a five-foot side yard at the end of a series of row buildings, noting that it would be rare for a five-foot side yard to be necessary at the end of a row to provide light and air because the end unit of a series of row buildings typically abut alleys or streets. In response to the ANCs' concerns about the effect of the proposed amendments on existing semi-detached buildings, the Commission noted that the proposed amendments will strengthen the current rules by preventing an owner of an existing semi-detached building from eliminating its side yard, which is currently allowed beginning in the R-3 zone. For new buildings, the Commission agreed with OP that an owner of a lot in a zone that permits buildings without side yards as a matter of right should not require variance relief to build a building without side yard because an abutting lot has a side yard.

The following amendments to the text of Title 11 DCMR (Zoning Regulations of 2016) are adopted.

Chapter 3, ADMINISTRATION AND ENFORCEMENT, of Title 11-A DCMR, AUTHORITY AND APPLICABILITY, is amended as follows:

Subsection 301.14 of § 301, BUILDING PERMITS, is amended as follows:

301.14 Notwithstanding Subtitle A § 301.4, Subtitle D §§ 306.3, 306.4, 706.3, 706.4, 1006.2, 1006.3 1206.3, and 1206.4, and Subtitle E §§ 205.4 and 205.5, a rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property provided that the building permit application for such construction was filed and accepted as complete by the Department of Consumer and Regulatory Affairs on or before March 27, 2017 and not substantially changed after filing.

Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Subsection 100.2 of § 100, DEFINITIONS, of Chapter 1, DEFINITIONS, is amended as follows:

The definitions of “Building, Detached” and “Building, Semi-detached” are amended to read as follows:

Building, Detached: A building that is completely separated from all other buildings and has two (2) side yards.

Building, Semi-detached: A building that has only one (1) side yard.

The definition of “Building, Attached” is deleted.

A new definition “Building, Row” is inserted in alphabetical order to read as follows:

Building, Row: A building that has no side yards. The terms “row dwelling” and “row house” shall have the same meaning as row building.

Chapter 3, GENERAL RULES OF MEASUREMENT, is amended as follows:

Paragraph (c) of § 315.1 of § 315, RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) AND RESIDENTIAL FLAT (RF) ZONES, is amended as follows:

315.1 A proposed building façade or structure facing a street lot line shall:
...²

² The use of this and other ellipses indicate that other provisions exist in the subsection being amended and that the omission of the provisions does not signify an intent to repeal.

- (c) In the case of an interior-lot row or semi-detached building, not be further forward or further back than the building façade of one (1) of the immediately adjoining buildings.

Subsection 320.2 of § 320, RULES OF MEASUREMENT FOR SIDE YARDS, is deleted.

320.2 [DELETED]

Subtitle C, GENERAL RULES, is amended as follows:

Subparagraph (a) of § 702.3 of § 702, EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS, of Chapter 7, VEHICLE PARKING, is amended as follows:

702.3 Vehicle parking shall not be required:

- (a) For a building containing a single principal dwelling unit or flat within the R or RF zone, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

...

Subparagraph (e) of § 1001.2 of § 1001, APPLICABILITY, of Chapter 10, INCLUSIONARY ZONING, is amended as follows:

1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:

...

- (e) Any semi-detached, row, flat, or multiple dwellings development not described in Subtitle C §§ 1001.2(b) through 1001.2(d) if the owner voluntarily agrees to the requirements of Subtitle C § 1003 and meets all other requirements of this chapter, provided:

...

Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), is amended as follows:

Subsection 202.1 of § 202, LOT OCCUPANCY, is deleted.

202.1 [DELETED]

Section 206, SIDE YARD, is amended to read as follows:

- 206.1 Except in the R-8, R-9, R-10, R-19, and R-20 zones, the minimum side yard requirements are as provided in this section.
- 206.2 Two (2) side yards, each a minimum of eight feet (8 ft.) in width, shall be provided for all detached buildings.
- 206.3 One (1) side yard, a minimum of eight feet (8 ft.) in width, shall be provided for all semi-detached buildings in the R-2 zone.
- 206.4 One (1) side yard, a minimum of five feet (5 ft.) in width, shall be provided for all semi-detached buildings in the R-3, R-13, and R-17 zones.
- 206.5 No side yards are required for row buildings. An existing detached or semi-detached building may not be treated as a row building through construction or additions.
- 206.6 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- 206.7 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.).

Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, is amended as follows:

Table D § 302.1 of § 302, DENSITY- LOT DIMENSIONS, is amended as follows:

TABLE D § 302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-1-A	75	7,500
R-1-B	50	5,000
R-2	40 (detached) 32 (IZ detached) 30 (semi-detached) 25 (IZ semi-detached) 40 (all other structures)	4,000 (detached) 3,200 (IZ detached) 3,000 (semi-detached) 2,500 (IZ semi-detached) 4,000 (all other structures)
R-3	40 (detached) 30 (semi-detached) 20 (row) 16 (IZ row) 40 (all other structures)	4,000 (detached) 3,000 (semi-detached) 2,000 (row) 1,600 (IZ row) 4,000 (all other structures)

Table D 304.1 of § 304, LOT OCCUPANCY, is amended as follows:

TABLE D § 304.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-1-A	Places of Worship	60%
	All Other Structures	40%
R-1-B	Places of Worship	60%
	All Other Structures	40%
R-2	Places of Worship	60%
	All Other Structures	40%
R-3	Row Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

Subsections 306.3 and 306.4 of § 306, REAR YARD, are amended as follows:

306.3 Notwithstanding Subtitle D §§ 306.1 and 306.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

306.4 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 307, SIDE YARD, is deleted.

307 [DELETED]

Section 407, SIDE YARD, of Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-6 AND R-7, is deleted.

407 [DELETED]

Subsection 507.2 of § 507, SIDE YARD, of Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10, is deleted.

507.2 [DELETED]

Section 607, SIDE YARD, of Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE—R-11, is deleted.

607 [DELETED]

Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – R-12 AND R-13, is amended as follows:

Subsection 700.3 of § 700, PURPOSE AND INTENT, is amended as follows:

700.3 The R-13 zone is intended to permit single dwelling unit row houses on small lots, include areas where row houses are mingled with detached houses and semi-detached houses, and retain the single dwelling unit nature of these areas.

Table D 702.1 of § 702, DENSITY – LOT DIMENSIONS, is amended as follows:

TABLE D § 702.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-12	50	5,000
R-13	40 (detached) 30 (semi-detached) 20 (row) 16 (IZ row) 40 (all other structures)	4,000 (detached) 3,000 (semi-detached) 2,000 (row) 1,600 (IZ row) 4,000 (all other structures)

Table D 704.1 of § 704, LOT OCCUPANCY, is amended as follows:

TABLE D § 704.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-12	Places of Worship All Other Structures	60% 40%
R-13	Row Dwellings Places of Worship All Other Structures	60% 60% 40%

Subsections 706.3 and 706.4 of § 706, REAR YARD, are amended as follows:

706.3 Notwithstanding Subtitle D §§ 706.1 and 706.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.

706.4 A rear wall of an attached a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 707, SIDE YARD, is deleted.

707 [DELETED]

Section 807, SIDE YARD, of Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – R-14 AND R-15 is deleted.

807 [DELETED]

Section 907, SIDE YARD, of Chapter 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – R-16, is deleted.

907 [DELETED]

Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONE – R-17, is amended as follows:

Subsection 1000.2 of § 1000, PURPOSE AND INTENT, is amended as follows:

1000.2 The R-17 zone is intended to permit single dwelling unit rowhouses on small lots.

Table D § 1002.1 of § 1002, DENSITY – LOT DIMENSIONS, is amended as follows:

TABLE D § 1002.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-17	40 (detached)	4,000 (detached)
	30 (semi-detached)	3,000 (semi-detached)
	20 (row)	2,000 (row)
	16 (IZ row)	1,600 (IZ row)
	40 (all other structures)	4,000 (all other structures)

Table D § 1004.1 of § 1004, LOT OCCUPANCY, is amended as follows:

TABLE D § 1004.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-17	Row Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

Subsections 1006.2 and 1006.3 of § 1006, REAR YARD, are amended as follows:

1006.2 Notwithstanding Subtitle D §§ 1006.1, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the

farthest rear wall of any adjoining principal residential building on any adjacent property.

- 1006.3 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section § 1007, SIDE YARD, is deleted.

1007 [DELETED]

Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, is amended as follows:

Subsection 1200.3 of § 1200, PURPOSE AND INTENT, is amended as follows:

- 1200.3 The R-20 zone is intended to retain and reinforce the unique mix of housing types including detached, semi-detached, and row buildings and permit row buildings on small lots, and includes areas where a row buildings are mingled with detached buildings and semi-detached buildings.

Table D 1202.1 of §1202, DENSITY- LOT DIMENSIONS, is amended as follows:

TABLE D § 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Zone	Minimum Lot Width (ft.)	Minimum Lot Area (sq. ft.)
R-19	50	5,000
R-20	40 (detached) 30 (semi-detached) 20 (row) 16 (IZ row) 40 (all other structures)	4,000 (detached) 3,000 (semi-detached) 2,000 (row) 1,600 (IZ row) 4,000 (all other structures)

Section 1204, LOT OCCUPANCY, is amended as follows:

Table D § 1204.1 is amended to read as follows:

TABLE D § 1204.1: MAXIMUM LOT OCCUPANCY

Zone	Structure	Maximum Percentage of Lot Occupancy
R-19	Places of Worship All Other Structures	60% 40%

R-20	Row Dwellings	60%
	Places of Worship	60%
	All Other Structures	40%

A new § 1204.2 is added to read as follows:

- 1204.2 In the R-20 zone, a detached or semi-detached building shall not be considered a row building for the purposes of lot occupancy through the use of building or structure additions that reduce an otherwise required or permitted side yard for a detached or semi-detached building.

Subsections 1206.3 and 1206.4 of § 1206, REAR YARD, are amended as follows:

- 1206.3 Notwithstanding Subtitle D § 1206.2, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.
- 1206.4 In the R-20 zone, a rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Section 1207, SIDE YARD, is amended as follows:

Subsections 1207.1 and 1207.2 are amended to read as follows:

- 1207.1 Side yards in the R-19 zone shall be a minimum of eight feet (8 ft.).
- 1207.2 Side yards in the R-20 zone shall be a minimum of five feet (5 ft.).

Subsection 1207.3 is deleted.

- 1207.3 [DELETED]

Subsection 1207.4 is amended to read as follows:

- 1207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of five feet (5 ft.) in the R-19 zone and a minimum of three feet (3 ft.) in the R-20 zone.

Subsection 1207.5 is deleted.

1207.5 [DELETED]

Section 1307, SIDE YARD, of Chapter 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21, is deleted.

1307 [DELETED]

Subsection 5005.1 of § 5005, SIDE YARD, of Chapter 50, ACCESSORY BUILDING REGULATIONS FOR R-ZONES, is amended as follows:

5005.1 No minimum side yard is required for an accessory building in a R zone, unless the accessory building is located beside the principal building, whereby it shall be removed from the side lot line a distance equal to the required side yard and from the principal building a minimum of ten feet (10 ft.).

Table D § 5201.3 of § 5201, ADDITION TO A BUILDING OR ACCESSORY STRUCTURE, of Chapter 52, RELIEF FROM REQUIRED DEVELOPMENT STANDARDS, is amended as follows:

TABLE D § 5201.3: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy
R-3 R-13 R-17	70%
R-20 – row dwellings only	70%
R-20 – detached and semi-detached dwellings All Other R zones	50%

Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is amended as follows:

Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), amended as follows:

Table E § 203.1 of § 203, COURT, is amended as follows:

TABLE E § 203.1: MINIMUM COURT DIMENSIONS

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
Detached Dwellings Semi-Detached Dwellings Row Dwellings and Flats	Not applicable	Not applicable	Not applicable
All other structures	2.5 inches per 1 ft. of height of court, but not less than 6 ft	Width: 2.5 inches per 1 ft. of height of court, but not less than 12 ft.	Twice the square of the required width of court dimension

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
			based on the height of the court, but not less than 250 ft.

Subsections 205.4 and 205.5 of § 205, REAR YARD, are amended as follows:

- 205.4 Notwithstanding §§ 205.1 through 205.3, a rear wall of a row or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on any adjacent property.
- 205.5 A rear wall of a row or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on any adjacent property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.

A new § 207, SIDE YARD, is added as follows:

207 SIDE YARD

- 207.1 Two (2) side yards shall be provided for detached buildings; one (1) side yard shall be provided for semi-detached buildings; and no side yards are required for row buildings.
- 207.2 Any side yard provided shall be a minimum of five feet (5 ft.).
- 207.3 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.
- 207.4 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Chapter 3, RESIDENTIAL FLAT ZONE – RF-1, is amended as follows:

Subsection 300.1 of § 300, PURPOSE AND INTENT, is amended as follows:

- 300.1 The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted.

Table E § 304.1 of § 304, LOT OCCUPANCY, is amended as follows:

TABLE E § 304.1: MAXIMUM LOT OCCUPANCY

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	The greater of 60% or the lot occupancy as of the date of conversion
An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%
All other structures	40%

Section 307, SIDE YARD, is deleted.

307 [DELETED]

Chapter 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2, is amended as follows:

Subsection 400.1 of § 400, PURPOSE AND INTENT, is amended as follows:

400.1 The purpose of the RF-2 zone is to provide for areas proximate to Dupont Circle predominantly developed with row houses within which no more than two (2) dwellings are permitted.

Table E § 404.1 of § 404, LOT OCCUPANCY, is amended as follows:

TABLE E § 404.1: MAXIMUM LOT OCCUPANCY

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	The greater of 60% or the lot occupancy as of the date of conversion
An apartment house that existed prior to 1958 and has been in continuous use as an apartment house	60%

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
All other structures	40%

Section 407, SIDE YARD, is deleted.

407 [DELETED]

Chapter 5, CAPITOL PRECINCT RESIDENTIAL FLAT ZONE – RF-3, is amended as follows:

Subsection 500.1 of § 500, PURPOSE AND INTENT, is amended as follows:

500.1 The purpose of the RF-3 zone is to provide for areas adjacent to the U.S. Capitol precinct predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted.

Section 507, SIDE YARD, is deleted.

507 [DELETED]

Chapter 6, RESIDENTIAL FLAT ZONE – RF-4 AND RF-5, is amended as follows:

Subsection 600.1 of § 600, PURPOSE AND INTENT, is amended as follows:

600.1 The purpose of the RF-4 and RF-5 zones is to provide for areas predominantly developed with row houses of three (3) or more stories and within which may also exist a mix of apartment buildings.

Section 607, SIDE YARD, is deleted.

607 [DELETED]

Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended as follows:

Section 306, SIDE YARD, of Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5, is amended to read as follows:

306 SIDE YARD

306.1 Side yard for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.). No side yards shall be required for a row building containing one (1) or two (2) dwelling units.

- 306.2 Except as provided in Subtitle F § 306.1, the following side yard rules apply:
- (a) In the RA-1 zone, one (1) side yard shall be provided unless the building is a multiple dwelling that contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided; in either case such side yards shall have the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.); and
 - (b) In the RA-2, RA-3, RA-4, and RA-5 zones, no side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).
- 306.3 **[DELETED]**
- 306.4 A side yard shall not be required along a side street abutting a corner lot in an RA-1, RA-2, RA-3, RA-4, and RA-5 zone.
- 306.5 Existing conforming side yards may not be reduced to a nonconforming width or eliminated.
- 306.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 406, SIDE YARD, of Chapter 4, NAVAL OBSERVATORY RESIDENTIAL APARTMENT ZONE – RA-6, is amended to read as follows:

406 SIDE YARD

- 406.1 A minimum of one (1) side yard shall be provided for all buildings unless the building contains three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum distance equal to three inches (3 in.) per foot of building height but not less than eight feet (8 ft.).
- 406.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.) in the RA-6 zone.
- 406.3 **[DELETED]**
- 406.4 A side yard shall not be required along a side street abutting a corner lot.
- 406.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.

- 406.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 506, SIDE YARD, of Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE – RA-7, is amended to read as follows:

506 SIDE YARD

- 506.1 No side yards are required; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).
- 506.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units shall be a minimum of eight feet (8 ft.) in the RA-7 zone.
- 506.3 [DELETED]
- 506.4 A side yard shall not be required along a side street abutting a corner lot.
- 506.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- 506.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

Section 606, SIDE YARD, of Chapter 6, DUPONT CIRCLE RESIDENTIAL APARTMENT ZONES – RA-8, RA-9, AND RA-10 is amended to read as follows:

606 SIDE YARD

- 606.1 No side yards are required in the RA-8, RA-9, and RA-10 zones; however, if a side yard is provided, it shall be a minimum of four feet (4 ft.).
- 606.2 Side yards for a detached or semi-detached building containing one (1) or two (2) dwelling units in the RA-8, RA-9, and RA-10 zones shall be a minimum of eight feet (8 ft.).
- 606.3 [DELETED]
- 606.4 A side yard shall not be required along a side street abutting a corner lot in the RA-8, RA-9, and RA-10 zones.

- 606.5 Existing conforming side yards may not be reduced to a non-conforming width or eliminated.
- 606.6 In the case of a building with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be reduced or eliminated; and provided further, that the width of the side yard adjacent to the extension or addition shall be a minimum of three feet (3 ft.).

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

Subsection 613.2 of § 613, USE LIMITATIONS (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is amended as follows:

- 613.2 Uses permitted within the StE-10 and StE-14A zones shall be in accordance with the RF-1 use provisions of Subtitle E, Chapter 18, which includes, but is not limited to, buildings containing one (1) or two (2) dwelling units, and other uses compatible with a low- to moderate-density residential zone.

Subtitle U, USE PERMISSIONS, is amended as follows:

Subparagraph (a)(3) of § 201.1 of § 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, of Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

- 201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:
- (a) A principal dwelling unit shall be permitted as follows:
 - ...
 - (3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or row building; and
 - ...

The amendments shall become effective upon publication of this notice in the *D.C. Register*; that is on February 22, 2019.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS**NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of emergency and proposed rulemaking action to adopt amendments to Chapter 4 (Hearings) and Chapter 5 (Voter Registration) in Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments to Chapters 4 is to clarify the Board's hearing procedures, including those concerning challenges to petitions. The amendments mandate the use of a Board form for the proper submission and adjudication of petition challenges and establish and clarify deadlines for filing of various pleadings in petition challenge cases.

The purpose of the amendments to Chapter 5 is to (1) codify the Board's longstanding practice of not permitting a power of attorney to effectuate a voter registration application or voter registration update notification and (2) clarify that applicants who are unable to affix their own signature to a voter registration application or voter registration update notification and call upon an assistant to complete their application or notification must also submit an Affidavit of Assistant Form.

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

Chapter 4, HEARINGS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Section 400, GENERAL PROVISIONS, is amended in its entirety to read as follows:

400 GENERAL PROVISIONS

400.1 The provisions of this chapter shall govern the procedures of the Board in all cases involving the following:

- (a) Challenges to petitions nominating candidates or challenges to petitions qualifying initiative, referendum, or recall measures for ballot access;
- (b) Alleged violations of the District of Columbia Election Act, as amended;
- (c) Alleged violations of the Campaign Finance Act of 2011, as amended;
- (d) Alleged violations of Title III of the Help America Vote Act of 2002;
- (e) Petitions requesting the promulgation, amendment, or repeal of any

regulation of the Board;

- (f) Applications requesting the approval of a political party name; or
- (g) Any other matter requiring the receipt of evidence and testimony in a contested case, complaint, or petition for action.

- 400.2 In any conflict within this chapter between general and specific provisions, the specific provisions shall govern.
- 400.3 In any conflict between this chapter and the D.C. Administrative Procedure Act, D.C. Official Code §§ 2-501 *et seq.* (2016 Repl.), the D.C. Administrative Procedure Act shall govern.
- 400.4 The General Counsel of the Board shall, following approval by the Board, issue and revise complaint and petition forms and instructions to ensure presentation of adequate information required for the understanding and processing of complaints and petitions.
- 400.5 The Board may, for good cause shown, waive any of the provisions of this chapter if, in the judgment of the Board, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.
- 400.6 A majority of the Board members shall constitute a quorum at a hearing, except that the Board has the discretion to hear any case brought before it under the District of Columbia Election Act or the Campaign Finance Act of 2011 by a one-member panel, pursuant to D.C. Official Code § 1-1001.05(g) (2016 Repl.).
- 400.7 Any member may participate in a hearing by means of a video conference, telephone conference or by any means of communication by which all persons participating in the hearing are able to hear one another, and such participation shall constitute presence in person at the hearing.

Section 401, COMPUTATION OF TIME, is amended in its entirety to read as follows:

401 COMPUTATION OF TIME

- 401.1 In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included.
- 401.2 The last day of the computed period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

- 401.3 When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation unless the matter concerns a challenge to a petition or an applicable statute expressly provides otherwise.
- 401.4 [REPEALED].
- 401.5 For the purposes of this chapter, "legal holiday" includes the following:
- (a) New Year's Day;
 - (b) Martin Luther King's Birthday;
 - (c) President's Day;
 - (d) District of Columbia Emancipation Day;
 - (e) Memorial Day;
 - (f) Independence Day (4th of July);
 - (g) Labor Day;
 - (h) Columbus Day;
 - (i) Veterans Day;
 - (j) Thanksgiving Day;
 - (k) Christmas Day; and
 - (l) Any other day designated a holiday by the President of the United States or the District of Columbia government.
- 401.6 [RESERVED]
- 401.7 When an act is required or allowed to be done at or within a specified time, the Board may, for cause shown, do either of the following when permissible under law:
- (a) With or without motion or notice, order the period enlarged, if a request for enlargement of time is made before the expiration of the period originally prescribed or as extended by a previous order; or
 - (b) Upon motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

Section 404, SERVICE OF PAPERS, is amended in its entirety to read as follows:

404 SERVICE OF PAPERS

- 404.1 Any paper required to be served upon a party shall be served upon him or her or upon the representative designated by him or her or by law to receive service of papers.
- 404.2 When a party has appeared through an attorney or agent, service shall be made upon the attorney or agent of record.
- 404.3 Service may be made by personal delivery, by mail, by email, or as otherwise authorized by law.
- 404.4 Where there are numerous parties to a proceeding, the Board may make special provisions regarding the service of papers.
- 404.5 Service upon a party shall be completed, as follows:
- (a) By personal delivery, on handing the paper to the person to be served, or leaving it at his or her office with his or her clerk or other person in charge or, if there is no one in charge, leaving it in a conspicuous place in the office; or, if the office is closed or the person to be served has no office, by leaving it at his or her usual place of residence with some person of suitable age and discretion then residing in that place;
 - (b) By email, when properly addressed and consent to electronic service is obtained prior to delivery;
 - (c) By mail, on deposit in the United States mail, properly stamped and addressed; or
 - (d) Upon being served in the specific manner prescribed by an order of the Board made in any proceeding.
- 404.6 Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document filed.
- 404.7 Proof of service may be made by any of the following means:
- (a) Written acknowledgment of the party served or his or her attorney of record;
 - (b) The certificate of the attorney of record if he or she has made the service; or

(c) The certificate of the person making the service.

404.8 For the purposes of this chapter, the phrase "filing with the Board," means the actual delivery to and physical receipt by the General Counsel to the Board of pleadings and other papers.

Section 406, [REPEALED], is amended in its entirety to read as follows:

406 APPROVAL OF POLITICAL PARTY NAMES

406.1 Pursuant to the authority granted to the Board at D.C. Official Code § 1-1001.05 (a)(14), the rules of this section shall govern the process by which political parties apply for the approval of a political party name.

406.2 Application for approval of a political party name shall be made on a form prescribed by the Board.

406.3 The application for approval of a political party name shall include the name, address, telephone number, and voter registration number of the chairperson, treasurer, other principal officers, and each member of the duly authorized local committee of such party in the District.

406.4 The Board shall hold a hearing on the application for approval of a political party name pursuant to the rules of this chapter.

406.5 The Board may reject any political party name that, in the judgment of the Board, either:

(a) Confuses or misleads the public; or

(b) Contains any profane or derogatory language.

Section 407, EVIDENCE, is amended in its entirety to read as follows:

407 EVIDENCE

407.1 Evidence shall be taken in conformity with D.C. Official Code § 2-509(b) (2016 Repl.).

407.2 The Board may permit rebuttal evidence.

407.3 Any party objecting to the admissibility of evidence shall state the grounds of the objection(s) relied upon.

- 407.4 Any offer of proof made in connection with an objection taken to any ruling of the Board which rejects or excludes proffered oral testimony shall consist of a statement for the record of the substance of the evidence which the person contends would be adduced by the testimony.
- 407.5 If excluded evidence consists of documentary evidence, a copy of the evidence shall be marked for identification and shall constitute the offer of proof.
- 407.6 The Board, in its discretion, may permit the withdrawal of original documents offered and received in evidence and substitute certified copies in place of the originals.
- 407.7 When relevant and material matters offered in evidence are embraced in a book, paper or document containing other matters, not material or relevant, the persons offering the same shall plainly designate the matter so offered, and the immaterial or irrelevant parts shall be excluded and shall be segregated insofar as practicable.
- 407.8 No document or other writing shall be accepted for the record after the close of the hearing, except with the consent of the Board after due notice to the opposing parties and only when the receipt of the document will not unfairly affect the interest of a party.
- 407.9 In a contested case conducted under § 423, witnesses may be examined or cross-examined by the Board, the complainant, respondent, or any party so determined by the Board pursuant to this chapter.
- 407.10 In a rulemaking case conducted under § 422, witnesses may be examined only by the Board.
- 407.11 The Board, in view of the fact that it shall hear and determine the validity of a challenge to a petition within a limited time, may limit examination and cross-examination of witnesses to the following:
- (a) Objections and specifications of such objections, if any, to the petition; and
 - (b) Objections and specifications of such objections, if any, to the petition challenge.

Section 408, COMMENCEMENT OF ACTION, is amended in its entirety to read as follows:

408 COMMENCEMENT OF COMPLAINT

- 408.1 An action before the Board shall be commenced by the filing of a written complaint which shall be signed and sworn by the complainant.

- 408.2 Challenges to a registrant's qualifications, candidate's qualifications, or to the Board's formulation of the short title and summary statement of a proposed Charter amendment shall be construed as an action before the Board and shall be captioned "complaint."
- 408.3 Challenges to petitions nominating candidates to an elected office or qualifying initiative, referendum, or recall measures shall be construed as an action before the Board and shall be commenced pursuant to the rules of Section 409 of this chapter.
- 408.4 The parties to a contested case proceeding before the Board shall be the following:
- (a) Complainant - one who initiates an action for relief or to enforce a law, rule, or regulation under the jurisdiction of the Board; and
 - (b) Respondent - the person against whom action or relief is sought, or the person who opposes the charge or prayer of the complaint because he or she has an interest in the subject of the complaint, such as a registered voter; candidate; or the proponent(s) of an initiative, referendum, or recall petition.
- 408.5 The Board may designate any other individual or group as an "intervenor," either upon its own initiative or motion filed pursuant to § 414.
- 408.6 The Board may consolidate complaints alleging violations of Title III of the Help America Vote Act of 2002 if they relate to the same actions or events or raise common questions of law or fact.
- 408.7 Upon the filing of a complaint, the Office of the General Counsel shall cause a true copy of the complaint to be made and served upon the respondent.

Section 409, REFERRALS AND REPORTS, is amended in its entirety to read as follows:

409 COMMENCEMENT OF A CHALLENGE TO A PETITION AND PLEADING RULES

- 409.1 The rules of this section shall govern the following complaint process:
- (a) For a complainant to properly commence a challenge to a candidate's nominating petition or any petition in support of an initiative, referendum, or recall measure;
 - (b) For a respondent to properly and timely respond to a challenge to a petition; and

- (c) For a complainant to properly amend a challenge to a petition.

409.2 Any challenges received that do not meet the requirements of this section shall be considered improperly filed and not adjudicated. In order to properly commence a challenge to a petition, a challenge shall:

- (a) Be signed by a registered qualified elector and submitted in-person at the Board's office on a form prescribed by the Board at or before 5 PM on the final day of the public review and challenge specified under law or, in cases of special elections, within the public review and challenge period specified by the Board. For purposes of this subsection, "submitted" shall mean that all pages of the challenge shall be assembled, complete, and relinquished to a Board representative;
- (b) Cite the name of the signatory or circulator being challenged and the specific reason or reasons for challenge; and
- (c) Allege the minimum number of signature defects which, if valid, would render the candidate or proposed measure ineligible for ballot access.

409.3 Challenges to the same petition filed by multiple registered qualified electors shall be permitted. Challenges to the same petition may, in the discretion of the General Counsel, be consolidated.

409.4 Amendments to a challenge may be accepted if the amended challenge conforms to the requirements of a properly filed challenge, including that any such amendment be timely filed within the public review period. Any amendments filed after the close of the public review period shall not be accepted. If an amendment is properly filed, the challenge, in its entirety, shall be considered received on the date that the amendment was filed.

409.5 Within three (3) business days of receipt of a properly filed challenge, the General Counsel or his or her designee shall serve a copy of the challenge upon the respondent by first-class mail or email.

409.6 A respondent shall serve his or her written response to the challenge, if any, upon the Board and at the same time upon the challenger within ten (10) days after the filing date of the challenge or amended challenge, whichever is later.

Section 410, GENERAL RULES OF PLEADING, is amended in its entirety to read as follows:

410 GENERAL RULES OF PLEADING

- 410.1 Unless specified elsewhere in this chapter, the rules of this section shall govern pleadings in all actions under jurisdiction of the Board. Pleadings for challenges to petitions shall be governed by the rules contained in Section 409.
- 410.2 There shall be the following pleadings in Board proceedings:
- (a) A complaint, to which there may be a response;
 - (b) A reply to a counter claim denominated as such;
 - (c) A third party complaint, if a person who was not an original party is allowed to intervene pursuant to § 414; and
 - (d) A third party answer, if a third party complaint is served.
- 410.3 A pleading which sets forth a violation of a provision of law shall contain the following:
- (a) A short and plain statement of the grounds upon which the Board's jurisdiction depends;
 - (b) The full names, residence addresses, and telephone numbers of the complainant and the respondent; and
 - (c) A clear and concise statement of facts which are alleged to constitute a violation of the law.
- 410.4 A pleading which sets forth a challenge to the qualification of a candidate or registered voter shall contain the following:
- (a) A short and plain statement of the grounds upon which the Board's jurisdiction depends;
 - (b) The full names, residence address, and telephone number of the complainant and respondent candidate or registrant; and
 - (c) A clear and concise statement of the grounds for the challenge.
- 410.5 A party shall state in short and plain terms his or her defenses to each charge or challenge asserted and shall admit or deny the averments upon which the adverse party relies.

- 410.6 Each allegation of a pleading shall be simple, concise, and direct.
- 410.7 If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, he or she shall so state. This statement shall have the effect of a denial.
- 410.8 When a party intends in good faith to deny only a part or a qualification of an allegation, he or she shall specify so much of the allegation as is true and shall deny only the remainder.
- 410.9 A party may, unless he or she intends in good faith to controvert all the allegations of a pleading, deny as specific denials of designated allegations or paragraphs, or the party may generally deny all the allegations except the designated allegations or paragraphs as the party expressly admits.
- 410.10 When a party intends to controvert all the allegations of the preceding pleading, including allegations of the grounds upon which the Board's jurisdiction depends, the party may do so by general denial.
- 410.11 Unless otherwise specified in this chapter, no technical forms of pleadings or motions shall be required.
- 410.12 A party may set forth two (2) or more statements of a charge, challenge, or defense alternately or hypothetically, either in one count or defense or in separate counts or defenses.

Section 411, SIGNING OF PLEADINGS, is amended in its entirety to read as follows:

411 SIGNING OF PLEADINGS AND OTHER PAPERS

- 411.1 In all actions before the Board, every pleading, written motion, or any other paper submitted must be signed by the attorney of record in the attorney's name or by a party personally if the party is unrepresented. The paper must state the signer's address, email address and telephone number.
- 411.2 Except when otherwise specifically provided by this title or statute, pleadings need not be verified or accompanied by affidavit.
- 411.3 The signed submission of any pleading, motion or other paper shall constitute a certified representation by the attorney or party that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
- (a) It is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

- (b) The claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (c) The factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (d) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

411.4 If the Board determines that any submission from an attorney or party violates this section, the Board, on its own motion, may dismiss the complaint, reject the pleading, motion or paper, or take such other appropriate action to it deems necessary to conserve administrative resources.

Section 412, DEFENSES AND OBJECTIONS, is amended in its entirety to read as follows:

412 RESPONSIVE PLEADINGS

- 412.1 Unless law or Board rule prescribe an alternate date by which to serve an answer in the adjudication of a specific type of complaint, a respondent shall serve his or her answer upon the Board and other parties within thirty (30) days after the service of the complaint upon him or her. The General Counsel shall be authorized to establish a schedule for the timely submission of responsive pleadings, motions, and or any other documents for the Board's consideration of any complaint.
- 412.2 No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion.
- 412.3 Each defense, in law or fact, to a charge of a violation in any pleading, shall be asserted in the responsive pleading, if one is required, except that the following defenses, at the option of the pleader, may be made by Motion to Dismiss, which may be filed before pleading, if a further pleading is permitted:
- (a) Lack of jurisdiction over the subject matter;
 - (b) Lack of jurisdiction over the person;
 - (c) Insufficiency of process;
 - (d) Insufficiency of service of process; or
 - (e) Failure to state a claim upon which relief can be granted.

Section 413, AMENDED PLEADINGS, is amended in its entirety to read as follows:

413 AMENDED PLEADINGS

- 413.1 Except as provided otherwise in this section, a party may amend his or her pleading only by leave of the Board or by written consent of the adverse party.
- 413.2 A party may amend his or her pleading as a matter of course at any time before a responsive pleading is served.
- 413.3 If the pleading is one to which no responsive pleading is permitted and the action has not been scheduled for a hearing before the Board, a party may amend it at any time within twenty (20) days after it is served.
- 413.4 A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten (10) days after service of the amended pleading, whichever period is longer, unless the Board otherwise orders.

Section 423, CONTESTED CASE HEARING, is amended in its entirety to read as follows:

423 CONTESTED CASE HEARING

- 423.1 The rules of procedure set forth in this section shall apply to contested case hearings.
- 423.2 All parties have the right to produce evidence and witnesses on their behalf and to rebut or explain testimony or evidence against them.
- 423.3 All parties have the right to cross-examine other parties and witnesses and to offer argument or explanation in support of their positions or contentions.
- 423.4 A party may cross-examine any other party or person, except the Board; provided, that the Chairperson may rule a question out of order when it is irrelevant, immaterial, or unduly repetitious.
- 423.5 In all cases involving violations of the Campaign Finance Act of 2011, the Office of Campaign Finance has the burden of proving a violation with reliable, probative and substantial evidence.
- 423.6 Witnesses shall be examined and cross-examined orally under oath or affirmation.
- 423.7 Evidence shall be taken in conformity with D.C. Official Code § 2-509(b) (2016 Repl.).

- 423.8 There shall be substantial evidence adequate to support pertinent and necessary findings of fact.
- 423.9 The order of procedure for presenting evidence at the hearing shall be as follows:
- (a) Call to order and opening statement by the Chairperson;
 - (b) Introductory statement by Board's staff;
 - (c) Consideration of pending motions and procedural matters;
 - (d) The complainant's or agency's case;
 - (e) The respondent's case;
 - (f) The intervenor's case, if any; and
 - (g) Rebuttal by complainant or agency.
- 423.10 If there is more than one party within any category, the parties within the category shall stipulate their order of presentation. If the parties are unable to agree, the Board shall set the order.
- 423.11 In a contested case proceeding under this chapter, no decision or order of the Board on a complaint or petition shall be made except upon the exclusive record of the proceedings before the Board.

Section 428, FINAL DECISION, is amended in its entirety to read as follows:

428 FINAL DECISION

- 428.1 Within a reasonable time after the conclusion of the hearing and the closing of the record, and in accordance with the deadlines for adjudication of certain matters prescribed in law, the Board shall render its decision. A member absent at the decision vote may cast an absentee vote only if the member attended all of the hearings on the complaint or petition. A member attending the decision vote and having read the transcript and reviewed the complete record may vote even though that member may not have attended any or all of the prior meetings or hearings on the complaint or petition.
- 428.2 A Board decision on the validity of a challenge to a petition shall be entered no more than twenty (20) days after the challenge has been filed. Based upon the evidence received, the Board shall either reject or uphold the challenge, and accordingly grant or deny ballot access to the candidate or proposed measure.

- 428.3 The Board’s decision shall be memorialized by a written decision setting forth findings of fact and conclusions of law and giving the reasons for the decision and ordering appropriate action, if necessary.
- 428.4 The conclusions or opinion in the decision shall be governed by and based upon all the evidence adduced at the hearing.
- 428.5 A decision shall be supported by substantial evidence on the record. Pursuant to the substantial evidence rule, courts will uphold an administrative determination of fact if on the entire record the determination is rationally supportable and could have been arrived at reasonably.
- 428.6 The decision shall be served promptly on all parties or their representatives.
- 428.7 If the Board determines that there is a violation of any provision of Title III of the Help America Vote Act of 2002, the Board shall provide the appropriate remedy.
- 428.8 If the Board determines that there is no violation of Title III of the Help America Vote Act of 2002, the Board shall dismiss the complaint and publish the results of the hearing on the Board’s website.
- 428.9 The Board shall render final determinations with respect to complaints alleging violations of Title III of the Help America Vote Act of 2002 prior to the expiration of the ninety (90)-day period which begins on the date the complaint is filed, unless the complainant consents to a longer period for making such a determination. If the Board fails to make a timely determination, the complaint shall be resolved within sixty (60) days under alternative dispute resolution procedures established pursuant to Section 432 of this chapter. The record and other materials from any proceedings conducted under standard Board complaint procedures shall be made available for use under the alternative dispute resolution procedures.

Subsection 433.5 of Section 433, APPEALING DECISIONS FROM ONE-MEMBER PANELS, is repealed.

Chapter 5, VOTER REGISTRATION, is amended as follows:

Section 503, REGISTRATION APPLICATION FORMS AND REQUIREMENTS, is amended in its entirety to read as follows:

503 REGISTRATION APPLICATION FORMS AND REQUIREMENTS

- 503.1 A qualified elector may apply to register to vote, or make subsequent updates to his or her voter registration information, with any of the following Board-approved forms. Any of the following registration forms may be submitted in-

person at the Board's office or designated voter registration agency, by mail, or electronically:

- (a) The Board's Voter Registration Application (in printed format or digital application);
- (b) The National Voter Registration Application (or such nationally recognized form approved by the Election Assistance Commission);
- (c) A DMV-issued driver's license or non-driver's identification card application where the applicant does not decline to register to vote or update his or her voter registration information; or
- (d) For qualified military and overseas voters, a Federal Post Card Application (FPCA) or the declaration accompanying a Federal Write-In Absentee Ballot (FWAB declaration).

503.2 The Board's official Voter Registration Application shall not be considered valid if altered in any way for use by another individual, governmental agency, or organization for the purpose of registering electors in the District of Columbia.

503.3 An applicant shall provide the following information on any voter registration application or voter registration update notification:

- (a) Applicant's complete name;
- (b) Applicant's current and fixed residence address in the District;
- (c) Applicant's date of birth;
- (d) Applicant's original signature; and
- (e) Applicant's Department of Motor Vehicles (DMV)-issued identification number in the case of an applicant who has been issued a current and valid driver's license, or the last four (4) digits of the applicant's social security number (if any).

503.4 An applicant's signature captured digitally, or stored digitally at another voter registration agency, and transmitted to the Board shall be sufficient to constitute an original signature and effectuate registration and updates thereto.

503.5 Except as provided in this section, an applicant shall affix his or her own signature to a voter registration application or voter registration update notifications. A power of attorney shall not be considered effective to execute a voter registration application or voter registration update notification on behalf of an applicant.

- 503.6 An applicant who is unable to affix his or her own signature to a voter registration application or voter registration update notification may apply with the assistance of another person as long as the applicant's voter registration application or voter registration update notification is accompanied by a signed affidavit from the person assisting the applicant ("Affidavit of Assistant Form") which states the following:
- (a) That he or she has provided assistance to the applicant;
 - (b) That the applicant is unable to complete the application without assistance or sign in the space provided for his or her signature;
 - (c) That he or she has read or explained the information contained in the application and the voter declaration to the applicant, if the applicant cannot read the information; and
 - (d) That he or she has read or explained the penalties for providing false information on the registration application, if the applicant cannot read the information.
- 503.7 Any applicant who provides on a voter registration application or voter registration update notification a registration address to which mail cannot be delivered by the U.S. Postal Service shall additionally provide to the Board a designated mailing address to facilitate any official communications required by law.
- 503.8 An applicant may include an alternate mailing address in their voter registration application or voter registration update notification. All official communications required by law shall be sent to the voter at the residence address unless the voter provides an alternate mailing address.
- 503.9 A residence address provided by the applicant shall be sufficiently precise to enable the Board to assign the voter to the appropriate Ward and Advisory Neighborhood Commission Single-Member District ("ANC SMD") for voting purposes.
- 503.10 If an applicant fails to provide the information required for registration or to make an update thereto, the Registrar or his or her designee shall make reasonable attempts to notify the applicant of the failure. A reasonable attempt to notify the applicant may include a phone call, letter, or email. The Registrar shall choose the most efficient method of communication based upon the contact information provided by the applicant.

All persons desiring to comment on the subject matter of this proposed rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to amend Chapter 79 (Speech-Language Pathology) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to amend the continuing education requirements for speech-language pathologists to include continuing education in public health priorities as determined and amended from time to time by the Director.

Chapter 79, SPEECH-LANGUAGE PATHOLOGY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 7906, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 7906.2 is amended to read as follows:

7906.2 To qualify for the renewal of a license, an applicant shall have completed, during the two (2)-year period preceding the date the license expires, twenty (20) hours of approved continuing education, which shall include the following:

- (a) One (1) hour of ethics;
- (b) Two (2) hours of LGBTQ continuing education; and
- (c) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Subsection 7906.3 is amended to read as follows:

7906.3 Notwithstanding the requirement of §§ 7906.2 and 7808.2 of Chapter 78 of this title, an applicant for dual licensure renewal may qualify for the renewal of both licenses by completing thirty (30) hours of approved continuing education during the two (2) year-period preceding the date the licenses expire, which shall include:

- (a) One (1) hour of ethics;
- (b) Two (2) hours of LGBTQ continuing education;
- (c) Five (5) hours of each of the audiology and speech-language pathology disciplines; and
- (d) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or Angli.Black@dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to amend Chapter 101 (Audiology Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to amend the continuing education requirements for audiology assistants to include continuing education in public health priorities as determined and amended from time to time by the Director.

Chapter 101, AUDIOLOGY ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 10108, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 10108.2 is amended to read as follows:

10108.2 To be eligible for the renewal of a registration, an applicant shall have completed, during the two (2)-year period preceding the date the registration expires, ten (10) hours of approved continuing education, which shall include the following:

- (a) One (1) hour of ethics;
- (b) Two (2) hours of LGBTQ continuing education; and
- (c) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Section 10199, DEFINITIONS, is amended as follows:

Subsection 10199.1 is amended as follows:

The following definitions are added before the definition of “Registration Cycle”:

Director – The Director of the Department of Health, or the Director’s designee.

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10(b)(5) (2016 Repl.)).

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or Angli.Black@dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor’s Order 98-140, dated August 20, 1998, hereby gives notice of the intent to amend Chapter 102 (Speech-Language Pathology Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to amend the continuing education requirements for speech-language pathology assistants to include continuing education in public health priorities as determined and amended from time to time by the Director.

Chapter 102, SPEECH-LANGUAGE PATHOLOGY ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 10208, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsection 10208.2 is amended to read as follows:

10208.2 To be eligible for the renewal of a registration, an applicant shall have completed, during the two (2)-year period preceding the date the registration expires, ten (10) hours of approved continuing education, which shall include the following:

- (a) One (1) hour of ethics;
- (b) Two (2) hours of LGBTQ continuing education; and
- (c) Ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District, which shall be duly published every five (5) years or as deemed appropriate.

Section 10299, DEFINITIONS, is amended as follows:

Subsection 10299.1 is amended as follows:

The following definitions are added before the definition of “LGBTQ continuing education”:

Director – The Director of the Department of Health, or the Director’s designee.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002, or by email to Angli.Black@dc.gov. Copies of the proposed rules may be obtained during the hours of 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays by contacting Angli Black, Paralegal Specialist, at (202) 442-5977 or Angli.Black@dc.gov.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF EMERGENCY and PROPOSED RULEMAKING****Z.C. Case No. 19-04****(Text Amendments – 11 DCMR – Defining Community Renewable Energy Facility (CREF) and Locating Zones in which a CREF is a Permitted Use)**

The Zoning Commission for the District of Columbia (Commission) pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2018 Repl.)), and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to §§ 100.2 and 200.2 of Subtitle B (Definitions, Rules of Measurement, and Use Categories); § 1500.5 of Subtitle C (General Rules); § 1103.1 of Subtitle H (Neighborhood Mixed-Use (NC) Zones); §§ 410.3, 612.1, and 911.1 of Subtitle K (Special Purpose Zones); and §§ 201.1, 250.1, 600.1 and 801.1 of Subtitle U (Use Permissions) of Title 11 (Zoning Regulations of 2016), of the District of Columbia Municipal Regulations (DCMR).

On February 7, 2019, the Office of Planning (OP) filed a report with the Office of Zoning that served as a petition proposing text amendments to Subtitles B, C, H, K, and U of Title 11 DCMR (Zoning Regulations of 2016). The text amendments would define a Community Renewable Energy Facility (CREF) distinct from the facilities classified in the “Basic Utility” use category and would permit a CREF as a matter-of-right use in all zones except the MU-11 and SEFC-4 zones, with the size of the CREF subject to the yard and height development standards of each zone.

The proposed text amendments would apply city-wide and facilitate implementation of community solar installations that provide the benefits of solar energy to residents who can’t install systems on their residences, including renters, homeowners whose rooftops are shaded or need repairs, and residents in multi-family buildings, by allowing members to receive a credit on their electricity bill each month for their share of a solar installation not located on their residence. Community solar installations are a key component of efforts to meet the target of 100% renewable energy by 2032 included in the Clean Energy DC plan to implement the Clean Energy DC Omnibus Act of 2018. As part of these efforts the District Department of Energy and the Environment (DOEE) launched its Solar for All program to reduce the electric bills of at least 100,000 District low-income households with high energy burdens by at least 50% prior to December 31, 2032. DOEE has issued \$13 million in grants under the Solar for All program for community solar installations which must be completed prior to the end of this fiscal year on September 30, 2019.

Although the Zoning Regulations do not specifically regulate solar arrays as a use, community solar installations have been deemed to fall within the “Basic Utility” use category requiring a special exception to operate. DOEE is concerned that requiring community solar installations to obtain a special exception adds delay and expense and would adversely impact DOEE and the District’s achievement of the solar and renewable energy targets of the Clean Energy DC plan by

potentially jeopardizing the twenty-two (22) megawatts of planned community solar projects funded by DOEE’s Solar for All program.

The Zoning Regulations also do not specifically regulate the location of solar arrays; however, roof-mounted solar systems must comply with the Penthouse regulations found in Subtitle C, Chapter 15 and permanent ground-mounted solar arrays that are greater than four feet in height must comply with the development standards applicable to structures in each zone.

The Commission considered whether to propose the amendments at its public meeting held February 11, 2019, at which meeting OP and DOEE testified about the effect of the text amendments and the need to take emergency action. DOEE testified that the need to obtain special exceptions for community solar installations would imperil the funding available for the Solar for All program for this fiscal year. The Commission concluded that any delay to the community solar installations funded by DOEE’s Solar for All program in this fiscal year would result in immediate and significant harm to these installations, which must be completed by September 30, 2019 to fulfill the grant requirements. Such delay would also cause immediate and significant harm to the lower-income households who are the beneficiaries of the reduced energy costs from these community solar installations. This would prove detrimental to the District’s goals of increasing the sustainability, resilience, and equitability of the District’s built environment and energy systems. For these reasons, the Commission, found that the emergency adoption of these amendments is necessary for the “immediate preservation of the public ... welfare.” D.C. Official Code § 2-505(c) (2012 Repl.).

The Commission also gives notice of its intent to adopt the following amendments to the Zoning Regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The emergency rule will expire June 11, 2019, which is the one hundred-twentieth (120th) day after the adoption of this rule, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Title 11 DCMR, ZONING REGULATIONS OF 2016, is amended as follows (deleted text marked in ~~**bold and strikethrough**~~; new text shown in **bold and underline**):

Chapter 1, DEFINITIONS, of Title 11-B DCMR, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

Subsection 100.2 of § 100, DEFINITIONS, is amended as follows:

100.2 When used in this title, the following terms and phrases shall have the meanings ascribed:

...¹

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

Community Centers, Private: A building, park, playground, swimming pool, or athletic field operated by a local community organization or association.

Community Renewable Energy Facility: The generation and subsequent sharing, through virtual net-metering, of renewable energy generated by a community solar energy system. Community solar energy systems commonly take the form of shared electricity output, which is provided to subscribers. Examples include but are not limited to roof-mounted solar arrays, ground-mounted solar arrays, or solar canopies, but would not include basic utility uses.

Community Service Use: A not-for-profit use established primarily to benefit and serve the population of the community in which it is located.

...

Subparagraph (4) of paragraph (f) of § 200.2 of § 200, INTRODUCTION, of Chapter 2, USE CATEGORIES, is amended as follows:

200.2 When used in this title, the following use categories shall have the following meanings:

...

(f) Basic Utilities:

- (1) The commercial or governmental generation, transmission, distribution, or storage of energy, water, stormwater, cable, or telecommunication-related information;
- (2) This use commonly takes the form of infrastructure services which are provided city-wide;
- (3) Examples include, but are not limited to: electrical sub-station, telephone exchange, optical transmission node, electronic equipment facility, sewer plant, water treatment plant, methods and facilities for renewable energy generation **other than a community renewable energy facility**, or utility pumping station; and
- (4) Exceptions: This use category does not include **a community renewable energy facility use or** uses which would typically fall within the antennas or waste-related services use categories;

...

Chapter 15, PENTHOUSES, of Subtitle C, GENERAL RULES, is amended as follows:

Subsection 1500.5 of § 1500, PENTHOUSE GENERAL REGULATIONS, is amended as follows:

1500.5 For the administration of this section, mechanical equipment shall not include telephone equipment, radio, television, ~~or~~ electronic equipment of a type not necessary to the operation of the building or structure, or solar canopies on top of a parking garage. Antenna equipment cabinets and antenna equipment shelters shall be regulated by Subtitle C, Chapter 13.

Chapter 11, USE PERMISSIONS FOR NC ZONES, of Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES, is amended as follows:

Subsection 1103.1 of § 1103, MATTER-OF-RIGHT USES (NC-USE GROUPS A, B, AND C), is amended by adding a new paragraph (r) as follows:

1103.1 The following uses in this section shall be permitted as a matter of right:

...

(p) Transportation infrastructure; ~~and~~

(q) Daytime care; and

(r) Community renewable energy facility subject only to the yard and height development standards of the zone.

Chapter 4, HILL EAST ZONES – HE-1 THROUGH HE-4, of Subtitle K, SPECIAL PURPOSE ZONES, is amended as follows:

Subsection 410.3 of Section 410, USE PERMISSIONS (HE), is amended by adding a new paragraph (o) as follows:

410.3 The following uses are permitted in the HE zones:

...

(m) Retail; ~~and~~

(n) Service, general and financial; and

(o) Community renewable energy facility, subject only to the yard and height development standards of the zone.

Subsection 612.1 of Section 612, USE PERMISSIONS (STE), of Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is amended by adding a new paragraph (y) as follows:

612.1 The following uses categories shall be permitted as a matter of right in all of the StE zones, except as limited in Subtitle K §§ 613 and 614, or if specifically prohibited by Subtitle K § 615:

...

(w) Service, general and financial; ~~and~~

(x) Transportation infrastructure; and

(y) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 911.1 of Section 911, USE PERMISSIONS (WR), of Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, is amended by adding a new paragraph (n) as follows:

911.1 The uses in this section shall be permitted as a matter of right in the WR-1 zone, subject to any applicable conditions.

...

(l) Retail subject to the conditions of Subtitle K § 912.10; ~~and~~

(m) Transportation infrastructure; and

(n) Community renewable energy facility subject only to the yard and height development standards of the zone.

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

Subsection 201.1 of Section 201, MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D, is amended by adding a new paragraph (c) as follows:

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

...

(a) A principal dwelling unit shall be permitted as follows:

...

(3) In the R-Use Group C, the principal dwelling unit may be in either a detached, semi-detached, or an attached building; ~~and~~

(b) Clerical and religious group residences for no more than fifteen (15) persons; ~~and~~

(c) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 250.1 of Section 250, ACCESSORY USES (R), is amended by adding a new paragraph (g) as follows:

250.1 The following accessory uses shall be permitted as a matter of right in all R zones subject to the associated conditions:

...

(e) An accessory apartment subject to the conditions of Subtitle U § 253; ~~and~~

(f) Other accessory uses, buildings or structures customarily incidental to the uses permitted in R zones under the provisions of this section shall be permitted; including one (1) sale in the nature of a yard sale, garage sale, or home sales party may be held at a dwelling unit during a twelve (12) month period; ~~and~~

(g) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 600.1 of Section 600, MATTER-OF-RIGHT USES ON ALLEY LOTS (R, RF, AND RA), of Chapter 6, USE PERMISSIONS FOR ALLEY LOT, is amended by adding a new paragraph (f) as follows:

600.1 The following uses shall be permitted as a matter-of- right on an alley lot in the R, RF, and RA zones subject to any applicable conditions:

...

(d) Parking subject to the following conditions:

...

(3) Parking garage on a lot not containing another use shall meet the following conditions:

...

(C) The building shall open directly onto an alley; ~~and~~

(e) Residential dwelling, provided that the use shall be limited to one (1) dwelling unit on an alley lot, subject to the following limitations:

...

- (5) If the Zoning Administrator or other authorized building official determines that the access from a proposed dwelling on an alley lot is insufficient to provide the intended public safety, hygiene or other building code requirement, the application for the residential dwelling shall be referred to the Board of Zoning Adjustment; **and**

(f) Community renewable energy facility subject only to the yard and height development standards of the zone.

Subsection 801.1 of Section 801, MATTER-OF-RIGHT USES (PDR), of Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION AND REPAIR (PDR) ZONES, is amended by adding a new paragraph (cc) as follows:

801.1 The following uses shall be permitted in a PDR zone as a matter of right, subject to any applicable conditions:

...

- (aa) Waste incineration, including for conversion to energy subjects to the Standards of External Effects in Subtitle U §804, and the use shall not be permitted on any lot located in in whole or in part within one hundred feet 100 ft.) of a residential zone; **and**
- (bb) Wholesale or storage establishment, including open storage, except a junk yard; **and**

(cc) Community renewable energy facility subject only to the yard and height development standards of the zone.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, or signed electronic submissions may be submitted in PDF format to zcsubmissions@dc.gov. Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email: at Sharon.Schellin@dc.gov. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-008
February 14, 2019

SUBJECT: Delegation - Women's Health and Cancer Rights Federal Law Conformity Act of 2000

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(6) 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(6) (2016 Repl.), and sections 5b and 5d of the Women's Health and Cancer Rights Federal Law Conformity Act of 2000, effective March 28, 2018, D.C. Law 22-75; D.C. Official Code §§ 31-3834.02 and 31-3834.04, it is hereby **ORDERED** that:

1. The Commissioner of the Department of Insurance, Securities, and Banking ("Commissioner") is delegated the authority of the Mayor under sections 5b and 5d of the Women's Health and Cancer Rights Federal Law Conformity Act of 2000, effective March 28, 2018 (D.C. Law 22-75; D.C. Official Code §§ 31-3834.02 and 31-3834.04).
2. The Commissioner may further delegate the authority delegated under paragraph 1 of this Order to subordinates under his or her jurisdiction.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST: 
KIMBERLY A. BASSETT
INTERIM SECRETARY OF THE DISTRICT OF COLUMBIA

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, FEBRUARY 27, 2019
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009**

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

Protest Hearing (Status) 9:30 AM
Case # 19-PRO-00001; GoBrands, Inc., t/a Go Puff-Rive, 1077 30th Street NW
License #101261, Retailer A (Internet), ANC 2E
Request to Transfer License to a New Location

Show Cause Hearing (Status) 9:30 AM
Case # 18-CMP-00241; ALFA, LLC, t/a Gold Coast Café & Mart, 5501
Colorado Ave NW, License #98589, Retailer B, ANC 4C
No ABC Manager on Duty

Show Cause Hearing (Status) 9:30 AM
Case # 18-AUD-00088; Kiala Enterprises, LLC, t/a Sushi Capitol, 325
Pennsylvania Ave SE, License #92785, Retailer DR, ANC 6B
Failed to File Quarterly Statements

Show Cause Hearing (Status) 9:30 AM
Case # 18-251-00170; 1218 Wisconsin Incorporated, t/a El Centro D.F., 1218
Wisconsin Ave NW, License #604, Retailer CR, ANC 2E
Failed to Follow Security Plan, Interfered with an Investigation

Show Cause Hearing (Status) 9:30 AM
Case # 18-CMP-00224; Meskerem Abebe, LLC, t/a Right Spot, 1917 9th Street
NW, License #100631, Retailer CR, ANC 1B
**Operating After Hours, Interfered with an Investigation, Violation of
Settlement Agreement**

Fact Finding Hearing* 10:00 AM
Case # 18-251-00233; Mad Hatter CT Ave, LLC, t/a Mad Hatter, 1321
Connecticut Ave NW, License #82646, Retailer CT, ANC 2B

Board's Calendar
February 27, 2019
Simple Assault

Fact Finding Hearing* **10:30 AM**
Seven Seas, Inc., t/a Seven Seas Restaurant; 5915 Georgia Ave NW, License
#654, Retailer CR, ANC 4B
Request for Reinstatement

Show Cause Hearing* **11:00 AM**
Case # 18-CMP-00150; Connexion Group, LLC, t/a 1230 DC, 1230 9th Street
NW, License #100537, Retailer CR, ANC 2F
Failed to Obtain a Summer Garden Endorsement, Cover Charge
Endorsement, Operating After Board Approved Hours, Exceeded Capacity

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

Show Cause Hearing* **1:30 PM**
Case # 18-CMP-00223; Washington DC Asian Food Corporation, t/a Sushi
Keiko, 2309 Wisconsin Ave NW, License #94610, Retailer CR, ANC 3B
Failed to adhere to filing requirements

Show Cause Hearing* **2:30 PM**
Case # 18-CMP-00202; Queen of Sheba, Inc., t/a Queen of Sheba, 1503 9th
Street NW, License #73644, Retailer CR, ANC 6E
Operating After Hours, Interfered with an Investigation

Fact Finding Hearing* **3:30 PM**
Case # 19-251-00004; Jojo Development, Inc., t/a Jo Jo Restaurant and Bar
1518 U Street NW, License #60737, Retailer CR, ANC 2B
Assault with a Dangerous Weapon, Interfered with an Investigation,
Operating After Board Approved Hours

Contested Fact Finding Hearing* **4:00 PM**
Debebe Addis, t/a Mesobe Restaurant and Deli Market; 1853 7th Street NW
License #81030, Retailer CR, ANC 1B
Request for a Hearing
*This hearing has been continued to April 10, 2019 at 10:00 am, at the request
of the former Licensee.*

***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 27, 2019
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-011277 – **Bachelor’s Mill/Back Door Pub** – Retail – C – Tavern – 1104 8th Street SE
[Licensee is Out of Business and did not place license in Safekeeping.]

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

**NOTICE OF MEETING
LICENSING AGENDA**

**WEDNESDAY, FEBRUARY 27, 2019 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

1. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping Date: 3/28/2018. ANC 6B. SMD 6B06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Safeway #4205**, 415 14th Street SE, Retailer A, License No. 097707.

2. Review Application for Class Change from Wholesaler B to Wholesaler A. ANC 5E. SMD 5E03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **Hub Wine Corporation**, 175 R Street NE, Wholesaler B, License No. 099364.

3. Review application for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption Inside Premises:** Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption Inside Premises:** Sunday-Thursday 10am to 2am, Friday-Saturday 10am to 3am. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption For Sidewalk Café:** Sunday-Tuesday 11am to 11pm, Wednesday-Saturday 11am to 12am. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Cafe:** Sunday-Tuesday 10am to 11pm, Wednesday-Saturday 10am to 12am. ANC 2B. SMD 2B05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **Agora**, 1523-1527 17th Street NW, Retailer CR, License No. 098029.

4. Review Application for Summer Garden with seating for 64 patrons. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Summer Garden:** Sunday-Saturday 11am to 12am. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. **La Jambe**, 1309 5th Street NE, Retailer CT, License No. 112405.

5. Review Request to enclose a portion of the currently approved Sidewalk Café. The enclosed portion would have an occupancy load of 33 patrons. The unenclosed portion would have an occupancy of 27, with total seating for 60 in both portions. ANC 6C. SMD 6C02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *The Dubliner*, 4 F Street NW, Retailer CT, License No. 001330.
-

6. Review Request to deliver alcoholic beverage products to various licensed retailers on Sunday, March 17th due to the St. Patrick's Day holiday. ANC 5C. SMD 5C03. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Premium Distributors*, 3500 Fort Lincoln Drive NE, Wholesaler A, License No. 060290.
-

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

DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**DC MAYOR'S COMMISSION ON ASIAN AND PACIFIC ISLANDER AFFAIRS****NOTICE OF REGULAR MEETING**

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on **February 20, 2019** at 6:30 pm.

The meeting will be held at the MOAPIA office at One Judiciary Square, 441 4th Street NW, Suite 721N, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact oapia@dc.gov.

The DC Commission on Asian and Pacific Islander Affairs convenes meetings to discuss current issues affecting the DC Asian American and Pacific Islander (AAPI) community.

MEETING AGENDA**DC Commission on Asian and Pacific Islander Affairs Monthly Meeting****Wednesday, February 20, 2019, 6:30 pm****Meeting Location: 441 4th St NW, Room 721 North Washington, DC****Agenda**

Call to Order

Introduction of Commissioners

Quorum

Approval of Agenda

Approval of January 2019 Meeting Minutes

Executive Reports and Business Items

1. Director's Report, Director Ben de Guzman, MOAPIA.
2. Staff Report, Henry Duong, MOAPIA.
3. MOAPIA Performance Oversight Hearing, Thursday, February 14, 2019, DC City Council. (Report)
4. MOAPIA Budget Hearing, DC City Council
5. May APIA Heritage Celebration, Tuesday, May 7, 2019, 6:30 pm, Lincoln Theatre, 1215 U Street NW.
6. May APIA Heritage Celebration Award Nomination Process.
7. Commission Task Force Report

Miscellaneous Items**Meeting Adjournment**

Next Meeting:

Wednesday, March 20, 2019, 6:30 pm

MOAPIA,

441 4TH St NW Room 721 North

Washington DC

Questions:

John Tinpe Chairman, John.Tinpe@dcbc.dc.gov

Ben Takai, Vice Chair & Secretary BenTakai@dcbc.dc.gov

Ngoc Trinh, MAOPIA Ngoc.Trinh@dc.gov

www.apia.dc.gov

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF FUNDING AVAILABILITY****RFA No. RM0 POC OUD 022219****DC Peer Operated Centers (POC) Supporting Individuals with Opioid Use Disorders and Providing Awareness About Opioid Misuse****Purpose/Description of Project**

The Department of Behavioral Health (DBH) is committed to the development of Peer Operated Centers (POC) for consumers of behavioral health services who reside in the District of Columbia. A POC is a network of non-clinical services developed and mobilized to help attain and sustain long-term recovery for consumers and families. POCs provide activities in an environment that will promote a lifetime of wellness for consumers, families and the community. Ultimately, DBH believes in the power of Peers and their integral role in the design, development, and implementation of behavioral health services in the District.

DBH is seeking to expand peer recovery support services in an effort to increase access to opioid use disorder (OUD) treatment and improve care coordination POC. Peer-to-peer recovery support services are critical to address the needs of individuals with serious and persistent mental illness and chronic substance use and addiction. Supports such as pro-social activities, recovery coaching, job readiness, self-help and support groups, faith-based support, and educational information for individuals with and/or at-risk of OUD promote a comprehensive person-centered approach. Furthermore, aggressive peer-led outreach and engagement with current behavioral health providers (substance use and mental health), shelters and other places individuals with OUD (or at risk for) congregate, complement existing resources within the community

Eligibility

Applicant must:

1. Create programming in which peers can support one another in formal and informal ways and provide opportunities for identified support;
2. Hire Certified Peer Specialists and Recovery Coaches to provide peer support to individuals with or at-risk for OUD and/or families;
3. Hire Peer Outreach Coordinator to plan, coordinate, and execute all outreach activities;
4. Develop respectful, collaborative relationships between behavioral health agencies, such as medication-assisted treatment (MAT) providers/prescribers, and the service structures of local recovery agencies;
5. Have a diverse team of Certified Peer Specialists and Recovery Coaches with experience navigating the behavioral health system;

6. Have administrative processes such as intake, referral, daily sign-in procedures, evaluation process and data tracking;
7. Have experience providing assertive linkage to services and supports for individuals with or at-risk of OUD;
8. Have POCs physically located within the District of Columbia; and
9. Have a leadership team with lived experience in the behavioral health system.

**Please see Request for Application for implementation requirements.*

Length of Award

The initial grant award will be made from the date of award through September 29, 2019. The grant may be continued for one (1) additional year based on documented project success and availability of funding. The grant recipient will be estimated to begin project implementation in late April 2019.

Available Funding

Approximately \$1,100,000 is available to fund four (4) grant awards. Each grant award is \$275,000. Grants will be awarded by DBH utilizing funds provided by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration State Opioid Response Grant. The grant award is contingent upon available funding.

Anticipated Number of Awards

DBH anticipates four (4) awards.

Request for Application (RFA) Release

The RFA will be released February 22, 2019. The RFA will be posted on the DBH website, www.dbh.dc.gov under Opportunities, and on the website of the Office of Partnerships and Grants, www.opgs.dc.gov under the District Grants Clearinghouse. A copy of the RFA may be obtained from the DBH Community Services Administration, located at 64 New York Avenue, NE, Washington, DC 20002, 2nd Floor, from Program Monitor Helen Jones during the hours of 8:15 a.m. – 4:45 p.m. beginning February 22, 2019.

Pre-Application Conference

A pre-application conference will be held at DBH, 64 New York Avenue, NE, Washington, DC, 20002, 2nd Floor, DBH Training Room 320 on February 28, 2019 from 1:00 p.m. – 3:00 p.m. For more information, please contact Helen Jones on (202) 727-8468.

Deadline for Application

The deadline for submission is March 20, 2019 at 4:45 p.m. ET

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Student Information System (SIS)**

The Carlos Rosario School seeks a qualified firm to help project manage the selection of a new student information system. For further information, please contact Jerry Luna at jluna@carlosrosario.org. All Bids are due by 4pm on February 28, 2019.

D.C. CRIMINAL CODE REFORM COMMISSION**NOTICE OF PUBLIC MEETING**

WEDNESDAY, MARCH 6, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001

D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, March 6, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Members' Written Comments on Draft Reports:
 - (A) First Draft of Report #31, *Escape from Institution or Officer*
 - (B) First Draft of Report #32, *Tampering with a Detection Device*
 - (C) First Draft of Report #33, *Correctional Facility Contraband*
 - (D) First Draft of Report #34, *De Minimus Defense*
 - (E) Second Draft of Report #9, *Recommendations for Theft and Damage to Property Offense*
- III. Adjournment.

DC INTERNATIONAL PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Financial Underwriter**

RFP for Financial Underwriter Services: The purpose of this Request for Proposal is to solicit sealed, competitive proposals from qualified underwriting professionals to assist District of Columbia International School (“DCI” or “School”) on the refinancing of their existing facility debt of approximately \$55 million utilizing tax exempt bonds issued through the District of Columbia or any other alternative financing alternative. Please email rfp@dcinternationalschool.org for the full proposal. Proposals are due no later than 12:00PM on Friday, March, 8, 2019.

OFFICE OF DISABILITY RIGHTS**DC COMMISSION ON PERSONS WITH DISABILITIES (DCCPD)
COMMISSION MEETING****Thursday, February 28th, 2019 at 10:00 a.m. to 11:15 a.m.*****All Commission Meetings are available and open to the public to attend****Location:** 441 4th Street, NW 11th Floor Conference Center**Call-In Number:** (866) 628-2987**Passcode:** 8488992

All reasonable accommodation requests must be made at least five (5) business days prior to the scheduled meeting date. Please contact julia.wolhandler@dc.gov or 202-727-2890

AGENDA:

- 10:00 a.m.** Welcome and Call to Order – Kamilah Martin-Proctor, Chair
- 10:02 a.m.** Commissioners Roll-Call – Mary Wade
- 10:04 a.m.** Public Members Roll-Call – Mary Wade
- 10:06 a.m.** Reminder that all public comments and questions will be taken at the end of the meeting – Julia Wolhandler
- 10:08 a.m.** Approval of January 2019 Meeting Minutes (Formal Vote)
- 10:10 a.m.** Updates:
- Open Movie Captioning Requirement Act Public Hearing - Jarvis Grindstaff
 - DCFHV Accessibility Advisory Committee – Terrance Hunter
 - Developmental Disabilities Council –
 - Developmental Disabilities Awareness Month –
 - Making a Difference week 2019 – Julia Wolhandler
 - Anti-Bullying Campaign – Julia Wolhandler
 - Welcome to Marwan (film showing) – Kamilah Martin-Proctor
 - DCCPD E-mail Address – Julia Wolhandler
 - Other Updates by Commissioners – Open to all Commissioners
- 10:20 a.m.** Upcoming Statements:
- Developmental Disabilities Awareness Month (March)
 - International Women’s Day (march 8th)
 - Autism Acceptance Month (April)
 - Pride (June)

10:25 a.m. Standing Committees Updates:

- Policy and Planning Committee: Travis Painter and Jarvis Grindstaff
- Events and Outreach Committee: Hope Fuller, Denise Decker, Edward James, Barbara Cline, Anjie Shelby and Jennifer McLaughlin
- Evaluation and Monitoring Committee: Dr. Silvia Martinez

10:45 a.m. Public Comment Period

11:15 a.m. Adjourn

**EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS**

EARLY CHILDHOOD ACADEMY PUBLIC CHARTER SCHOOL (ECA) request proposals for:

- **New Telephone System Services in 38,000 sq. ft. School Facility Currently Under Construction** - vendors proficient in providing a telephone system either locally or cloud hosted, including but not limited to the installation, configuration, training and support after the project has finished.

ECA will receive bids until 4:00 pm on Wednesday, March 13, 2019. An information session will be held on Wednesday, February 27, 2019. For further information send email inquiries to bids@ecapcs.org.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

**Certification of Filling a Vacancy
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Tiffani Nichole Johnson
Single-Member District 4B06

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permits (Nos. 6796-R1, 6797-R1 and 6798-R1) to the U.S. General Services Administration (GSA) to operate three (3) existing 1,250 kWe emergency generator sets powered by 1,818 hp diesel-fired engines at the Central Heating and Refrigeration Plant, located at 325 13th Street SW, Washington, DC 20024. The contact person for facility is George Korvah, Manager, Environmental & Water Chemistry Branch, at (202) 821-8109. The applicant's mailing address is 325 13th Street SW, Washington, DC 20024.

Emissions:

Maximum emissions from each of three the 1,250 kWe emergency generator sets, operating four hundred (400) hours per year each, are expected to be as follows:

	Maximum Annual Emissions
Pollutant	(tons/yr)
Particulate Matter (PM) (Total)	0.15
Sulfur Oxides (SO _x)	<0.01
Nitrogen Oxides (NO _x)	7.96
Volatile Organic Compounds (VOC)	0.08
Carbon Monoxide (CO)	1.03

Emission Limitations:

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator sets, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]
- c. NO_x emissions from each generator set shall not exceed 9.93 g/hp-hr. [20 DCMR 201]

The permit applications and supporting documentation, along with the draft permits are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M.

and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

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

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

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

No comments or hearing requests submitted after March 25, 2019 will be accepted.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF EXTENDED SOLICITATION FOR PUBLIC COMMENTS**Underground Storage Tank Regulations**

This notice is to inform all interested members of the public that the Department of Energy and Environment (Department) is extending the time for public review and comment on the Underground Storage Tank Regulations, which was published in the *D.C. Register* on December 28, 2018, at 65 DCR 13962. A previous extension was published in the *D.C. Register* on January 18, 2019, at 66 DCR 713.

The public comment period will now end on March 5, 2019.

The primary purpose of the proposed rulemaking is to incorporate new requirements of the 2015 amendments to the federal underground storage tank regulations at 40 C.F.R. Part 280 so that the District can maintain state program approval under 40 C.F.R. Part 281. The new requirements include regulation of previously deferred field-constructed underground storage tanks and airport hydrant systems, testing of spill prevention and leak detection equipment, containment sump testing, and periodic walkthrough inspections. The rulemaking also updates the requirements for corrective action after releases from underground storage tanks, consolidates and updates fee requirements, and makes clarifying amendments and corrections to the regulations.

The proposed rules are available for viewing at: <https://doee.dc.gov/service/underground-storage-tank-program>. Additionally, a copy of these proposed rules can be obtained for viewing at DOEE offices, located at 1200 First Street, N.E., 5th Floor, Washington, D.C. 20002, during normal business hours.

All persons desiring to comment on the proposed regulations should file comments in writing no later than March 5, 2019. Comments should identify the commenter and be clearly marked “DOEE Underground Storage Tank Proposed Rule Comments.” Comments may be (1) mailed or hand-delivered to DOEE, 1200 First Street, N.E., 5th Floor, Washington, DC 20002, Attention: DOEE Underground Storage Tank Regulations, or (2) sent by e-mail to ust.doee@dc.gov, with the subject indicated as “DOEE Underground Storage Tank Proposed Rule Comments.”

Additionally, a conference call will be held on February 26, 2019, at 2pm for no more than two hours with DOEE program staff. All interested parties are encouraged to participate. The purpose of the call is to educate stakeholders about District specific updates that go beyond the federal requirements.

D.C. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

NOTICE OF CLOSED MEETING

Homeland Security Commission

March 1, 2019

10:30 a.m. to 12:30 p.m.

441 4th Street, NW

Washington, D.C. 20001

Room 1112 on Floor 11 South

On March 1, 2019 at 10:30 a.m., the Homeland Security Commission (HSC) will hold a closed meeting pursuant to D.C. Code § 2-575(b), D.C. Code § 7-2271.04, and D.C. Code § 7-2271.05, for the purpose of discussing the annual report.

The meeting will be held at 441 4th Street, NW, Washington, D.C. 20001 in room 1112 on floor 11, South Tower.

For additional information, please contact Sarah Case-Herron, Bureau Chief of Policy and Legislative Affairs, by phone at 202-481-3107 or by email at sarah.case-herron@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

Limited Equity Cooperative Task Force Meeting Agenda

February 27th, 2019

6:00 pm to 8:00 pm

DC Housing Finance Agency

815 Florida Avenue, NW

Washington, DC 20001

Members: Sandra Butler-Truesdale, Jade Hall, Paul Hazen, Louise Howells, Amanda Huron, Janene Jackson, Vernon Oakes, Lolita Ratchford, Ana Van Balen, Risha Williams, Elin Zurbrigg

1. Call To Order
2. Approval of Agenda
3. Subcommittee Reports: Prioritization of recommendations
 - a. Asset Management – Good management, training, and monitoring/sponsoring organizations
 - b. Shared Financing - Financing new construction and LEC funding for low income residents
 - c. Stakeholders – Interview findings
4. General Discussion
5. Other Business
6. Adjourn

Notes:

KIPP DC PUBLIC CHARTER SCHOOLS**REQUEST FOR PROPOSALS****Workday Implementation Consulting Services**

KIPP DC is soliciting proposals from qualified vendors for Workday Implementation Consulting Services. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals should be uploaded to the website no later than 5:00 PM EST, on March 5, 2019. Questions can be addressed to woodrow.scott@kippdc.org.

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF INVESTMENT COMMITTEE MEETING

February 28, 2019
10:00 a.m.

DCRB Board Room
900 7th Street, N.W.
Washington, D.C 20001

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, February 28, 2019, at 10:00 a.m. to consider investment matters. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the open portion of the meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

- | | | |
|------|--|--------------|
| I. | Call to Order and Roll Call | Chair Warren |
| II. | Approval of Investment Committee Meeting Minutes | Chair Warren |
| III. | Chair's Comments | Chair Warren |
| IV. | Chief Investment Officer's Report | Mr. Barnette |

At this point, the investment committee meeting will be closed in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

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|-----|----------------|--------------|
| V. | Other Business | Chair Warren |
| VI. | Adjournment | |

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF OPEN PUBLIC MEETING

February 28, 2019
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, February 28, 2019, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

- | | |
|---------------------------------------|--------------------|
| I. Call to Order and Roll Call | Chair Clark |
| II. Approval of Board Meeting Minutes | Chair Clark |
| III. Chair's Comments | Chair Clark |
| IV. Executive Director's Report | Ms. Morgan-Johnson |
| V. Investment Committee Report | Mr. Warren |
| VI. Operations Committee Report | Mr. Smith |
| VII. Benefits Committee Report | Ms. Collins |
| VIII. Legislative Committee Report | Mr. Blanchard |
| IX. Audit Committee Report | Mr. Hankins |
| X. Other Business | Chair Clark |
| XI. Adjournment | |

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, February 19, 2019 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email mia.hebb@dc.gov

Agenda

1. Review and Approval of the Minutes from the December 11, 2018 Meeting - Action Item, Judge Lee.
2. Annual Report Timeline – Informational Item, Barbara Tombs-Souvey.
3. Overview of Agency Performance Hearing – Informational Item, Judge Lee and Barbara Tombs-Souvey.
4. Overview of Felon In Possession Sentencing Trends – Informational Item, Taylor Tarnalicki and Barbara Tombs-Souvey.
5. Survey of Lapse and Revival Procedures in Other Jurisdictions – Informational Item, Kara Dansky.
6. Presentation of Requested Research Findings – Discussion Item, Mehmet Ergun.
 - a. Lapsed and Revived Convictions
 - b. Impact of Juvenile Adjudications on CH Scores
7. Discussion of Post Release Issue - Discussion Item, Kara Dansky.
8. Schedule Next Meeting – March, 19, 2019.
9. Adjourn.

SHINING STARS MONTESSORI ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Shining Stars Montessori Academy Public Charter School solicits proposals for the following:

- Enrollment Support
- Student Data Management and the Student Data Analytics

Full RFP available by request. Proposals shall be emailed as PDF documents no later than 5:00 PM on Tuesday, March 5, 2019. Contact: procurement@shiningstarspcs.org

THE GOODWILL EXCEL CENTER, PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Heating Units Installation

The Goodwill Excel Center, Public Charter School (GEC) is seeking bids to provide and install replacement and supplemental heating units for its adult public charter high school in Washington D.C. Specifications are contained in the Scope of Work section of the Request for Proposal, available at <https://www.dcgoodwill.org/excel-center/open-rfps/>. The deadline to respond to the RFP is March 8, 2019 at 5pm. Contact – Josh Wallish, General Counsel, 2200 South Dakota Ave NE, Washington, DC 20018, (202) 719-1235, josh.wallish@dcgoodwill.org.

TWO RIVERS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Real Estate Legal Services**

Two Rivers Public Charter School is soliciting proposals from qualified law firms to provide real estate legal services. For a copy of the RFP, please email Sarah Richardson at procurement@tworiverspcs.org.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, March 7, 2019 at 9:30 a.m. The meeting will be held in the Board Room (2nd floor) at 125 O Street, S.E. (1385 Canal Street, S.E.), Washington, D.C. 20003. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

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|--|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of February 7, 2019 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

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

Order No. 18878-B for Application No. 18878 of Alba 12th Street, LLC, pursuant to 11 DCMR § 3103.2, for variances from the floor area ratio (§ 1706); rear yard (§ 774)¹; and parking (§ 2101.1) requirements to allow the construction of an office building in the DD/C-2-C District at premises at 1017 12th Street, N.W. (Square 316, Lot 821).

HEARING DATE:	December 9, 2014
DECISION DATE:	January 6, 2015
DECISION DATE ON REMAND:	November 1, 2017

DECISION AND ORDER ON REMAND

On September 11, 2014, Alba 12th Street, LLC (the “Applicant”) submitted a self-certified application for variances pursuant to the 1958 version of the Zoning Regulations to allow the construction of an office building in the DD/C-2-C District at 1017 12th Street, N.W. (the “Subject Property”). The application requested variances from the maximum floor area ratio (“FAR”) permitted by § 1706 and the minimum rear yard and parking requirements of §§ 774 and 2101.1.² The Board of Zoning Adjustment (the “Board” or “BZA”) held a public hearing on the application on December 9, 2014.

On January 6, 2015, the Board voted to grant the application and issued a written order of its decision on September 9, 2015 (“Original Order”). 1101 K Street NW Acquisitions, LLC, (“1101 K Owner”) the current owner of the 1101 K Street, N.W. property (“Adjacent Property”), petitioned the District of Columbia Court of Appeals (“DCCA”) to review that decision to the extent it granted the FAR and rear yard relief.

¹ This and all other references in this Order to provisions contained in Title 11 DCMR, except those references made in the final all-capitalized paragraphs, are to provisions that were in effect on the date this Application was decided by the Board of Zoning Adjustment (“the 1958 Regulations”), but which were repealed as of September 6, 2016 and replaced by new text. Also all zone districts described in this order were renamed as of that date. The repeal and replacement of the 1958 Regulations and the renaming of the zone districts has no effect on the validity of the Board’s decision or the validity of this order.

² In its prehearing statement, Exhibit 28, the Applicant also sought a special exception under § 411.11 for the requirements for roof structures under § 770.6. However, the Applicant subsequently modified the proposed project and withdrew its request for that relief.

On April 13, 2017, the DCCA issued an unpublished Memorandum Opinion and Judgment, *1101 K St., NW Acquisitions LLC v. D.C. Bd. of Zoning Adjustment*, 160 A.3d 1174 (D.C. 2017 Table) (“Opinion”). The Opinion described the three-pronged nature of the variance test and noted that the Board similarly divided its legal conclusion into separate discussions of “Exceptional Circumstances”, “Practical Difficulty”, and “No Detriment to Public Good or Zone Plan.” The Opinion affirmed the Board’s conclusion that the first and second prongs of the variance test were met and did not disturb the Board’s conclusion that granting the variances would not be detrimental to the zone plan.

However, the Opinion found that the Board failed to adequately discuss whether the variance could be granted without substantial detriment to the public good. Specifically, the Opinion concluded that “the BZA did not grapple with the complaints that [Applicant’s] proposed project would obstruct some windows in 1101 K Street, allegedly causing [the 1101 K Property] to lose approximately \$3.2 million in rental revenue.” *Id.* at 5. The Opinion vacated Order No. 18878 and remanded the matter to the BZA “so that it can complete its analysis of the ‘substantial detriment’ prong” of the variance test. *Id.* at 6. Since the grant of the parking variance was not appealed, it remains undisturbed and therefore is not considered as part of this remand.

On November 1, 2017, the Board held a public meeting to deliberate upon the remand issue – that is, whether the granting of variance relief would cause any substantial detriment to the 1101 K Property – and voted to grant the application.

PRELIMINARY MATTERS³

Procedural Order on Remand. On September 20, 2017, pursuant to 11-Y DCMR § 801.3, the Board issued a Procedural Order On Remand (“Procedural Order”) to request a supplemental report from OP. Given DCCA’s Opinion, the Board sought further information regarding the impact of the FAR and rear yard variances on the light and views available to the 1101 K Property. The Board⁴ voted to request this information at a closed meeting held on June 28, 2017. (Exhibit 49).

OP Response to Procedural Order. On October 4, 2017, OP issued its response to the Board’s Procedural Order (“Supplemental Report”). OP provided a two-part analysis: (1) a response to the Board’s first question: “Pursuant to 12-A DCMR § 705, what percentage of the Side Windows⁵ are required to be covered?” (“Question 1”); and (2) a response to the question: “Assuming that the answer to the first question is zero, what impact would the variances have on the light and views that would be available to the 1101 K Street Property?” (“Question 2”). In its response to the Question 1, OP stated that the current relationship between the Subject Property

³ These Preliminary Matters are not intended to displace the matters made in the Original Order, but to highlight the principal matters that facilitated this remand and decision.

⁴ Board Chairman Frederick L. Hill is the authorized agent of the Applicant and therefore recused himself from this case.

⁵ The term “Side Windows” refers to the existing north-facing and west-facing windows on the 1101 K Property.

and the 1101 K Property would not require any of the Side Windows to be covered. With respect to Question 2, OP asserted that any impacts would not pose an undue or substantial detriment in the context of the overall impact on the light and views available to the 1101 K Street Property. In reaching this conclusion, OP compared the adverse impacts of a by-right development with the proposed development that would result from the Applicant's requested variances. (Exhibit 56).

Applicant's Response to OP Report. On October 27, 2017, the Applicant filed a response to the Supplemental Report. The Applicant supported OP's analysis as to both Question 1 and Question 2, and cited several submissions that it had previously made into the record. (Exhibit 56). The Applicant also encouraged the Board to consider additional sun studies that aimed to demonstrate the nominal difference between a by-right development and the proposed development as to the impact on light and views.

Supplemental Submission from 1101 K Owner. Also on October 27, 2017, 1101 K Owner filed a response to the Supplemental Report. The submission included: (1) an analysis of the applicable building code provisions on the proposed development, with and without the variance relief; and (2) an analysis of the impacts the proposed development would have on the light and views of the Adjacent Property.

Incorporation of Order. This order incorporates Order No. 18878 in its entirety, except for that portion that concerns the portion of the order remanded to the Board. In the case of any inconsistency between Order No. 18878 and this order, the substance of this Order governs.

FINDINGS OF FACT⁶

1. The Subject Property and the Adjacent Property share two interior lot lines that separate the two properties: an east-west interior lot line and a north-south interior lot line.
2. The Adjacent Property is a 10-story office building. On floors six to eight, the Adjacent Property has approximately 748 linear feet of cumulative exterior frontage on K Street, 11th Street, 12th Street, and the alley between 11th and 12th Streets. There is marginally less on floors nine and 10 due to setbacks. The majority of the building walls on these frontages is devoted to windows. There is an additional 75 linear feet of building wall, with between 19.6 and 27 linear feet⁷ of windows along the interior lot lines shared with the Subject Property. (Exhibit 51).
3. The FAR variance increases the permissible square footage of the Subject Property, but not its overall permitted volume, so it would not affect light or view conditions. It is

⁶ These Findings of Fact are not intended to displace the findings made in the Original Order, but to highlight the principal facts upon which the Board decided this remand.

⁷ Consultant for Applicant calculated 19.6 linear feet. (Exhibit 44D). Consultant for 1101 K Owner calculated 27 linear feet. (Exhibit 43).

the rear yard variance that impacts the dimensions of the Subject Property and its distance from the 1101 K Street Property's west-facing windows on the north-south interior property line.

4. The District's building regulations incorporate the International Building Code ("IBC"). To accommodate the IBC to the District's urban context, the District has supplemented the IBC with regulations permitting DCRA to grant flexibility from the IBC with conditions designed to ensure that safety is not compromised. This flexibility is relevant to the windows on or near both interior lot lines separating the Subject Property from the Adjacent Property, and in evaluating any adverse impact that might result from granting variance relief.
5. For the portions of buildings on interior lot lines, the DC Building Code defines "Fire Separation Distance" as the distance from a building's face to the closest interior lot line. (Exhibit 51).
6. Under standard IBC rules, the Adjacent Property has a Fire Separation Distance of less than one foot from the east-west interior lot line and from the north-south interior lot line. With these Fire Separation Distances, none of the existing windows on the interior lot lines would be permitted. However, in the District, 12A DCMR §§ 705.8.7.1, 705.8.7.4, and 705.8.7.5 enable greater flexibility for the inclusion of window openings on or near adjacent construction or property lines.
7. Because the Adjacent Property's windows on both the east-west and north-south interior lot lines shared with the Subject Property are already existing, none – or zero percent – of the windows on the Adjacent Property are required to be covered. However, future construction, such as the Applicant's proposed project, would necessitate compliance-related changes.
8. The light and views available to the Adjacent Property would be impacted if the Applicant's proposed project is constructed to a by-right maximum size or to the size permitted by the rear yard variance granted under the Original Order.
9. If the Applicant's proposed project is constructed by-right, the maximum building dimensions permitted by C-2-C Zone District could be: 25 feet wide (full lot width), 105 feet tall (12th Street's right of way width plus 20 feet), and 25.48 feet deep along the east-west interior lot line (50.48-foot lot depth minus 15-foot required rear yard). The construction of such a by-right building would require the closing of all of 1101 K Street Property's north-facing side windows along the east-west interior property line shared with the Subject Property, eliminating those windows' light and views. Furthermore, it would alter views from the west-facing windows for the Adjacent Property along the north-south interior property line shared with the Subject Property. Those windows, which now afford view to 12th Street from a distance of approximately 50 feet across the Subject Property, would look at the back of the

BZA ORDER NO. 18878-B

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Subject Property from a distance of 15 feet. In sum, a maximum, by-right construction would block light and views for the Adjacent Property along both the east-west and north-south interior lot lines shared with the Subject Property, and reduce, through shadowing, the amount of natural light available through the Adjacent Property's west-facing windows during afternoon hours.

10. More specifically, a by-right building on the Subject Property would:

- a. Block light and views along the east-west interior lot line for the Adjacent Property's north-facing windows on floors six through 10. This would be needed to comply with the Fire Separation Distance provisions of the DC building codes.
- b. Block the Adjacent Property's existing views of 12th Street from approximately 19 ½ windows on floors six through 10 along the north-south interior lot line. These windows are approximately 50.5 feet from the 12th Street right of way. The new views would be of the rear wall of the new building on the Subject Property, which would be approximately 15 feet away. The rear wall on the Subject Property would not be permitted to have windows in the absence of a covenant in accordance with the DC Building Code.
- c. Reduce through shadowing, but not eliminate, the amount of light available through the Adjacent Property's west-facing windows along the north-south interior lot line between approximately 1:00 PM and the time that other existing 5-11 story buildings to the west now cast shadows on these windows. Unless otherwise blocked by interior partitions, the Adjacent Property building area that would receive less natural light from the west would continue to receive light from windows facing on the alley to the north.

11. With the approved variances, the Applicant's proposed project could occupy the full width and depth of its lot and be 105 feet tall. The granted relief provides that a future construction is not required to have a rear yard. The construction of a larger building enabled by the approved variances would require the same north-facing window closings and have the same light and views impact along the east-west interior lot line as noted in Findings of Fact Nos. 10 and 11. However, such construction would also require the closing of all of the Adjacent Property's west-facing windows on floors six through 10 along the north-south interior lot line shared with the Subject Property. This would eliminate all light and views available to those windows, and all views from those windows that would otherwise extend to the 15-foot distant rear wall of a maximum by-right building on the Subject Property. These west-facing windows occupy approximately 75% of a 25-foot-long building face. That building face is approximately 3% of the approximately 823-foot building perimeter on floors six through 10 of the Adjacent Property.

12. Overall, with respect to floors six to ten of the Adjacent Property, a variance-based construction would require the elimination of approximately 19 to 20 linear feet of windows along the north-south interior lot line that would not otherwise have to be blocked under the maximum, by-right scenario discussed in Findings of Fact Nos. 10 and 11.
13. If the proposed project is constructed under the approved variances scenario, approximately 1,000 square feet of interior work space on floors six through 10 of the Adjacent Property, located directly behind the existing west-facing windows, would have western light eliminated. However, depending on how interior partitions are configured, the distance between an interior work space and an exterior window could continue to receive light from north-facing windows that are no farther than 25 feet away.

CONCLUSIONS OF LAW

“The BZA is authorized to grant an area variance where it finds that (1) there is an extraordinary or exceptional condition affecting the property; (2) practical difficulties will occur if the zoning regulations are strictly enforced; and (3) the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan.” *Ait-Ghezala*, 148 A.3d at 1216 (internal quotation marks omitted); *see also* D.C. Code § 6-641.07 (g)(3) (2012 Repl.); 11 DCMR § 3103.2 (2016). The findings of fact and conclusions herein, per the Opinion issued by DCCA, focus on the third prong. *See 1101 K Street Acquisitions, LLC* at 6 (vacating Order No. 18878 and remanding matter to BZA “so that it can complete its analysis of the ‘substantial detriment’ prong” of the variance test). The Board’s decision must rationally flow from findings of fact supported by substantial evidence in the record as a whole. *See Oakland Condo. v. District of Columbia Bd. of Zoning Adjustment*, 22 A.3d 748, 756 (D.C. 2011) (citation omitted).

No Substantial Detriment to the Public Good

On remand, the Board concludes that the Applicant’s proposed project will not result in a substantial detriment to the public good. The rear yard variance would have an impact on the light and views currently available to the Adjacent Property, but such consequences would not impose an undue or substantial detriment, particularly when compared to the impacts that would result from a by-right development on the Subject Property. Additionally, while there are potential “Fire Separation Distance” issues that would require the 1101 K Owner to seal several windows on both the east-west and north-south interior lines, the Board is not prepared to deny variance relief on this ground. The Board has held that “property owner is not entitled to a view across another person’s property without an express easement.” BZA Order No. 18787; *and see* Z.C. 12-02. In addition, DCCA has concluded that, as pertains to the Zoning regulations, “one may obstruct his neighbor’s windows at any time.” *Hefazi v. Stiglitz*, 862 A.2d 901, 911 (D.C. 2004). Most of the windows at issue would have to be covered even under a by-right development scenario.

In reaching its conclusion, the Board credits the submissions of OP (Exhibit 51), the Applicant (Exhibit 56), and 1101 K Owner (Exhibit 56). Ultimately, the Board was not persuaded that the difference between a by-right and variance-based construction was so significant that the granting of variance relief would result in a substantial detriment to the 1101 K Owner. Under either scenario, Applicant's proposed project would impact the light and views available to the Adjacent Property. The difference with the variance-based construction is that it would require the closing of all of the Adjacent Property's west-facing windows on floors six through 10 along the north-south interior lot line, but these window closings only encompass 19-20 linear feet that would not otherwise have to be blocked under the maximum by-right scenario. Furthermore, these west-facing windows occupy about 75% of a 25-foot-long building face, which, in turn, is just 3% of the approximately 823-foot building perimeter on floors six through 10 of the Adjacent Property. Given this nominal impact, the Board is not convinced that this rises to a level of detriment that is substantial and warrants denial of the requested relief. The Board is not convinced that there would be any significant loss in property value, and finds it reasonable to expect that the 1101 K Owner will reconfigure internal work space to accommodate for a loss of natural light.

Having once again determined that the Application meets the third prong of the variance test, the Board once more grants the application.

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

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

VOTE: 3-0-2 (Carlton E. Hart, Lesylleé M. White, and Robert E. Miller to APPROVE; Frederick L. Hill recused; 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 11, 2019

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.

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

Appeal No. 18965 of Peter and Diana Minshall, pursuant to 11 DCMR §§ 3100 and 3101¹, from a November 26, 2014 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1410905 to construct a retaining wall in the R-3 District at premises 3329-3333 Q Street N.W. (Square 1278, Lots 265 and 266).

HEARING DATES: March 31, 2015; April 14, 2015; and May 5, 2015²
DECISION DATE: May 5, 2015

DISMISSAL ORDER

On January 21, 2015, Peter and Diana Minshall (the “Appellants”) filed an appeal from a decision of the Zoning Administrator, Department of Consumer and Regulatory Affairs (“DCRA”), to approve building permit application B1410905, issued on November 26, 2014 for alterations to an already existing a retaining wall (the “Retaining Wall”) on a residential property at 3333-3329 Q Street, N.W. (the “Subject Property”). On April 13, 2015, the Owner of the Subject Property, Sean P. Glass Revocable Trust, and DCRA filed motions to dismiss the appeal for untimely filing and, in the alternative, for failure to demonstrate a violation of the Zoning Regulations. On April 21, 2015, Appellants filed a response in opposition to the motion to dismiss. The Board of Zoning Adjustment (the “Board” or “BZA”) considered the motion at its hearing on May 5, 2015 and, at that time, granted the motion to dismiss.

FINDINGS OF FACT

The Project and Appeal

1. The Property that is the subject of this appeal is located at 3329 Q Street, N.W. and the adjacent 3333 Q Street, N.W. (Exhibit 23.)
2. The Property is located in the R-3 District and in the Georgetown Historic District.

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 decision in this case or of this order.

² The application was postponed from the original hearing date of March 31, 2015 and from April 14, 2015. The public hearing was held on May 5, 2015.

3. The Owner of the Property, Sean P. Glass Revocable Trust (“Owner”), was issued Building Permit B1110228 on March 23, 2012, and Building Permit 1200001 on May 25, 2012. (Exhibit 23.)
4. Plans approved for Building Permit 1110228 and Building Permit 1200001 include depictions of the Retaining Wall as part of a larger fence/wall structure, which consists of a retaining wall, and a fence structure located on top of the retaining wall. (Exhibit 23; Transcript of April 14, 2015 Hearing (“Tr.”), pp. 42, 45-47.)
5. On February 16, 2012, prior to construction of the Retaining Wall, the Owner notified the Appellants of proposed work along the property line. (Exhibit 22.)
6. The Appellants were given additional notice of the construction through a notification that stated that the work on the Retaining Wall would begin on January 8, 2013. (Exhibit 22.)
7. On multiple occasions from 2012 to 2014, the Appellants corresponded with the Owner and the Owner’s contractor regarding finishes to be installed on their side of the fence/wall structure. (Exhibit 22.)
8. On February 20, 2014 a Stop Work Order alleging that the fence/wall structure exceeded the scope of the permit and the seven-foot height limit was granted in response to complaints issued by the Appellants. (Exhibit 28.)
9. On March 20, 2014, the DCRA hearing officer determined that all required permits had been obtained in connection with the fence/wall structure and dismissed the Stop Work Order without prejudice. The Appellants did not participate in the hearing. (Exhibit 28.)
10. The Appellants chose not to file an appeal of DCRA’s dismissal of the Stop Work Order. (Exhibit 23, Tr., p. 56.)
11. Building Permits 1110228 and 1200001 were never appealed or revoked. (Exhibit 23, Tr., p. 58.)
12. The Appellants requested that District of Columbia Office of Planning, Historic Preservation refer Building Permit 1200001 to the Commission on Fine Arts for review, two years after the issuance of the permit. (Exhibit 23.)
13. District of Columbia Office of Planning, Historic Preservation referred the overall fence/wall structure to the Commission on Fine Arts by letter dated June 12, 2014. (Exhibit 23.)
14. On July 17, 2014, the Commission on Fine Arts rejected the application for review until accompanied by evidence of a new DCRA permit application for the fence/wall structure. (Exhibit 23.)

15. The Owner submitted an application for a permit on August 13, 2014, pursuant to the request of the Commission on Fine Arts. (Exhibit 23.)
16. The Zoning Administrator approved the proposed permit on August 13, 2014. (Exhibit 28.)
17. The Commission on Fine Arts considered and approved the 2014 Permit application on September 18, 2014. (Exhibit 23.)
18. Building Permit B1410905 was issued on November 26, 2014 and describes the work to be performed as including “add[ing] stucco facing to exterior of already constructed wall.” (Exhibit 22.)
19. On January 21, 2015, the Appellants filed this appeal with the Board of Zoning Adjustment (the “Board”), alleging that Permit B1410905 was issued in violation of the Zoning Regulations, because the work permitted violated the retaining wall regulations enacted by the Zoning Commission effective June 13, 2014. (Exhibit 23.)
20. On April 7, 2014, the Owner filed a Motion to Intervene; however, the Owner of the property involved in the administrative decision that is the subject of the appeal is an automatic party to the case. (11 DCMR § 3199.1. definition of “party”.)
21. At the May 5, 2015 hearing, all parties agreed that the Retaining Wall was constructed in January 2013. (Tr., pp. 41, 43.)
22. At the May 5, 2015 hearing it was established that the Retaining Wall portion of the fence/wall structure is less than four feet in height. (Tr., pp. 42, 47.)

CONCLUSIONS OF LAW

Under § 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g)(1) (2012 Repl.), the Board is authorized to hear and decide appeals based on an allegation that an administrative officer erred in rendering a decision or determination in administering the Zoning Regulations. (*See also* 11 DCMR § 3100.2.) Subsection 3112.2 of the Zoning Regulations requires that an appeal be filed within 60 days of the date the person filing the appeal first had notice or knowledge of the decision complained of, or reasonably should have had notice or knowledge, whichever is earlier. (11 DCMR Section 3112.2(a).) The actual decision being appealed in the instant case is the 2012 decision to permit construction of the Retaining Wall, not the decision to issue the November 2014 Building Permit 1410905. The November 2014 Building Permit 1410905 merely specified details regarding the facing of the already constructed fence/wall structure.

The Retaining Wall was constructed in 2013, pursuant to Building Permit 1200001 issued on May 25, 2012, and Building Permit 1110228, issued on March 23, 2012. The Appellants had ample opportunity to timely oppose the construction of the Retaining Wall. The Appellants had notice of the construction before it began, notice of the issuance of the building permits, and

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knowledge of the actual construction of the Retaining Wall. Yet, the Appellants failed to file an appeal of that permit within the 60-day deadline. Furthermore, the Appellants chose not to appeal DCRA's March 12, 2014 dismissal of the Stop Work Order. Therefore, the Board dismisses this appeal as untimely.

For reasons discussed above, the Board **ORDERS** that the motion to **DISMISS** the appeal is **GRANTED**.

VOTE: 4-0-1 (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Anthony J. Hood to DISMISS; 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 8, 2019

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. 19564 of Tammika Thompson, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the residential conversion requirements of Subtitle U § 320.2, including a waiver from the rear addition requirement of Subtitle U § 320.2(e), to convert an existing one-family dwelling into a three-unit apartment house with a rear addition in the RF-1 Zone at premises 428 Randolph Street, N.W. (Square 3236, Lot 69).

HEARING DATES: September 27, October 25, and November 15, 2017
DECISION DATE: November 29 and December 20, 2017

DECISION AND ORDER

The owner of 428 Randolph Street, N.W. (the “Property”), Tammika Thompson (the “Applicant”), submitted a self-certified application (the “Application”) requesting special exception relief under Subtitle X, Chapter 9 and Subtitle U § 320.2, including a waiver under Subtitle U § 320.2(l) from the ten-foot limit on rear additions of Subtitle U § 320.2(f), to authorize a conversion of an existing two-story single dwelling unit (the “Building”) to a three-story, three-unit apartment house with a new third story and stepped-back rear addition (collectively, the “Addition”) on the Property in the RF-1 Zone. Having considered the evidence in the record, including pre-hearing submissions and testimony received at the November 15, 2017 public hearing, the Board of Zoning Adjustment (the “Board” or “BZA”) voted to approve the Application for the reasons set forth below.

The Board made no finding that the requested relief, which was self-certified pursuant to Subtitle Y § 300.6(b), 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’s approval of the plans does not constitute approval of all relief necessary for the construction proposed by the plans, but only for the relief specified in this Order.

¹ Although the Applicant added a request for waiver from the requirement to not block adjacent chimneys of U § 320.2(f) in its revised Burden of Proof (Exhibit 30), the Applicant subsequently withdrew this request at the public hearing (BZA Public Hearing Transcript of November 15, 2017 (“Tr.”) at 238) as unnecessary, as acknowledged by the Office of Planning (Tr. at 245), because the adjacent owner executed an agreement authorizing the Applicant to raise the neighbor’s chimney to comply with U § 320.2(f) (Exhibits 33 and 76.)

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. In accordance with 11 DCMR Subtitle Y § 402.1, the Office of Zoning published the notice of the public hearing on the Application in the *D.C. Register* on August 11, 2017 (64 DCR 7885) and provided notice of the Application and of the September 27, 2017 hearing date by inclusion on the Office of Zoning’s online calendar of Board hearings. By memoranda dated July 14, 2017, the Office of Zoning sent notice of the filing of the application to the Applicant; to Advisory Neighborhood Commission (“ANC”) 4C, in which district the Property is located; to ANC 4C10, the Single Member Commissioner in whose district the Property is located; to the owners of all property within 200 feet of the Property; to the Office of Planning (“OP”); to the District Department of Transportation (“DDOT”); to the Chairman and four At-Large Councilmembers of the District of Columbia; and to the Councilmember for Ward Four in which the Property is located. (Exhibits 15-26.) The Applicant filed the affidavit of posting required by Subtitle Y § 402.9. (Exhibit 32.)

Party Status. The Applicant and ANC 4C were automatically parties in this proceeding pursuant to Subtitle Y § 403.5. The Board did not receive any requests for party status.

Applicant’s Case. Architect Michael Cross represented the Applicant and filed pre-hearing evidence to the record. At the hearing Mr. Cross and his associate, Emily Bacher, provided testimony.

OP Report. The Office of Planning filed a report dated September 15, 2017 with the Board. (Exhibit 36.) The OP report set forth the special exception standards of Subtitles X § 901 and U § 320.2 and determined that the Application met these standards as they applied to the request to authorize the conversion of the Building to an apartment house, including the requested waiver under Subtitle U § 320.2(l) from the maximum ten-foot extension of the rear wall of the Building of Subtitle U § 320.2(e).

DDOT Report. By a memorandum dated September 25, 2017 (Exhibit 37), DDOT stated that it had no objection to the approval of the application for the special exception.

ANC Reports and testimony. ANC 4C submitted a report of its September 13, 2017 meeting at which it voted 4-3-1 to oppose the Application based on specified concerns and issues and to request that the Applicant agree to four conditions for any development of the Property. The specific concerns were:

- (i) the ANC asserted that the proposed third unit under the requested conversion, one more than allowed by right, represented an increase in density that would:
 - (a) significantly alter the character of the block;
 - (b) significantly impact the residential parking limitations; and
 - (c) significantly reduce the availability of family housing; and

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- (ii) the ANC asserted that the Applicant had failed to demonstrate a hardship or community support to justify the proposed rear extension of 31 feet at the cellar level, stepped back to 19 feet, 3 inches for the first through third stories, instead of the 10-foot extension allowed without the waiver. The ANC asserted that the proposed rear extension was similar to one proposed in a prior application to the Board (BZA Application No. 19418), in which the owner of property in the same ANC SMD district as the Property withdrew its request for a waiver from Subtitle U § 320.2(e)'s maximum ten-foot rear extension.

The four requested conditions were:

- (i) to conduct pest abatement on the Property prior to any demolition;
- (ii) to limit the height of the roof stair enclosure to below the height of the parapet to limit the changes to the roofline;
- (iii) to provide two parking spaces on the Property; and
- (iv) to test all pipes on the Property and replace any lead pipes found.

The ANC also voted 8-0-0 to authorize the Single Member District Commissioner 4C10, Jonah Goodman (the "SMD Commissioner"), in whose district the Property is located, or any member of the ANC Executive Committee, to represent the ANC before the Board (Exhibit 38, the "First ANC Report").

After two postponements requested by the ANC and Applicant to allow further discussion between the Applicant and the community and ANC (Exhibits 39, 40, and 42), the ANC submitted a second report stating that the ANC, at its November 8, 2017 meeting, voted 5-1-0 to oppose the Application based on the same concerns and issues as expressed in the ANC's First Report and with the same four conditions. (Exhibit 73, the "Second ANC Report".)²

The SMD Commissioner, acting as the authorized representative of the ANC, presented testimony in opposition to the Application at the hearing. Following the Applicant's submission of revised plans as requested by the Board (Exhibit 77), the SMD Commissioner submitted a letter on November 28, which repeated the ANC's assertion that the proposed rear addition beyond the 10-foot limit was out of scale with the surrounding neighborhood and referred again to Application 19418 in which that applicant had withdrawn its requested waiver from Subtitle U § 320.2(e)'s maximum ten-foot rear extension.

Persons in opposition. The Board received one other letter in opposition to the Application from a neighbor on the other side of the block to the southeast of the Property. (Exhibit 34.) This letter

² The ANC's Second Report also included a re-authorization of the SMD and Executive Committee member, but this appears to have been a restatement of the prior authorization of September 13, 2017 as the authorization vote was 8-0-0, but only seven members were present according to the ANC's Second Report. (Exhibit 73.)

objected to the proposed addition due to anticipated loss of sunlight, pervious surface, and family housing.

Persons in support. The Board received 27 letters of support for the Application, although not from either abutting property. (Exhibits 35, 44-7, 52-72, and 74.) The abutting neighbor to the east of the Property (426 Randolph Street, N.W.) authorized the Applicant to raise its chimney to accommodate the proposed Addition, an authorization that the Applicant characterized as a “non-opposition letter.” (Exhibits 33 and 76; BZA Public Hearing Transcript of November 15, 2017 (“Tr.”) at 240.)

FINDINGS OF FACT

The Site and the Surrounding Neighborhood

1. The Property consists of Lot 69 in Square 3236. The Property is located on the southern side of Randolph Street, N.W. approximately mid-block between 5th and 4th Streets, N.W., with an address of 428 Randolph Street, N.W.
2. The Property is in the RF-1 Zone.
3. The Property is rectangular -- approximately 20.33 feet wide on Randolph Street, N.W. and approximately 137 feet deep -- with a lot area of approximately 2,785 square feet. (Exhibits 3 and 77.)
4. The Property, like most of the lots in Square 3236, is larger and deeper than the minimum requirements for the RF-1 zone: almost 1,000 square feet larger than the 1,800 square feet required for a row-dwelling or flat by Subtitle E § 201.1.
5. The Property is improved with the two-story attached Building, which is used as a principal dwelling unit that has two bedrooms and one bathroom. (Tr. at 243.)
6. The rear of the Building faces south.
7. The Building is similar to most of the other buildings on the block, including the abutting neighbors to the Property, having been built in the same period.

Project Description

8. The Application proposes to construct a third story and rear addition and convert the Building to a three-unit apartment house.
9. The Addition consists of a new third story and a rear addition that extends 31 feet beyond the furthest adjacent rear wall at the cellar level and then steps back at the first through third stories with a roof deck to extend 19 feet, 3 inches beyond the furthest adjacent rear wall.

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10. The height of the Addition is 34 feet, 10 inches. (Exhibits 6, 31, and 77, Sheets 11 and 12.)
11. The Addition proposes a rear yard of 57 feet, 2 inches, almost three times the minimum 20 feet required by Subtitle E § 306.1. (Exhibit 31, Sheet 4.)
12. The Addition's rear extension casts limited shadows on abutting properties because it projects south into the rear yard. The stepped-back projection of the Addition reduces the shadows. (Tr. at 242-43.)
13. The Addition results in a lot occupancy of 56%, less than the 60% maximum allowed by Subtitle E § 304.1.
14. The Addition would include 603 square feet of permeable surface, exceeding the 557 square feet required by Subtitle E § 204.1.
15. The Addition would include two units with three bedrooms and one unit with two bedrooms and a den. (Tr. at 243.)
16. The Addition has no side windows looking onto the abutting properties. (Exhibit 6.)
17. No solar energy systems are installed on the properties adjacent to the Property. (Exhibits 8 and 30.)
18. The proposed Addition will not alter the existing porch roof or front main roof. (Exhibits 8 and 30.)
19. The Applicant submitted a corrected burden of proof statement (Exhibit 30) and revised plans (the "Revised Plans", Exhibit 31) to note an existing chimney on the abutting property to the east which the Applicant believed was not in use and that she intended to obtain permission to cap. The Applicant also requested a waiver under Subtitle U § 320.2(l) from the requirement of Subtitle U § 320.2(f) that an apartment house conversion cannot impede the functioning of an adjacent chimney.
20. The Revised Plans also amended the design of the blind side walls facing the abutting properties to include different materials to break up the surfaces and make them more visually interesting, following the Office of Planning's suggestion. (Exhibit 31, Sheets 14 and 15; Exhibit 77, Sheet 14-16; Tr. at 246.)
21. The Applicant submitted into the record the eastern abutting neighbor's authorization, dated September 7, 2017, for the Applicant to vertically extend the neighbor's chimney to keep it compliant with Building Code clearance requirements if the proposed Addition was approved and constructed (Exhibits 33 and 76 (duplicate), the "Chimney Authorization").

22. At the November 15, 2017 public hearing (the “Hearing”), the Applicant withdrew her second request for a waiver from Subtitle U § 320.2(f)’s prohibition on an apartment conversion impeding an adjacent chimney because she believed that the waiver was no longer needed due to the Chimney Authorization. (Tr. at 238.)
23. At the Hearing, the Applicant agreed to three of the four conditions requested by the ANC:
- (i) to conduct pest abatement;
 - (ii) to provide two parking spaces on the Property, and
 - (iii) to test all pipes for lead, and to replace any lead pipes found (Transcript at 244-245 and 266-267.)
- The Applicant stated that the ANC had withdrawn its fourth condition.
24. At the Hearing, the SMD Commissioner, authorized to represent the ANC, confirmed that the ANC had agreed to withdraw the ANC’s fourth condition limiting the height of the staircase penthouse. (Tr. at 249.)
25. At the end of the Hearing, the Board requested additional plans from the Applicant to better illustrate the size and impact of the penthouse housing the stairs to the roof deck.
26. Following the Hearing, the Applicant submitted a revised set of plans (the “Final Plans”, Exhibit 77) that:
- (i) reduced the visual impact of the stairway penthouse by reducing the height and sloping the roof (Sheet 4 and 11);
 - (ii) provided front and rear elevations to illustrate the impact of the proposed Addition, particularly the penthouse staircase; and
 - (iii) added new six-foot tall privacy fences on the side property lines of the proposed rear yard shared with the western and eastern abutting properties. (Sheet 4.)

The Special Exception Relief

27. The Application, as revised at the Hearing, requested a special exception under Subtitle X, Chapter 9 and of Subtitle U § 320.2 to authorize the conversion of an existing single principal dwelling unit to a three-unit apartment house, including a waiver under Subtitle U § 320.2(l) from the ten-foot limit on rear projections of Subtitle U § 320.2(e). The Applicant withdrew the request for a waiver from the ban on interfering with adjacent chimneys of Subtitle U § 320.2(f) at the Hearing.

CONCLUSIONS OF LAW

Special Exception Relief

The Board is authorized to grant special exceptions under Section 8 of the Zoning Act and Subtitle X § 900, in accordance with specific provisions of the Zoning Regulations (D.C. Official Code 6-641.07(g)(3) (2018 Repl.); 11-X DCMR § 1002). Pursuant to Subtitle U § 320.2, the Board may grant special exception relief to allow the conversion of the Building to a three-unit apartment house if the Applicant demonstrates, with sufficient graphical representations for the Board to render a decision, that the proposed addition meets the requirements of Subtitle X § 901 and the specific conditions of Subtitle U § 320.2:

- (a) the principal building may not exceed 35 feet high;
- (b) the fourth unit, and every even unit thereafter, shall be subject to Inclusionary Zoning;
- (c) the property must have an existing residential building at the time of conversion;
- (d) the property must have at least 900 square feet per unit;
- (e) the maximum rear extension allowed is ten feet;
- (f) an addition may not block or impede an adjacent chimney or vent;
- (g) an addition may not significantly interfere with an adjacent solar system;
- (h) rooftop architectural features original to the existing residential building may not be removed or significantly altered;
- (i) an addition would not adversely affect the abutting and adjacent properties, specifically:
 - (1) it would not unduly affect the light and air available to neighboring properties,
 - (2) it would not unduly compromise the privacy of use and enjoyment of neighboring properties, and
 - (3) it would not substantially visually intrude upon the character, scale, or pattern of the subject street or alley.

Subtitle U § 320.2(l) authorizes the Board, as part of an approval of a conversion to an apartment house under Subtitle U § 320.2, to grant a waiver from no more than three of the specific requirements of Subtitle U § 320.2(e)-(h), provided the waiver does not adversely affect neighboring properties in compliance with Subtitle U § 320.2(i). Subtitle X § 901.2 additionally requires that the special exception be in harmony with the general purpose and intent of the Zoning Regulations.

Based on the above findings of fact, the Board determined that the Application met each of the specific requirements of Subtitle U § 320.2(a)-(h), as follows:

- (a) the maximum height of the Building with the Addition did not exceed the maximum 35 feet allowed;

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- (b) the required set aside for Inclusionary Zoning starting with a fourth dwelling unit was inapplicable, as only three dwelling units were proposed;
- (c) the Building is an existing residential building, as required;
- (d) the lot area of the Property, at 2785 square feet, exceeds the total 2700 square feet required based on 900 square feet per dwelling unit;
- (e) the Board granted the requested waiver from the ten-foot rear addition limit pursuant to Subtitle U § 320.2(l);
- (f) the proposed Addition would not impede the functioning of the adjacent chimney on the eastern abutting property, which the Applicant would raise, pursuant to the Chimney Authorization, to maintain the chimney's compliance with the D.C. Building Code;
- (g) the proposed Addition would not interfere with any adjacent operating solar system, as none are installed on properties adjacent to the Property; and
- (h) the proposed Addition would not remove or significantly alter any rooftop architectural element original to the Building.

As required by Subtitle U § 320.2(i) and Subtitle X § 901.2, the Board reviewed the potential impact of the proposed conversion and Addition on the abutting and adjacent properties and determined that the proposed Addition would not have a substantially adverse effect on the use or enjoyment of any neighboring property. The Board found the proposed Addition's rear extension would not unduly affect the light and air available to the neighboring properties because the rear extension would project southerly and so would minimally interfere with the sunlight on the abutting properties. The step-back of the rear extension from the 31 feet at the cellar level to 19 feet, 3 inches on the first through third floors further reduced the shading cast on the abutting properties. Even with this extension, the Property would have an open rear yard of more than 57 feet, far exceeding the required 20-foot rear yard of Subtitle E § 306.1.

The Board found that the conversion and Addition, including the waiver to allow the rear extension beyond ten feet, would not unduly comprise the privacy and enjoyment of the neighboring properties. The Board noted that the Applicant proposed no windows on the side elevations facing the neighbors' rear yards and proposed to install six-foot tall privacy fences on each side lot line for the length of the rear yard to further ensure the privacy of the abutting neighbors. Furthermore, the Board noted that the Applicant had agreed to OP's recommendation to provide differentiated exterior cladding to the sides of the Addition to liven what would otherwise be expanses of blank walls.

As for the visual impact of the proposed Addition, the Board determined that the Applicant's efforts in the Final Plans (Exhibit 77) to reduce the visibility of the staircase penthouse from the street frontage -- by sloping the roof and reducing its top height by 5 inches to 8 feet, 7 inches -- successfully minimized the effect of the Addition so that it did not substantially intrude upon the visual character of the street or alley.

The Board noted the support of multiple neighbors for the proposed conversion and Addition who had submitted letters to the record and noted that the eastern abutting neighbor had authorized the Applicant to raise its chimney to accommodate the Addition.

The Board considered the one letter of opposition on the record but noted that the opponent was on the other side of the block and so would not directly experience any impacts to light or air. With regard to the opponent's concern over the loss of pervious surface, the Board noted that the Addition proposed a lot occupancy of 56%, less than the 60% maximum of Subtitle E § 304.1 and proposed to retain 603 square feet of permeable surface, in excess of the 20% required by Subtitle E § 204.1.

Based on its considered review of the evidence, the Board determined that the Applicant met its burden to establish that the Addition met the requirements of the special exception for the apartment house conversion, including the waiver from the ten-foot limit on rear extensions.

Great Weight to OP

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Law 8-163 § 5; D.C. Official Code § 6-623.04 (2018 Repl.). For the reasons discussed above, the Board finds OP's analysis persuasive and agrees with OP's recommendation to approve the Application's requests for a special exception to allow the conversion of the Property to a three-unit apartment house per Subtitle U § 320.2, including the requested waiver under Subtitle U § 320.2(1) from the ten-foot limit on rear projections of Subtitle U § 320.2(e).

Great Weight to the ANC

The Board is also required by the ANC Act to give “great weight” to the issues and concerns raised by the affected ANC, in this case ANC 4C. (Section 13(d)(3)(A) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21); D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.).) The “[ANC] statute does not require the BZA to give “great weight” to the ANC's recommendation but requires the BZA to give great weight to any issues and concerns raised by the ANC in reaching its decision.” *Metropole Condominium Assoc. v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1086 (D.C. 2016) (citing the ANC Act). The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” *Wheeler v. D.C. Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n. 10 (1978) (citation omitted).

The Board considered the ANC's stated issues and concerns but found them unpersuasive for the following reasons:

- (i) the Board disagreed with the ANC's concern of the impact of the third unit authorized by the conversion, and concluded that this third unit would not:
 - (a) substantially alter the character of the neighborhood because the new third floor was setback from the front façade and the roof stair penthouse was reduced to minimize its

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visual impact, partly in response to one of the ANC's proposed conditions which the ANC withdrew based on the Applicant's revisions. The rear extension's impact was reduced by the step back for the first through third floors, and the differentiated surfaces of the sidewalls mitigated the effect of blank walls.

- (b) substantially reduce the availability of public parking because the Applicant proposed two parking spaces on the rear of the Property window, one more than required and in accordance with one of the ANC's proposed condition; and
 - (c) substantially reduce the supply of family housing because the Applicant requested the rear extension to accommodate larger units that could accommodate families – specifically two units with three bedrooms and one with two bedrooms and a den in contrast to the Building's existing two bedrooms.
- (ii) the Board disagreed with the ANC's concern that the Applicant had not met its burden to establish that the requested waiver to allow the Addition's rear extension more than 10 feet beyond the furthest adjacent rear wall would not adversely affect adjacent and abutting properties, as discussed above. The Board determined that the Addition projected south and so would not cast as many shadows on the neighboring properties as a similar north-projecting rear addition. Furthermore, the Addition was stepped back above the cellar level and provided a rear yard that would be almost three times larger than the required 20 feet. The numerous letters of support from neighbors further suggested that the Addition would not unduly impact the neighborhood.

As regards the ANC's reference to BZA Application No. 19418, the Board noted that each application is different. The Board found the ANC's reference to that application inapposite as the applicant in that case withdrew its waiver request before the Board made a decision and because the proposed rear addition in BZA Application No. 19418 faced north and so cast more significant shadows on abutting properties than the Addition would. Furthermore, the Board noted that OP, to which the Board must also give great weight, had recommended denial of the waiver in BZA Application No. 19418, whereas OP supported approval of the Application's requested waiver.

DECISION

Based on these findings of facts and conclusions of law, the Board concludes that the Applicant has met its burden of proof to demonstrate that the Application, as defined in the Final Plans, satisfied the requirements for the requested special exception under Subtitle X, Chapter 9 and Subtitle U § 320.2 to allow the conversion of an existing single-family house at 428 Randolph Street, N.W. (Square 3236, Lot 69) in the RF-1 Zone to a three-unit apartment house, including a waiver under Subtitle U § 320.2(l) from the 10-foot limitation on rear additions of Subtitle U § 320.2(e). Accordingly, it is **ORDERED** that the application is **APPROVED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 77 – REVISED ARCHITECTURAL PLANS AND ELEVATIONS - AND WITH THE FOLLOWING CONDITIONS:**

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1. Pest control shall be completed on the Property prior to the start of demolition to mitigate any migration to nearby properties.
2. Two parking spaces shall be included on the rear of the Property accessible to the alley.
3. Lead testing shall be performed on all water lines on the Property, and any lead pipes found shall be removed.

VOTE: **3-0-2** (Carlton E. Hart, Lesylleé M. White, and Anthony J. Hood to APPROVE; Frederick L. Hill not participating; 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 11, 2019

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

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

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART

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THERE TO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Application No. 19831 of RUPSHA 2011 LLC, as amended¹ pursuant to 11 DCMR Subtitle X, Chapter 10, for area variances from the side yard requirements of Subtitle D § 307.1, and the common division wall requirement of Subtitle D § 307.4, to construct a new semi-detached principal dwelling unit in the R-2 Zone at premises 4813 Jay Street N.E. (Square 5149, Lot 87).

Hearing Dates: October 24, 2018; November 14, 2018; and January 16, 2019²
Decision Date: February 6, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 39 (Revised); Exhibits 28, 34, and 36 (Prior Revisions); Exhibit 5 (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") 7C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on November 8, 2018, at which a quorum was present, the ANC voted 5-0 to support the application. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report recommending approval of the original application. (Exhibit 21.) OP also submitted a supplemental report recommending approval of the amended relief. (Exhibit 29A.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 22.)

¹ The Applicant amended the application (Exhibit 39) by removing a variance from the lot dimensions under Subtitle D § 302.1 from the original request and adding a variance from the common division wall requirements of Subtitle D § 307.4.

² The case was postponed from the hearing of October 24, 2018 to November 14, 2018 by request of the ANC. (Exhibit 38.) On November, 14, 2018 the Board continued the hearing to January 16, 2019. On January 16, 2019, the Board closed the hearing and scheduled for decision on February 6, 2019 due to lack of a quorum.

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 area variances from the side yard requirements of Subtitle D § 307.1, and the common division wall requirement of Subtitle D § 307.4, to construct a new semi-detached principal dwelling unit in the R-2 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from 11 DCMR Subtitle D § 307.1, and Subtitle D § 307.4, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 35:**

VOTE: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Lorna L. John, and Robert E. Miller to APPROVE; Carlton E. Hart 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: February 12, 2019

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

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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. 19904 of Aspasia Paroutsas, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to construct a second story rear addition to an existing, semi-detached principal dwelling unit in the R-3 Zone at premises 2921 28th Street N.W. (Square 2106, Lot 44).

HEARING DATE: February 6, 2019

DECISION DATE: February 6, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 10 (corrected); Exhibit 3 (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") 3C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3C, which is automatically a party to this application. The ANC did not submit a written report to the record; however, the Applicant submitted a message from the ANC Single Member District Commissioner for 3C03 confirming that the application was approved as a consent calendar item after the Applicant presented at the ANC's Planning and Zoning Committee meeting. (Exhibit 33.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 31.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 30.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.2, to construct a second story rear addition to an existing, semi-detached principal dwelling unit in the R-3 Zone. No parties appeared at the public hearing in opposition

to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 1.**

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Anthony J. Hood to APPROVE)

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

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

FINAL DATE OF ORDER: February 8, 2019

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

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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. 19905 of Herb Hribar, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 604.1, to construct a rear deck and bay window addition to an existing semi-detached principal dwelling unit in the RA-8 Zone at premises 1410 15th Street N.W. (Square 195, Lot 107).

HEARING DATE: February 6, 2019

DECISION DATE: February 6, 2019

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commissions ("ANC") 2B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 9, 2019, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 40.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 39.)

Five letters of support were submitted to the record by neighbors of the property. (Exhibits 28-32 and 37.) Four letters in opposition were filed to the record. (Exhibits 45-48.) At the public hearing on February 6, 2019, the Board heard testimony from four residents of O Street raising concerns about a proposed fence or gate on the rear alley: Keith Brengle, Jeffrey Brooke, Caterina Luppi, and Cara Verma.

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

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

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 36.**

VOTE: **5-0-0** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, Lorna L. John, and Anthony J. Hood to APPROVE)

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

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

FINAL DATE OF ORDER: February 8, 2019

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

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THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETINGS

TIME AND PLACE:

Wednesday, February 20, 2019, @ 9:00 a.m.
For ZC & BZA Training
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

Monday, February 25, 2019, @ 5:00 p.m.
Re: Case No. 16-23 (Valor Development)
Office of Zoning Conference Room
441 4th Street, N.W., Suite 200-South
Washington, D.C. 20001

**REASON(S) FOR HOLDING CLOSED MEETING (PER § 406 OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE PROCEDURE ACT) (D.C. OFFICIAL CODE § 2-576):
(CHECK ALL WHICH APPLY)**

 X To receive legal advice from counsel on Z.C. Case No. 16-23 (Valor Development) – D.C. Official Code § 2-575(b)(4).

 X To deliberate upon Z.C. Case No. 16-23 (Valor Development), for the reasons cited at D.C. Official Code § 2-575(b)(13).

 X For the purpose of receiving training as permitted by D.C. Official Code § 2-575(b)(12). The subjects of the training are: types of architectural issues with row house additions and character elements; providing renderings for non-design related relief; determining factors to assess how far beyond the 10-foot rule is acceptable; building height measurement rule - how its calculated; DOES update; and an update on variances and special exceptions.

BY THE ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA (Roll call vote taken)

ANTHONY J. HOOD (CHAIR)
ROBERT E. MILLER (VICE CHAIR)
PETER A. SHAPIRO
PETER G. MAY
MICHAEL G. TURNBULL

 X YES NO
(not present, not voting)
 X YES NO
 X YES NO
 X YES NO

SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA.

District of Columbia REGISTER – February 22, 2019 – Vol. 66 - No. 8 002286 – 002448